Basic information

2001/0199(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Indication of the ingredients in foodstuffs Amending Directive 2000/13/EC 1999/0090(COD) **Subject** 3.10.10 Foodstuffs, foodstuffs legislation 4.60.02 Consumer information, advertising, labelling 4.60.04.04 Food safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	KLASS Christa (PPE-DE)	08/10/2001

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	KLASS Christa (PPE-DE)	08/10/2001

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	MAYER Xaver (PPE-DE)	18/09/2001

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2525	2003-09-22
Competitiveness (Internal Market, Industry, Research and Space)	2462	2002-11-14
Agriculture and Fisheries	2486	2003-02-20

European Commission

Commission DG	Commissioner
Health and Food Safety	

Key events

Date	Event	Reference	Summary
06/09/2001	Legislative proposal published	COM(2001)0433	Summary
19/09/2001	Committee referral announced in Parliament, 1st reading		
23/04/2002	Vote in committee, 1st reading		Summary
23/04/2002	Committee report tabled for plenary, 1st reading	A5-0139/2002	
11/06/2002	Decision by Parliament, 1st reading	T5-0294/2002	Summary
11/06/2002	Debate in Parliament		
03/09/2002	Modified legislative proposal published	COM(2002)0464	Summary
20/02/2003	Council position published	15514/2/2002	Summary
13/03/2003	Committee referral announced in Parliament, 2nd reading		
21/05/2003	Vote in committee, 2nd reading		Summary
21/05/2003	Committee recommendation tabled for plenary, 2nd reading	A5-0191/2003	
01/07/2003	Debate in Parliament		
02/07/2003	Decision by Parliament, 2nd reading	T5-0316/2003	Summary
22/09/2003	Act approved by Council, 2nd reading		
10/11/2003	Final act signed		
10/11/2003	End of procedure in Parliament		
25/11/2003	Final act published in Official Journal		

Technical information

Procedure reference	2001/0199(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2000/13/EC 1999/0090(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/5/16390

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0139/2002	23/04/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0294/2002 OJ C 261 30.10.2003, p. 0030-0131 E	11/06/2002	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0191/2003	21/05/2003	
Text adopted by Parliament, 2nd reading		T5-0316/2003 OJ C 074 24.03.2004, p. 0100-0619 E	02/07/2003	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	15514/2/2002 OJ C 102 26.04.2003, p. 0016-0022 E	20/02/2003	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2001)0433 OJ C 332 27.11.2001, p. 0257 E	06/09/2001	Summary
Modified legislative proposal	COM(2002)0464 OJ C 331 31.12.2002, p. 0188 E	03/09/2002	Summary
Commission communication on Council's position	SEC(2003)0252	05/03/2003	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2003)0466	23/07/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0027/2002 OJ C 080 03.04.2002, p. 0035	16/01/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2003/0089
OJ L 308 25.11.2003, p. 0015-0018 Summary

Indication of the ingredients in foodstuffs

2001/0199(COD) - 11/06/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution based on the report by Christa KLASS (EPP-ED, Germany) making some amendments to the Commission's proposal. (Please refer to the document dated 23/04/02.) Parliament deleted the provision that ingredients constituting less than 5% of the finished product may be listed in a different order after the other ingredients. The Commission is required to issue detailed guidelines for the interpretation of the list of allergenic ingredients within six months after the adoption of the Directive.

Indication of the ingredients in foodstuffs

2001/0199(COD) - 23/07/2003 - Commission opinion on Parliament's position at 2nd reading

The European Parliament's amendment is intended to supplement the text in Article 1(1)(f) of the common position regarding the updating of the list of ingredients causing food allergies or intolerances. The amendment establishes a procedure to inform the Commission that studies are being carried out to determine which ingredients or substances derived from allergenic ingredients are, under specific circumstances, no longer likely to trigger adverse reactions. On the basis of this information, a list of these ingredients or substances will be adopted by the Commission after consulting with the European Food Safety Authority. The ingredients or substances on the list will be removed from the list annexed to the common position, and will not therefore be subject to the compulsory labelling requirement until the European Food Safety Authority has given its opinion and a final decision has been made in their regard within four years, at the latest, of the date on which the directive enters into force. The Commission hereby expresses a favourable opinion on the amendment, which will result in labelling appropriate to the actual risks of an adverse reaction associated with ingredients or substances derived from ingredients that cause food allergies or intolerances.

Indication of the ingredients in foodstuffs

2001/0199(COD) - 06/09/2001 - Legislative proposal

PURPOSE: To abolish the 25% rule on listing compound ingredients in the labelling of food products. CONTENT: Food labelling legislation was consolidated under Directive 2000/13/EC. This Directive brought together all EU labelling legislation, previously laid out in Directive 79/112/EEC. In the White Paper on food safety however, the Commission announced its intention to propose an amendment to the recent Labelling Directive, relating to the current possibility of not indicating the components of compound ingredients which form less than 25% of the final product. Under current legislation, Article 6, paragraph 8 allows a compound ingredient to be included in the list of ingredients under its own designation, provided it is immediately followed by a list of its own ingredients. However such a list is not compulsory where the compound ingredient constitutes less than 25% of the finished product - except in the case of additives. The Community has latterly become increasingly concerned that consumers are being ill informed about the content of the food they are purchasing. This view is justified in light of recent trends. Firstly, food production has become more complex and people eat a lot more processed food. This development coincides with a number of food scares and which in turn serves to underline the need to keep consumers well informed on food content. Secondly, there has been a considerable increase in food allergens, which can take both mild and life threatening forms. Food products to which this applies include cow's milk, fruits, legumes (especially peanuts and soybeans), eggs, crustaceans, tree nuts, fish, vegetables (celery and other foods of the Umbelliferae family), wheat and other cereals. Moreover, recent studies indicate that in many cases labelling on these food allergens, particularly in a wide variety of prepared food, is often incomplete and often misleading. It is therefore imperative that all processed foods sold in the European Community be clearly labelled with the list of the ingredients and of the starting materials. In order to ensure the highest protection for consumers as well as offering them maximum choice, the Commission proposes the following changes to the existing Directive on food labelling: - to amend Directive 2000/13/EC by abolishing the 25% rule, - to establish a list of allergens which will have to appear on the labelling of foodstuffs; and - to remove the possibility of using the name of the category for certain ingredients.

Indication of the ingredients in foodstuffs

2001/0199(COD) - 02/07/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted one major amendment based on the report by Christa KLASS (EPP-ED, Germany). This states that the Commission may be notified until 9 months after entry into force of the Directive of the studies on which ingredients listed in Annex IIIa are not allergenic. After consulting the EFSA, the Commission will, not later than 12 months after the entry into force of the Directive, adopt a list of those ingredients which will then be excluded from Annex IIIa until 4 years after entry into force of the Directive at the latest.

Indication of the ingredients in foodstuffs

2001/0199(COD) - 03/09/2002 - Modified legislative proposal

The Commission has amended its proposal in light of the amendments voted at first reading. The Commission has accepted the following amendments which aim to: - add mixtures of mushrooms to the other mixtures (fruits or vegetables) whose labelling must not necessarily respect the rule of descending order of weight and specifies that this option applies only in the case of mixtures used in proportions which are likely to vary; - to abolish the labelling derogation provided for in the proposal in respect of ingredients consisting of preparations of sauces or mustards constituting less than 5% of the finished product in foodstuffs. The Commission accepts the following amendments in principle: - make it incumbent on the European Food Safety Authority to establish criteria for updating the Annex and to review it at regular two-yearly intervals; - require the Commission to issue detailed guidelines for the interpretation of the annex to the proposal. On the other hand, the Commission rejects the following amendments: - as regards ingredients used in small quantities (less than 5% of the finished product), this amendment eliminates the possibility of not strictly respecting the descending order of weight when enumerating them in the list of ingredients; - eliminates the possibility of not repeating an ingredient used several times in the preparation of a foodstuff, both as a simple ingredient and as an ingredient of a compound ingredient; - eliminates the possibility of not indicating the composition of compound ingredients used in small quantities (less than 5% of the finished product) when the composition of the compound ingredient is defined in current Community legislation, which indicates the composition in line with the sales name. The products potentially concerned by this derogation are chocolates, fruit juices, fruit jams, jellies, marmalades and chestnut purΘe; - exempts processing aids derived from allergenic ingredients from the labelling requirement on the grounds that these substances are eliminated during the manufacturing process; - add the named ingredients to the list in the Annex. The Commission, with a view to updating the list in the future, has invited the Scientific Committee on Food to prepare a rapid procedure for amending the list (comitology). It will also raise the question as to the necessity of adding these ingredients to the list.

Indication of the ingredients in foodstuffs

2001/0199(COD) - 05/03/2003 - Commission communication on Council's position

The Commission supports the common position adopted by the Council. At the request of several delegations in the Council, the Commission has made the following declarations: - Declaration on the opinion requested from the Scientific Committee on Food. - Declaration on the definition of Community legislation under Article 1(1)(d) of the common position. The Commission declares that it has already asked for the opinion of the Scientific Committee on Food with a view to adapting Annex I (which will become Annex IIIa of Directive 2000/13/EC) as soon as possible, if this is justified from a scientific point of view. This request also covers all the ingredients listed in Annex IIIa, including products derived from cereals, and the Scientific Committee on Food is asked to say whether it is possible for certain derived ingredients to have lost their allergenic effect as a result of the production process or being incorporated in certain foods and whether these ingredients can be removed from Annex IIIa and hence be exempt from the labelling requirement.

Indication of the ingredients in foodstuffs

2001/0199(COD) - 10/11/2003 - Final act

PURPOSE : to list the ingredients in foodstuffs on labels. LEGISLATIVE ACT : Directive 2003/89/EC of the European Parliament and of the Council amending Directive 2000/13/EC as regards indication of the ingredients present in foodstuffs. CONTENT : this Directive comes about as a result of the fact that the food allergies affect the lives of many people, causing conditions ranging from very mild to potentially fatal. Common food allergens include cow's milk, fruits, legumes (especially peanuts and soybeans), eggs, crustaceans, tree nuts, fish, vegetables (celery and other foods of the Umbelliferae family), wheat and other cereals. The most common food allergens are found in a wide variety of processed foods. The avoidance of food additives is often difficult since not all of them are invariably included on the labelling. This Directive provides as follows: - additives, processing aids and other substances with allergenic effect covered by Article 6(4)(a) of Directive 2000/13/EC are subject to labelling rules, to give appropriate information to consumers suffering from food allergy; - the list of allergenic substances includes those foodstuffs, ingredients and other substances recognised as causing hypersensitivity; - in order to provide all consumers with better information and to protect the health of certain consumers, it will be obligatory to include in the list of ingredients all ingredients and other substances present in the foodstuff. In the case of alcoholic beverages, it will be mandatory to include in the labelling all ingredients with allergenic effect present in the beverage concerned; - it is important to be able to revise the list of ingredients rapidly, when necessary by including or deleting certain ingredients or substances. The revision will be based on scientific criteria determined by the European Food Safety Authority and take the form of implementing measures of a technical nature, the adoption of which will be entrusted to the Commission. - where fruit, vegetables or mushrooms, none of which significantly predominates in terms of weight and which are used in proportions that are likely to vary, are used in a mixture as ingredients of a foodstuff, they may be grouped together in the list of ingredients under the designation 'fruit', 'vegetables' or 'mushrooms' followed by the phrase 'in varying proportions', immediately followed by a list of the fruit, vegetables or mushrooms present; - ingredients constituting less than 2 % of the finished product may be listed in a different order after the other ingredients, - where ingredients which are similar or mutually substitutable are likely to be used in the manufacture or preparation of a foodstuff without altering its composition, its nature or its perceived value, and in so far as they constitute less than 2 % of the finished product, they may be referred to in the list of ingredients by means of the phrase 'contains ... and/or ...', where at least one of no more than two ingredients is present in the finished product. This provision does not apply to additives or to ingredients listed in Annex IIIa; - the list in Annex IIIa will be updated on the basis of the most recent scientific knowledge. The first re-examination shall take place at the latest on 25 November 2005. - the Commission will, not later than 25 November 2004, after consultation with the European Food Safety Authority, adopt a list of those ingredients or substances, which will consequently be excluded from Annex IIIa, pending the final results of the studies, or at the latest until 25 November 2007; DATE OF TRANSPOSITION : 25 November 2004. From that date, Member States may permit the sale of products that comply with this Directive; they must prohibit, as from 25 November 2005, the sale of products that do not comply with the Directive. Any products which do not comply with the Directive but which have been placed on the market or labelled prior to this date may, however, be sold while stocks last. ENTRY INTO FORCE : 25/11/2003.

Indication of the ingredients in foodstuffs

2001/0199(COD) - 20/02/2003 - Council position

The common position adopted by the Council by a qualified majority represents a balanced compromise, including the majority of the measures proposed by the Commission whilst restricting the scope of the exemptions provides for, and is in keeping with the requests for amendments made by the European Parliament at first reading in order to increase the accuracy of the information which foodstuff labels must carry. The Council considers that the Common Position achieves a good balance between the prerequisites for the proper functioning of the single market and consumer protection /information. As regards the difference between the common position and the amended proposal : - exemptions from the obligation to indicate the components of certain compound ingredients (ingredients whose composition is governed by Community legislation in force) and to comply with the presentation requirements for the list of ingredients are allowed only for ingredients accounting for less than 2% of the finished product, instead of the 5% proposed by the Commission. This compromise stems from the European Parliament's wish to dispense with the exemptions in question in order to provide consumers with more detailed information and affords a certain amount of flexibility, which the Commission advocates to enable manufacturers to meet the much more stringent foodstuff labelling requirements; - it is no longer possible not to repeat an ingredient as long as the label carries an explanatory note. This was in response to the European Parliament's request; - the list of allergenic ingredients should be reviewed and updated systematically to reflect scientific advances and not just every two years. Moreover, when the list is updated, ingredients may be taken off it if there is scientific evidence that they are no longer allergenic; - celery and mustard and their derived products are added to the list of allergenic substances. This is also in line with the European Parliament's request. As regards the main innovations introduced by the Council, these relate to: - coverage of certain substances which are not additives but are used in the same way and with the same purpose as processing aids and are still present in the finished product; - obligation to indicate the ingredients originating from an ingredient listed in Annex IIIa with a clear reference to the name of this ingredient's, unless the name under which the foodstuff is sold clearly refers to the ingredient concerned. Other modifications have been made, of a purely technical nature and aiming at clarifying the text of the Directive.