

WRITTEN QUESTION P-3937/03
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to the Commission

Subject: European Regulation on yogurt

During an investigation of the requirements for yogurt and yogurt products undertaken by the Commission in December 2002, it was found that these vary greatly between the different Member States. Some of the Member States, such as the southern European countries and Denmark, recognise only the classic Bulgarian-style yogurt, in which cultures of *Streptococcus thermophilus* and *Lactobacillus bulgaricus* are used. However, in other Member States such as Germany, the Netherlands, England, Ireland, Sweden and Finland, 'mild yogurt', in which other *Lactobacillus* species are used instead of *Lactobacillus bulgaricus*, is permitted in addition to the classic Bulgarian-style yogurt. Furthermore, the Member States have different requirements for the use of the designation 'heat-treated yogurt product'.

It should be borne in mind in this context that in April 2002 the EC and the Member States approved the Codex Standard for fermented milk products, and that Article 13 of Regulation (EC) No 178/2002¹ calls on the Member States and the Community to ensure consistency between international technical standards and food law. In view of the fact that during talks on the Codex Standard for fermented milk final approval was granted by all the Member States and the Commission, it would seem reasonable to expect that a proposal would be made for European harmonisation on the basis of Article 13 of Regulation (EC) No 178/2002 and the Codex Standard.

However in reality the draft put forward by the Commission, the latest version of which is dated 20 August 2003, differs significantly in both its basic principles and its details from the Codex Standard for fermented milk products.

What is the reason for this lack of consistency between Commission policy and the Codex Standard? It should be noted that under the Codex Standard the EU is considered a single state, in which all products must be able to circulate freely, including 'heat-treated yogurt products'.

¹ OJ L 31, 1.2.2002, p. 1.