Caseins and caseinates intended for human consumption

2014/0096(COD) - 20/03/2014 - Legislative proposal

PURPOSE: to replace Directive 83/417/EEC on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption, in the new legal context created by the Lisbon Treaty.

PROPOSED ACT: Directive of the European Parliament and the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Council Directive 83/417/EEC provides for the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption.

Since the entry into force of that Directive several changes have taken place, notably the development of a comprehensive legal framework in the area of food law and the adoption of an international standard by the Codex Alimentarius for edible casein products, which need to be taken into account.

Directive 83/417/EEC confers powers on the Commission in order to implement some of its provisions. As a consequence of the entry into force of the Lisbon Treaty, those powers need to be aligned to Article 290 of the Treaty on the Functioning of the European Union (the Treaty) which allows the legislator to delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act.

For the sake of clarity, Directive 83/417/EEC should therefore be repealed and replaced with a new Directive

CONTENT: the proposal is aimed at designing the Commission's empowerment in the new legal context created by the Lisbon Treaty. It also takes account of the further development of legislation in the past years and of existing, updated international standards.

The proposal:

- identifies the need for **delegated power to be conferred on the Commission** for the purpose of adopting amendments to Annexes I and II and establishes the corresponding procedure for adoption of these acts in the new legal context determined by the entry into force of Articles 290 and 291 of the TFEU;
- **adapts existing provisions** to the further development of legislation notably in the field of food law;
- **adjust, where appropriate, the composition requirements of edible caseins to the corresponding Codex standard**. This adjustment results in two changes: the **maximum moisture content of edible casein is increased from 10 to 12%** and the **maximum milk fat content of edible acid casein is decreased from 2.25 to 2%.** With this change, the compositional requirements laid down in the proposal are fully in line with the international standard so as to avoid trade distortions.

Moreover the proposal takes into consideration the need for the Member States to have some **margin to adapt the implementation** to the national legal and administrative environment, in particular with

reference to the possible adoption of national measures in matters not specifically harmonised by the proposal.