Basic information

1991/0380(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Foodstuffs: labelling, presentation and advertising (amend. Directive 79 /112/EEC) **Subject** 4.60.02 Consumer information, advertising, labelling	

Key players

European Parliament

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health and Consumer Protection	SCHNELLHARDT Horst (PPE)	27/07/1994

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	1815	1994-12-08
Consumers	1838	1995-03-30
Fisheries	1899	1995-12-22

Key events

Date	Event	Reference	Summary
07/04/1992	Decision by Parliament, 1st reading	COM(1991)0536	Summary
07/04/1992	Legislative proposal published	COM(1991)0536	Summary
08/06/1992	Committee referral announced in Parliament, 1st reading		
29/06/1993	Vote in committee, 1st reading		Summary
13/07/1993	Debate in Parliament		Summary
20/07/1993	Vote in committee, 1st reading		
24/11/1993	Vote in committee, 1st reading		
12/04/1994	Modified legislative proposal published	COM(1994)0024	Summary
15/06/1995	Council position published	06415/1/1995	Summary
29/06/1995	Committee referral announced in Parliament, 2nd reading		
17/10/1995	Vote in committee, 2nd reading		Summary

17/10/1995	Committee recommendation tabled for plenary, 2nd reading	A4-0250/1995	
24/10/1995	Debate in Parliament		Summary
22/12/1995	Parliament's amendments rejected by Council		Summary
16/10/1996	Formal meeting of Conciliation Committee		Summary
16/10/1996	Final decision by Conciliation Committee		
28/11/1996	Joint text approved by Conciliation Committee co-chairs	3626/1996	
05/12/1996	Report tabled for plenary, 3rd reading	A4-0406/1996	
09/12/1996	Debate in Parliament		Summary
30/12/1996	Decision by Council, 3rd reading		
27/01/1997	Final act signed		
27/01/1997	End of procedure in Parliament		
14/02/1997	Final act published in Official Journal		

Technical information

Procedure reference	1991/0380(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 170 EC Treaty (before Amsterdam) E 100A
Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/07448

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0219/1993 OJ C 255 20.09.1993, p. 0005	29/06/1993	
Text adopted by Parliament, 1st reading/single reading		T3-0533/1993 OJ C 315 22.11.1993, p. 0070-0097	27/10/1993	Summary
Committee final report tabled for plenary, 1st reading /single reading		A3-0365/1993 OJ C 342 20.12.1993, p. 0003	24/11/1993	
Text adopted by Parliament confirming position adopted at 1st reading		T3-0683/1993 OJ C 342 20.12.1993, p. 0015-0033	02/12/1993	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0250/1995 OJ C 308 20.11.1995, p. 0005	17/10/1995	
		T4-0497/1995		

Text adopted by Parliament, 2nd reading		OJ C 308 20.11.1995, p. 0021-0030	25/10/1995	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A4-0406/1996 OJ C 020 20.01.1997, p. 0004	05/12/1996	
Text adopted by Parliament, 3rd reading		T4-0659/1996 OJ C 020 20.01.1997, p. 0020-0028	10/12/1996	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	06415/1/1995 OJ C 182 15.07.1995, p. 0001	15/06/1995	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1991)0536 OJ C 122 14.05.1992, p. 0012	07/04/1992	Summary
Reconsultation	COM(1993)0570	10/11/1993	
Modified legislative proposal	COM(1994)0024 OJ C 118 29.04.1994, p. 0006	12/04/1994	Summary
Commission communication on Council's position	SEC(1995)0941	27/06/1995	Summary
Commission opinion on Parliament's position at 2nd reading	COM(1995)0631	11/12/1995	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1164/1992 OJ C 332 16.12.1992, p. 0003	22/10/1992	Summary
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3626/1996	28/11/1996	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

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

1991/0380(COD) - 11/12/1995 - Commission opinion on Parliament's position at 2nd reading

The Commission decided to amend its proposal with a view to incorporating two of the amendments adopted by the EP at second reading. The Commission approved the two amendments to paragraph 1 of Article 5 which make the text easier to understand. It recognised that, in accordance with the principle of transparency, the restrictions to the derogation granted to foodstuffs consisting of a single ingredient should be defined in the framework directive rather than via a case-by-case procedure. However, the Commission could not accept the amendments aimed at: - changing the terminology regarding the provision on labelling additives contained in the ingredients of foodstuffs; - making it compulsory to always show a designation of origin in the case of modified starches containing gluten; - doing away with the derogation from the QUID in the fourth indent of Article 7 (3a) which would make it compulsory to indicate the quantity of certain ingredients which would be of no use to the consumer.

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

1991/0380(COD) - 27/10/1993 - Text adopted by Parliament, 1st reading/single reading

When adopting an addendum to the report by Mrs Langenhagen (PPE, D), the European Parliament explained in particular that the labelling rules for ingredients in beverages with an alcoholic strength of more than 1.2% by volume are applicable within two years of the entry into force of the directive. The sale of products not conforming to the directive within 24 months of its entry into force (48 months for all beverages with an alcoholic content of over 1.2% by volume) is prohibited. The Commission is to report to the European Parliament on any anomalies and derogations to the directive within three years. Member States must ensure that they prohibit foodstuffs being offered for sale in their territories if the information specified in Article 3 and Article 4(2) does not appear in the official language or languages of the Member State where the product is offered for sale, unless other steps are taken to inform purchasers. Foodstuffs, processing aids and flavourings produced or constituted by genetically modified organisms must be shown in the list of ingredients and marked to indicate that they have been produced by genetic engineering methods or contain genetically modified organisms.

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

1991/0380(COD) - 12/04/1994 - Modified legislative proposal

The Commission's amended proposal took account of the European Parliament's amendments concerning: - the reference to the EEC regulations on designations of origin and certificates of specific character; - the extension of the definition of small packaging; - the submission of a report to the European Parliament on the exemptions that could be adopted for certain foodstuffs in the context of vertical directives. In addition, the Commission approved in part the amendments concerning: - the criteria for applying the principle of indicating the quantities of ingredients where it clarified the concept of relief; - the deadline for banning products that did not comply with the directive, namely 30 June 1994, which corresponded to the 24-month period proposed by the European Parliament. Finally, the Commission rejected the amendments concerning: - the inclusion of a definition of foodstuff; - the requirement to include the trade description alongside the brandname or mark; - the inclusion of a specific reference when the foodstuff or one of its ingredients had been genetically modified; - the compulsory indication of the source of the starches listed in Annex I to the directive; - the inclusion of the official language of the Member State where the product was sold; - the amendment to Annex III concerning the indication of flavourings in the list of ingredients.

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

1991/0380(COD) - 22/10/1992 - Economic and Social Committee: opinion, report

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

1991/0380(COD) - 30/03/1995

The common position would amend the existing Directive on the following points:

- the language to be used on labelling; - sales names; - the quantitative indication of ingredients; - the provisions on products consisting of a single ingredient. On the question of languages, Member States will have to ensure the prohibition, within their own territories, of the sale of foodstuffs for which the particulars specified by the Directive do not appear in a language easily understood by the consumer, unless the consumer is in fact informed by means of other measures determined under the committee procedure as regards one or more labelling particulars. The Member State where the product is marketed may, subject to the rules of the Treaty, stipulate within its own territory that such particulars must appear in one or more languages that it will choose from among the official languages of the Community. The common position does not include those aspects of the Commission proposal concerning the rules for small packages. It recommends maintaining the status quo as regards the labelling of alcoholic beverages, an aspect on which the Council will have to take a decision in the future.

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

1991/0380(COD) - 07/04/1992 - Legislative proposal

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

1991/0380(COD) - 22/12/1995

The Council noted that it was unable to agree to all the amendments made by the European Parliament to its common position on the amendment of Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. It therefore decided, together with the European Parliament, to convene the Conciliation Committee, pursuant to Article 189b of the Treaty.

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

1991/0380(COD) - 10/12/1996 - Text adopted by Parliament, 3rd reading

Parliament approved the joint text for a Directive amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs.

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

1991/0380(COD) - 27/06/1995 - Commission communication on Council's position

The Commission approved the common position although it regretted that the aspect of indicating ingredients on the labels of alcoholic drinks had not been resolved. Since the Commission felt that the list of ingredients should appear on the labels of alcoholic drinks as soon as possible, it decided to maintain its proposal before the Council.

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

1991/0380(COD) - 02/12/1993

In its first reading under the codecision procedure, the European Parliament confirmed its vote of 27 October 1993.

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

1991/0380(COD) - 25/10/1995 - Text adopted by Parliament, 2nd reading

In adopting the recommendation by Mr SCHNELLHARDT (PPE, D), the European Parliament amended various aspects of the Council's common position: - it reintroduced an amendment relating to the trade description of foodstuffs, which should correspond to the name provided for in the European Community provisions applicable to it or, in the absence of such provisions, to the name customary in the Member State in which it is sold to the final consumer. The sales name used in the Member State of production should be supplemented by further information on the label (where this was necessary to prevent confusion with a comparable product in the Member State of marketing); - it added a derogation for products comprising a

single ingredient (where the trade name was identical with the ingredient name or where the trade name enabled the nature of the ingredient to be clearly identified); - it stipulated that starches or modified starches that may contain "gluten" should always be described with their designation of origin.

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

1991/0380(COD) - 15/06/1995 - Council position

The Council finally adopted this common position, with the German delegation voting against, which took over two of Parliament's amendments that the Commission had incorporated in its amended proposal: - With regard to the name under which a product was sold, the Council completely redrafted Article 5 of Directive 79/112/EEC in order to take account of developments in the relevant case law of the Court of Justice (Smanor judgment, judgment in the "vinegar" case). The reference to the regulations governing designations of origin and certificates of specific character requested by the EP was rejected; - With regard to the indication of quantities of ingredients, the Council clarified certain principles with a view to facilitating their application in practice. Certain exceptions were included for cases where the indication of the quantity of an ingredient did not govern the choice of the consumer (e. g. rye bread, malt whisky). The amendment aimed at clarifying the concept of "relief" was accepted; - With regard to the technical aspect of products consisting of a single ingredient, the Council preferred to refer to the procedure of the Standing Committee on Foodstuffs to define products consisting of a single ingredient where it was necessary to clarify the nature of that ingredient; - With regard to the language used on labelling, the Council responded to Parliament's concerns (the language should be easily understood by the consumer), whilst incorporating certain changes to take account of specific national characteristics; - With regard to the deadline for implementation, the Council followed the EP's guidelines and set a deadline of 36 months after the entry into force of the directive; - With regard to the labelling of alcoholic drinks, the Council did not manage to find a solution; - Finally, with regard to the definition of small packaging, the Council did not accept the EP's amendment which was included in the Commission's amended proposal and which aimed to increase the largest surface area of small packaging from 10 cm2 to 25 cm2.

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

1991/0380(COD) - 27/01/1997 - Final act

OBJECTIVE: to improve the provisions on labelling as regards the precise nature and characteristics of products with a view to assuring better information for consumers and encouraging the free movement of goods. COMMUNITY MEASURE: European Parliament and Council Directive 97/4 /EC amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. SUBSTANCE: the directive introduces the principle of the quantitative indication of certain ingredients. The sales name should not be such as to mislead the consumer as to the characteristics of the foodstuff. It must correspond to the name provided for this foodstuff in the Community provisions or, in the absence of such provisions, to the name provided for by the Member State where the sale is being made to the end consumer of this foodstuff. Failing that, the sales name shall be the name customary in the Member State where the sale is being made to the final consumer or by a description of the foodstuff and, if necessary, its use, which is sufficiently precise to allow the purchaser to avoid any confusion with a comparable product. The directive also specifies the exemption enjoyed by products made from a single ingredient. Member States must modify their legislation as follows: - allow trade in products in accordance with the directive by 14 August 1998; - prohibit trade in products which do not conform by 14 February 2000. ENTRY INTO FORCE: 14/02/1997