II

(Preparatory Acts)

ECONOMIC AND SOCIAL COMMITTEE

Opinion on the proposal for a European Parliament and Council Directive amending Council Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses [1]

(94/C 388/01)

On 26 April 1994 the Council decided to consult the Economic and Social Committee, under Article 100a of the Treaty establishing the European Economic Community, on the abovementioned proposal.

The Section for Protection of the Environment, Public Health and Consumer Affairs, which was responsible for preparing the Committee's work on the subject, adopted its Opinion on 7 June 1994. The Rapporteur was Mr Gardner, Co-Rapporteurs were Mr Jaschick and Mr Lappas.

At its 317th Plenary Session (meeting of 6 July 1994), the Economic and Social Committee unanimously adopted the following Opinion.

A. Introduction

Council Directive 89/398/EEC [2] regulates certain foods but only does so if dietetic benefits are claimed for them.

It contains general provisions such as:

— the foods must be clearly distinguishable from normal foods;

— the label must show what gives the product its special properties;

— nutritional labelling is compulsory.

In addition to these general requirements the Directive enables the Commission to elaborate specific directives giving further requirements for certain groups of foods. These specific sub-directives are elaborated by a Committee procedure, i.e. without the Opinion of the EP and ESC.

Since Directive 89/398/EEC was adopted other work on claims has been progressing, in particular:

— a general Directive on claims is in an advanced stage of preparation by the CPS;

— the labelling Directive (79/112/EEC) [3] is being improved in particular to include QUID (Quantitative Ingredient Declaration).

In this new situation and given the need to take into account the concept of subsidiarity, the Council felt several of the specific sub-directives were no longer needed and asked the Commission to review this and come up with proposals. Following this review the Commission proposes:

1. No change for the directive which already exists:

   — infant formulae and follow-on formulae;

(1) OJ No C 108, 16. 4. 1994, p. 17.
(2) OJ No L 186, 30. 6. 1989.
(3) OJ No L 33, 8. 2. 1979.

2. Work to continue on:

   — cereal based foods and other baby foods;

   — foods for weight control diets;

   — dietary foods for special medical purposes;

3. Abandon:

   — low sodium foods;

   — gluten free foods;

   — foods for intense muscular effort;

   — foods for diabetics.

Done at Brussels, 6 July 1994.

The President

of the Economic and Social Committee

Susanne TIEMANN

B. **Comments**

It must be remembered that Directive 89/398/EEC only regulates products in so far as claims are presented to satisfy consumers with particular nutritional needs. Without such presentation the same foods can normally be sold freely without any special controls.

Given the progress with claims and labelling in general and given the need to avoid unnecessary regulations as part of the citizens' Europe, the Committee agrees with the proposal.

However, in the proposal for infant formulae and follow-on formulae the Commission should look at national rules for residues to see how these can be better harmonized.