Foodstuffs: labelling, presentation and advertising (amend. Directive 79/112/EEC)

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Delegations from Parliament and the Council, sitting in the Conciliation Committee, reached an agreement on Wednesday evening on the labelling and advertising of foodstuffs. This agreement reflected Parliament's commitment to the basic principle of free trade in the European Union, as had been set out in the ruling from the Court of Justice of 26 October 1996 on 'béarnaise sauce', while the Council, representing the Member States, apparently wished to restrict the scope of this decision. The Court of Justice had in fact taken the view that Germany had infringed Article 30 of the EC Treaty, which prohibited quantitative restrictions on imports along with all measures of equivalent effect. In Germany the recipe for béarnaise sauce was traditionally based on butter and eggs. That country was now requiring that imported sauces produced using a different recipe should state 'vegetable oil-based béarnaise sauce' rather than the generic title 'béarnaise sauce'. The Court took the view that Germany was not justified in requiring this form of labelling because it considered that the term 'béarnaise sauce' was sufficient information in itself. The conciliation text therefore stipulated that, apart from in exceptional cases, a product could be sold in other Member States under the legal name that applied to it in the country of production. However, in order to take account of pressure from certain Member States following the 'béarnaise sauce' ruling the compromise specified that the sales name could also feature other information affixed to it. The parliamentary delegation was insistent, however, that such measures could only be introduced insofar as the list of ingredients (and other provisions contained in the directive) did not allow consumers in the Member State in which the product was being marketed to check the true nature of the food product in question and if there was a risk of confusion with other products. For its part the parliamentary delegation considered that once the 'béarnaise sauce' ruling had clearly indicated that the list of ingredients should be sufficient to prevent any confusion on the part of the consumer, this descriptive information would not be applied. Moreover, the parliamentary delegation was of the opinion that the wording of the Treaty should prevail over any secondary legislation. In addition, in respect of persons suffering from allergies Parliament had obtained an agreement from the Council to the effect that products containing starches, which were also likely to contain gluten, should always be described with their specific vegetable origin. The Conciliation Committee met after Parliament had adopted five amendments to the common position previously adopted by the Council, this having been done at the second reading on 25 October 1995. However, the parliamentary delegation stressed that it would only recommend adoption in plenary if the Commission undertook to present a specific proposal on the labelling of alcoholic drinks, as these were not covered by the present Directive.