

Basic information	
<b>2014/0096(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Caseins and caseinates intended for human consumption  <b>Subject</b>  2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.10.10 Foodstuffs, foodstuffs legislation 4.60.04.04 Food safety	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>ENVI</b>	Environment, Public Health and Food Safety	LA VIA Giovanni (PPE)	24/07/2014
			Shadow rapporteur MELIOR Susanne (S&D) GIRLING Julie (ECR) HUITEMA Jan (ALDE) OMARJEE Younous (GUE /NGL) EICKHOUT Bas (Verts/ALE) PEDICINI Piernicola (EFDD)	
	<b>Former committee responsible</b>		<b>Former rapporteur</b>	<b>Appointed</b>
	<b>ENVI</b>	Environment, Public Health and Food Safety		
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>IMCO</b>	Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	<b>Former committee for opinion</b>		<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	<b>IMCO</b>	Internal Market and Consumer Protection		

Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>	<b>Date</b>
	Economic and Financial Affairs ECOFIN	3421	2015-11-10
European Commission	<b>Commission DG</b>	<b>Commissioner</b>	
	Health and Food Safety	ANDRIUKAITIS Vytenis Povilas	
European Economic and Social Committee			

Key events			
Date	Event	Reference	Summary
20/03/2014	Legislative proposal published	COM(2014)0174 	<a href="#">Summary</a>
02/04/2014	Committee referral announced in Parliament, 1st reading		
20/10/2014	Committee referral announced in Parliament, 1st reading		
24/02/2015	Vote in committee, 1st reading		
24/02/2015	Committee decision to open interinstitutional negotiations with report adopted in committee		
05/03/2015	Committee report tabled for plenary, 1st reading	<a href="#">A8-0042/2015</a>	<a href="#">Summary</a>
25/06/2015	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">GEDA/T/(2017)006843</a> <a href="#">PE618.199</a>	
06/10/2015	Debate in Parliament		
07/10/2015	Decision by Parliament, 1st reading	<a href="#">T8-0340/2015</a>	<a href="#">Summary</a>
07/10/2015	Results of vote in Parliament		
10/11/2015	Act adopted by Council after Parliament's 1st reading		
25/11/2015	Final act signed		
25/11/2015	End of procedure in Parliament		
01/12/2015	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	2014/0096(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Directive
<b>Legal basis</b>	Treaty on the Functioning of the European Union TFEU 114
<b>Other legal basis</b>	Rules of Procedure EP 165
<b>Mandatory consultation of other institutions</b>	<a href="#">European Economic and Social Committee</a>

<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	ENVI/8/00393

### Documentation gateway

#### European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE546.615</a>	12/01/2015	
Amendments tabled in committee		<a href="#">PE549.116</a>	13/02/2015	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0042/2015</a>	05/03/2015	<a href="#">Summary</a>
Text agreed during interinstitutional negotiations		<a href="#">PE618.199</a>	24/06/2015	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0340/2015</a>	07/10/2015	<a href="#">Summary</a>

#### Council of the EU

Document type	Reference	Date	Summary
Draft final act	<a href="#">00037/2015/LEX</a>	25/11/2015	
Coreper letter confirming interinstitutional agreement	<a href="#">GEDA/T/(2017)006843</a>	14/07/2017	

#### European Commission

Document type	Reference	Date	Summary
Legislative proposal	<a href="#">COM(2014)0174</a> 	20/03/2014	<a href="#">Summary</a>
Commission response to text adopted in plenary	<a href="#">SP(2015)750</a>	10/12/2015	
Follow-up document	<a href="#">COM(2020)0074</a> 	02/03/2020	

#### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	<a href="#">IT_SENATE</a>	<a href="#">COM(2014)0174</a>	12/05/2014	
Contribution	<a href="#">ES_PARLIAMENT</a>	<a href="#">COM(2014)0174</a>	19/05/2014	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	<a href="#">CES2896/2014</a>	04/06/2014	

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Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
<a href="#">Directive 2015/2203</a> <a href="#">OJ L 314 01.12.2015, p. 0001</a>	<a href="#">Summary</a>

## 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.

## Caseins and caseinates intended for human consumption

2014/0096(COD) - 07/10/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 642 votes to 54, with 9 abstentions, a legislative resolution on the proposal for a directive 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.

The European Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

**Objectives of the Directive:** the Directive seeks to facilitate, through approximation of the laws of the Member States, 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.

**Updated definitions:** for the purposes of this Directive, the following definitions apply:

- **'edible acid casein'** means a milk product obtained by separating, washing and drying the acid-precipitated coagulum of skimmed milk and/or of other products obtained from milk;
- **'edible rennet casein'** means a milk product obtained by separating, washing and drying the coagulum of skimmed milk and/or of other products obtained from milk; the coagulum is obtained through the reaction of rennet or other coagulating enzymes;
- **'edible caseinate'** means a milk product obtained by action of edible casein or edible casein curd coagulum with neutralizing agents, followed by drying.

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.

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**. It is stipulated that particulars shall be marked on the packages, containers or labels of the milk products in easily visible, clearly legible and indelible characters.

Where the **minimum milk protein content** set out in Annexes I and II is exceeded in the milk products, this fact may, without prejudice to other provisions of Union law, be adequately marked on the packages, containers or labels of the product.

**Delegated acts:** the Commission shall be empowered to adopt delegated acts to amend the standards set out in the Annexes. The power to adopt delegated shall be conferred on the Commission for a period of five years which may be tacitly extended for periods of an identical duration.

**Transposition:** the Directive shall be transposed at the latest **12 months** after the entry into force of this Directive.

## Caseins and caseinates intended for human consumption

2014/0096(COD) - 05/03/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Giovanni LA VIA (EPP, IT) on the proposal for a directive 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.

The committee recommended that the European Parliament's position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal. The amendments seek in particular to:

- recall that under Regulation 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;
- update the **definition of 'caseine'**, a technical update that will bring the legislation in line with Codex Standard N290 for edible casein by using the same definitions (International food standards as defined by the FAO and WHO);
- propose that the power to adopt delegated acts in order to adapt the Annexes to international standards and technical progress should not be conferred on the Commission for an unlimited period of time, **but rather for 5 years**. In order for the co-legislators to decide whether to extend the delegation of powers, the Commission shall draw up a report in this regard at the latest 9 months before the end of the 5-year period;
- propose to **set an ambitious yet realistic date for the implementation of this Directive** in the Member States (six months after the entry into force of this Directive instead of 31 March).

To conclude, Members suggested a technical amendment in order to ensure that the Directive is perfectly aligned to the Codex Alimentarius as well as an amendment aiming to calculate the milk protein content on the basis of the absolute weight of the product (instead of on the basis of the dried extract).

## 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.