

WRITTEN QUESTION P-1086/04
by Carles-Alfred Gasòliba i Böhm (ELDR)
to the Commission

Subject: Legislation on yoghurt

The Commission announced last year that it was looking into the need for legislation on yoghurt and that it could submit a proposal to the Council.

Should the Commission be preparing such a proposal, and bearing in mind that:

- the current point of reference for the fifteen Member States is a 1991 Communication interpreting the judgment of the Court of Justice in the Smanor case;
- that the International Codex Alimentarius Standard on fermented milk products adopted by the Codex Alimentarius Commission in Rome on 2 July 2003 contains clear reference markers in that the provisions of that standard are the reference in the event of disputes in matters of international trade (1995: SPS and TBT agreements);
- concerning the denomination of pasteurised products, the Codex standard specifies (section 172) that any derogation from the general rule (denomination HTFM for pasteurised products) must be expressly authorised in the country of sale, with this international provision reinforcing the 1991 interpretative communication;
- moreover, as the Codex Alimentarius Commission stated at the time the text was adopted, "this standard would not allow such a product (i.e. heat treated yoghurt) to enter into the international trade unless similarly allowed by national legislation of the importing country" (Para. 96 of the report on the 26th Session of the CAC);

does the Commission intend to base its definition of yoghurt on the above Codex and international trade provision by clearly distinguishing between live yoghurt and the pasteurised product and providing for two distinct names with a view to the provision of better information to consumers?