Caseins and caseinates intended for human consumption

2014/0096(COD) - 25/11/2015 - Final act

PURPOSE: to facilitate the free movement of caseins and caseinates intended for human consumption while providing a high level of protection of health, and to bring existing provisions into line with general Union legislation on food and with international standards.

LEGISLATIVE ACT: Directive (EU) 2015/2203 of the European Parliament and of the Council on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC.

CONTENT: this Directive applies to **caseins and caseinates which are intended for human consumption and mixtures thereof**.

It repeals Council Directive 83/417/EEC which 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, in particular the development of a comprehensive legal framework in the area of food law and the adoption of an international standard for edible casein products by the Codex Alimentarius Commission which need to be taken into account.

In addition, 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 new Directive:

- **updates definitions such as**: ‘edible acid casein’; ‘edible rennet casein’; ‘edible caseinate’. This Directive should use the terms 'food additives' and 'processing aids' in respect of the standards applicable to edible caseins and edible caseinates. Such use of terminology would also be in line with the Codex standard for edible casein products;
- **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%**;
- **lays down the obligations of Member States**: the aim is to ensure that: (i) the milk products are marketed, under the names specified therein, only if they comply with the rules laid down in this Directive; (ii) caseins and caseinates which do not comply with the standards set out in the Directive are not used for the preparation of food, and, where lawfully marketed for other purposes, are named and labelled in such a way that the purchaser is not misled as to their nature, quality or intended use;
- **provides labelling measures**: under Regulation (EU) No 1169/2011 of the European Parliament and of the Council, sufficient information is to be provided in business to business relations in order to **ensure the presence and accuracy of food information for the final consumer**. The Directive stipulated that particulars shall be marked on the packages, containers or labels of the milk products in easily visible, clearly legible and indelible characters.

Lastly, the Directive **seeks to align the provisions conferring implementing powers on the Commission** with the rules introduced by the Lisbon Treaty.

ENTRY INTO FORCE: 21.12.2015.

TRANSPOSITION: 22.12.2016.

DELEGATED ACTS: the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the standards applicable to edible caseins and edible caseinates laid down in Annexes I and II. The power to adopt delegated acts shall be conferred on the Commission for a period of **five years** (renewable) from 21 December 2015. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period may be extended by two months). If the European Parliament or the Council objects, the delegated act shall not enter into force.