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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	8099/1/14 DENLEG 72 AGRI 245 CODEC 886 REV1 + ADD 1
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Subject:	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 (first reading) - <i>Endorsement of the mandate for the informal trilogue</i>

1. On 15 December 2014, the Council reached a general approach on the proposed Directive¹. The United Kingdom delegation entered a Parliamentary scrutiny reservation.
2. On 25 February 2015, the Committee on the Environment, Public Health and Food Safety of the European Parliament adopted its first reading report² and decided to give a mandate to the rapporteur Mr La Via, Giovanni (S&D, IT) to open informal negotiations with the Council in view of a first reading agreement.
3. By written consultation, which ended on 25 March 2015, the Working Party on Foodstuffs examined the amendments and agreed to submit to the Coreper a draft mandate allowing the Presidency to negotiate with the European Parliament.

¹ 15875/14.

² PE546.615.

4. With a view to reaching a first reading agreement on this file, the Coreper is invited to endorse the mandate set out in the Annex to this document.

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Text marking:

First column:

Deletions suggested by the EP in relation to the Commission proposal are indicated in ***bold italics***.

Second column:

Additions suggested by the EP in relations to the Commission proposal are indicated in ***bold italics***.

Third column:

Additions suggested by the Council in relation to the Commission proposal are indicated in ***bold italics***.

Fourth column:

Changes with respect to the text of Council's general approach are marked by **bold underlined**.

2014/0096(COD)

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
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		DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL <i>of [...]</i> 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	

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national Parliaments,</p> <p>Having regard to the opinion of the European Economic and Social Committee³,</p> <p>Acting in accordance with the ordinary legislative procedure,</p> <p>Whereas:</p>			

³ OJ C , , p. .

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
(1) Council Directive 83/417/EEC ⁴ 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 ⁵ for edible casein products, which need to be taken into account.			
(2) 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).			

⁴ Council Directive 83/417/EEC of 25 July 1983 on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption (OJ L 237, 26.8.1983, p. 25).

⁵ Standard 290-1995 <http://www.codexalimentarius.org/standards/en/>

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
(3) For the sake of clarity, Directive 83/417/EEC should therefore be repealed and replaced with a new Directive.			
(4) Taking into account that Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁶ , contains general, horizontal and uniform Union rules concerning the methods of sampling and analysis of foodstuffs, the related provisions of Directive 83/417/EEC are therefore no longer necessary.		(4) Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁷ contains general, horizontal and uniform Union rules concerning the methods of sampling and analysis of foodstuffs. The related provisions of Directive 83/417/EEC are therefore no longer necessary.	<i>Legal-linguistic revision</i>
(5) Taking into account that Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁸ contains general, horizontal and uniform Union rules concerning the adoption of emergency measures		(5) Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁹ contains general, horizontal and uniform Union rules concerning the adoption of emergency measures for food and feed. The related	<i>Legal-linguistic revision</i>

⁶ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

⁷ Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

⁸ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁹ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
for food and feed, the related provisions of Directive 83/417/EEC are therefore no longer necessary.		provisions of Directive 83/417/EEC are therefore no longer necessary.	
Amendment 1 Recital 6			
(6) <i>Directive 2000/13/EC of the European Parliament and of the Council</i> ¹⁰ does not apply to business to business relations. Since the products covered by this Directive are not meant to be sold to the final consumer but only from business to business for the preparation of food products, it is appropriate to maintain, adapt to the current legal framework and simplify the specific rules already included in Directive 83/417/EEC. Those rules provide for the information to be provided for those products in order to allow the food business operators, on the one hand, to avail of the information they need for	(6) <i>Under Regulation (EU) No 1169/2011</i> ¹¹ 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. Since the products covered by this Directive are not meant to be sold to the final consumer but only from business to business for the preparation of food products, it is appropriate to maintain, adapt to the current legal framework and simplify the specific rules already included in Directive 83/417/EEC. Those rules	(6) <i>According to Regulation (EU) No 1169/2011 of the European Parliament and of the Council</i> ¹² , sufficient information should be provided in business to business relations in order to ensure the presence and accuracy of food information to the final consumer. Since the products covered by this Directive are meant to be sold from business to business for the preparation of food products, it is appropriate to maintain and adapt the specific rules already included in Directive 83/417/EEC to the current legal framework and simplify them. Such specific rules should provide for	Compromise proposal: "(6) <i>According to Regulation (EU) No 1169/2011 of the European Parliament and of the Council</i> ¹³ , sufficient information is to be provided in business to business relations in order to ensure the presence and accuracy of food information to the final consumer. Since the products covered by this Directive are meant to be sold from business to business for the preparation of food products, it is appropriate to maintain and adapt the specific rules already included in Directive 83/417/EEC to the current

¹⁰ Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ L 109, 6.5.2000, p. 29).

¹¹ *Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).*

¹² *Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).*

¹³ *Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304, 22.11.2011, p. 18).*

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
the labelling of the final products, for example when it comes to allergens, and on the other hand to avoid that those products can be confused with similar products not meant for human consumption.	provide for the information to be provided for those products in order to allow the food business operators, on the one hand, to avail of the information they need for the labelling of the final products, for example when it comes to allergens, and on the other hand to avoid that those products can be confused with similar products not meant <i>or that are unfit</i> for human consumption.	the information to be provided for the products covered by this Directive, in business to business relations, in order, on the one hand to allow food business operators to avail of the information they need for the labelling of the final products, for example when it comes to allergens, and on the other hand to avoid that those products can be confused with similar products not meant for human consumption.	legal framework and simplify them. Such specific rules should provide for the information to be provided for the products covered by this Directive, in business to business relations, in order, on the one hand to allow food business operators to avail of the information they need for the labelling of the final products, for example when it comes to allergens, and on the other hand to avoid that those products can be confused with similar products not meant <u>or not suitable</u> for human consumption."

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
Amendment 2 Recital 7			
(7) Regulation (EC) No 1333/2008 of the European Parliament and of the Council ¹⁴ provides for the definition of processing aids referred to as technological adjuvants in Directive 83/417/EEC. Consequently, this Directive should use the <i>term</i> 'processing aids' instead of 'technological adjuvants'.	(7) Regulation (EC) No 1333/2008 of the European Parliament and of the Council ¹⁵ provides for the definition of processing aids referred to as technological adjuvants in Directive 83/417/EEC. Consequently, this Directive should use the <i>terms 'food additives' and 'processing aids' in line with the Codex Alimentarius Standard for edible casein products.</i>	(7) Regulation (EC) No 1333/2008 of the European Parliament and of the Council ¹⁶ provides for the definition of <i>food additives and</i> processing aids referred to as technological adjuvants in Directive 83/417/EEC. Consequently, this Directive should use the <i>terms 'food additives' and 'processing aids'</i> instead of 'technological adjuvants'.	Compromise proposal "(7) Regulation (EC) No 1333/2008 of the European Parliament and of the Council ¹⁷ provides for the definition of <i>food additives and</i> processing aids referred to as technological adjuvants in Directive 83/417/EEC. Consequently, this Directive should use the <i>terms 'food additives' and 'processing aids'</i> instead of 'technological adjuvants', <u>which is also in line with the Codex Alimentarius Standard for edible casein products.</u> "

- ¹⁴ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).
- ¹⁵ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).
- ¹⁶ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).
- ¹⁷ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
(8) Other terms and references used in the Annexes to Directive 83/417/EEC should be adapted to take into account those used in Regulation (EC) No 1333/2008 and Regulation (EC) No 1332/2008 of the European Parliament and of the Council ¹⁸ .			
(9) Annex I to Directive 83/417/EEC fixes the maximum moisture content for edible caseins at 10% and the maximum milk fat content for edible acid casein at 2.25%. Taking into consideration that international standard 290–1995 set by the Codex Alimentarius fixes those parameters at respectively 12% and 2%, the corresponding parameters should be set in line with the international standard so as to avoid trade distortions.		(9) Annex I to Directive 83/417/EEC fixes the maximum moisture content for edible caseins at 10% and the maximum milk fat content for edible acid casein at 2.25%. Taking into consideration that international standard 290–1995 set by the Codex Alimentarius fixes those parameters at 12% and 2% respectively , the corresponding parameters should be set in line with that international standard so as to avoid trade distortions.	<i>Legal-linguistic revision</i>

¹⁸ Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (OJ L 354, 31.12.2008, p. 7).

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
(10) In order to promptly adapt or update the technical elements contained in the Annexes to take account of developments in relevant international standards or technical progress, the power to adopt acts in accordance with Article 290 of the Treaty 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.			
(11) It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.			

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
			<p><i>Standard recital on subsidiarity:</i></p> <p><u>"(11a) Since the objectives of this Directive, namely 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 in line with general Union legislation on foodstuffs and with international standards, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives."</u></p>

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
(12) Member States should have some margin to adopt national measures in matters not specifically harmonised by this Directive to adapt to the national legal and administrative environment. In such cases, Member States should notify their national measures to the Commission in accordance with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council ¹⁹ ,		<i>Deleted</i>	<u>Remark:</u> <i>In the Council's position, this recital was deleted in line with the deletion of the corresponding article (see 'remark' on Article 6).</i>
HAVE ADOPTED THIS DIRECTIVE:			
Article 1		Article 1 <i>Scope</i>	<i>Legal-linguistic revision</i>
This Directive applies to caseins and caseinates, which are intended for human consumption and mixtures thereof.			

¹⁹ Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998, p. 37)

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Article 2		Article 2 <i>Definitions</i>	<i>Legal-linguistic revision</i>
For the purposes of this Directive, the following definitions shall apply:			
Amendment 3 Article 2 (a)			
(a) 'caseins' means the principal protein constituent of milk, washed and dried, insoluble in water and obtained from skimmed milk by precipitation: (i) by the addition of acid, or (ii) by microbial acidification, or (iii) by using rennet, or (iv) by using other milk-coagulating enzymes, and subjected to heat treatment rendering the phosphatase negative, without prejudice to the possibility of prior use of ion exchange processes and concentration processes;	(a) 'caseins' means the principal protein constituent of milk, washed and dried, insoluble in water and obtained from skimmed milk <i>and/or other products obtained from milk</i> by precipitation:	<i>Deleted</i>	<u>Remarks:</u> 1) " <i>and/or other products obtained from milk</i> " is covered by the Council's proposed version for point (a). 2) In the Council's position, this definition has been deleted and merged with the precise definition of the specific products (see (new) points a) and b) below). This is a full alignment with the Codex Alimentarius standard.

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
(b) 'caseinates' means products obtained by drying caseins treated with neutralizing agents and subjected to heat treatment rendering the phosphatase negative;		<i>Deleted</i>	<u>Remark:</u> <i>In the Council's position, this definition has been deleted and merged with the precise definition of the specific products (see (new) point c) below). This is a full alignment with the Codex Alimentarius standard.</i>
(c) 'skimmed milk' means milk to which nothing has been added and of which only the fat content has been reduced.		<i>Deleted</i>	<u>Remark:</u> <i>In the Council's position, this definition has been deleted as skimmed milk is not the specific subject of this directive.</i>
(d) 'edible acid casein' means casein intended for human consumption obtained by precipitation using the processing aids and bacterial cultures listed in Section I(d) of Annex I which comply with the standards laid down in Section I of that Annex;		<i>(a) 'edible acid casein' means the milk product obtained by separating, washing and drying the acid precipitated coagulum of skimmed milk and/or of products obtained from milk;</i>	
(e) 'edible rennet casein' means casein intended for human consumption obtained by precipitation using the processing aids listed in Section II(d) of Annex I which comply with the standards laid down in Section II of that Annex;		<i>(b) 'edible rennet casein' means the milk product obtained by separating, washing and drying the coagulum of skimmed milk and/or of products obtained from milk; the coagulum is obtained through the reaction of rennet or other coagulating enzymes;</i>	
(f) 'edible caseinates' means caseinates obtained from edible caseins using neutralizing agents of		<i>(c) 'edible caseinates' means the milk product obtained by action of edible casein or edible casein curd</i>	

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
edible quality listed under point (d) of Annex II and complying with the standards set out in that Annex.		<i>coagulum with neutralizing agents followed by drying.</i>	
Article 3		Article 3 <i>Obligations of Member States</i>	<i>Legal-linguistic revision</i>
Member States shall take all the necessary steps to ensure that:			
(a) the products defined in Article 2 are marketed only if they conform to the rules and standards laid down in this Directive and Annexes I and II thereto, and		(a) the products defined in Article 2 are marketed <i>under the names specified therein</i> only if they <i>comply with</i> the rules laid down in this Directive <i>and the standards laid down in</i> Annexes I and II thereto, and	
(b) products which do not satisfy the standards laid down in Annexes I and II are not used for the preparation of foodstuffs and are named and labelled in such a way that the buyer is not misled as to their nature, quality or use.		(b) <i>caseins and caseinates</i> which do not <i>comply with</i> the standards laid down in <i>points (b) and (c) of Section I of Annex I, points (b) and (c) of Section II of Annex I or points (b) and (c) of Annex II</i> are not used for the preparation of <i>food</i> and, <i>where lawfully marketed</i> , are named and labelled in such a way that the <i>purchaser</i> is not misled as to their nature, quality or use.	

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
Article 4 The names laid down in Article 2(d), (e) and (f) shall be reserved for the products defined and shall be used commercially to designate those products.		<i>Deleted</i>	<u>Remark:</u> <i>In the Council's position, this provision has been deleted and integrated in the new (more comprehensive) drafting of Article 3.</i>
Article 5		Article 4 Labelling	
1. The mandatory particulars to be marked on the packages, containers or labels of the products defined in Article 2 shall be easily visible, clearly legible and in indelible characters, and shall be the following:		1. The following particulars shall be marked on the packages, containers or labels of the products defined in Article 2 in easily visible, clearly legible and indelible characters:	<i>Legal-linguistic revision</i>
(a) the name reserved for those products in accordance with Article 4 with, in the case of caseinates, an indication of the cation or cations;		(a) the name <i>laid down</i> for those products in accordance with <i>points (a), (b) and (c) of Article 2</i> with, in the case of <i>edible</i> caseinates, an indication of the cation or cations <i>as listed in point (d) of Annex II;</i>	<u>Remark:</u> <i>More precise drafting</i>
(b) in the case of products marketed as mixtures:			
(i) the words 'mixture of ...' followed by the names of the different products which make up the mixture, in decreasing order of weight,		(i) the words 'mixture of ...' followed by the names of the different products which the mixture <i>is composed of</i> , in decreasing order of weight,	<i>Legal-linguistic revision</i>
(ii) an indication of the cation or cations in the case of caseinate or		(ii) an indication of the cation or cations, <i>as listed in point (d) of Annex</i>	<u>Remark:</u> <i>More precise drafting</i>

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caseinates,		<i>II</i> , in the case of edible caseinates,	
(iii) the protein content in the case of mixtures containing caseinates;			
(c) the net quantity expressed in kilograms or grams;			
(d) the name or business name and the address of the operator under whose name or business name the food is marketed or, if that operator is not established in the Union, the importer into the Union market;			
(e) in the case of products imported from third countries, the name of the country of origin;			
(f) the lot identification or the date of production.			

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
2. Member States shall prohibit the marketing of products defined in Article 2(d), (e) and (f) in their territory if the particulars referred to in paragraph 1 do not appear in a language easily understood by the purchasers of the Member States where those products are marketed, unless such information is given by other means; this shall not preclude the appearance of those particulars in several languages.		2. <i>A</i> Member State shall prohibit the marketing of products defined in points (a), (b) and (c) of Article 2 in its territory if the particulars referred to in paragraph 1 are not marked in a language easily understood by the purchasers of the Member State where those products are marketed, unless such information is given by other means; those particulars may be marked in several languages.	<u>Remark:</u> <i>More precise drafting</i>
3. The particulars referred to in paragraph 1(b)(iii) and in paragraph 1(c), (d) and (e), need appear only in an accompanying document.		3. The particulars referred to in sub-point (iii) of point (b) and in points (c), (d) and (e) of paragraph 1 need to be marked only in an accompanying document.	<i>Legal-linguistic revision</i>

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
<p>Article 6</p> <p>1. Member States may adopt national measures concerning matters not specifically harmonised by this Directive provided that they do not prohibit, impede or restrict the free movement of goods that are in conformity with this Directive.</p> <p>2. Member States shall immediately communicate to the Commission any such national measure in accordance with the procedure laid down in Directive 98/34/EC.</p>		<p><i>Deleted</i></p>	<p><u>Remark:</u></p> <p>1) In the Council's position, this provision has been deleted as it was recognised that it only reflects the general Treaty provisions (see Articles 4 and 5 of the TEU), which apply without having to be reproduced in each legislative act.</p> <p>2) There is no need to repeat in each specific legal act that Directive 98/34/EC is applicable</p>
Article 7		<p>Article 5</p> <p><i>Delegation of power</i></p>	Legal-linguistic revision
The Commission shall be empowered to adopt delegated acts in accordance with Article 8, concerning amendments to Annexes I and II to take account of the developments in relevant international standards and of technical progress.		<p><i>In order</i> to take account of developments in relevant international standards and technical progress, the Commission shall be empowered to <i>amend the standards laid down in Annexes I and II by means of delegated acts adopted in accordance with Article 6.</i></p>	<p><u>Remark</u></p> <p><i>More precise drafting</i></p>
Article 8		<p>Article 6</p> <p><i>Exercise of the delegation</i></p>	Legal-linguistic revision
1. The power to adopt delegated acts is		1. The power to adopt delegated acts is	<u>Remark:</u>

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
conferred on the Commission subject to the conditions laid down in this Article.		conferred on the Commission subject to the conditions laid down in this Article. <i>It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts.</i>	<i>The added paragraph explicates the need for consultations before the adoption of a delegated act.</i>
Amendment 4 Article 8(2)			
2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for <i>an indeterminate period of time from (...). (Publications Office is to fill in the date of entry into force of this Act).</i>	2. The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for <i>a period of five years from [...²⁰]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	2. The power to adopt delegated acts referred to in Article 5 shall be conferred on the Commission for <i>a period of five years from [...²¹]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</i>	Acceptable <i>Same proposals from the EP and from the Council.</i>
3. The delegation of power referred to in Article 7 may be revoked at any		3. The delegation of power referred to in Article 5 may be revoked at any	<i>Alignment with the new numbering of the articles.</i>

²⁰ ***OJ: please insert the date of entry into force of this Directive.***

²¹ ***OJ: please insert the date of entry into force of this Directive.***

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time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.		time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the <i>Official Journal of the European Union</i> or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.	
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
5. A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months from the date of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		5. A delegated act adopted pursuant to Article 5 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months from the date of notification of that act to the European Parliament and <i>to</i> the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	<i>Alignment with the new numbering of the articles.</i>

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
Article 9		Article 7 <i>Transposition</i>	<i>Legal-linguistic revision</i>
Amendment 5 Article 9(1)			
1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2015 at the latest . They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [... ²²]. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [... ²³]. They shall immediately inform the Commission thereof .	Not acceptable <u>Remark:</u> <i>As the EP, the Council intends to shorten the transposition period as much as possible. However, the Council recognised that less than one year will not be compatible with the time needed by the Member States to comply with legislative and administrative procedures at national level</i>
When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.		When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	<i>Legal-linguistic revision</i>
2. Member States shall communicate to the Commission the text of the main provisions of national law which they			

²² *OJ: please insert the date of six months after the entry into force of this Directive.*

²³ *OJ: please insert the date of 12 months after the entry into force of this Directive.*

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
adopt in the field covered by this Directive.			
Article 10		Article 8 <i>Repeal</i>	<i>Legal-linguistic revision</i>
Directive 83/417/EEC is repealed.		Directive 83/417/EEC is repealed <i>from the date referred to in the first sub-paragraph of Article 7(1) of this Directive.</i>	<i>Remark:</i> <i>More precise drafting</i>
References to the repealed Directive shall be construed as references to this Directive and read in accordance with the correlation table in Annex III.			
Article 11		Article 9 <i>Entry into force</i>	<i>Legal-linguistic revision</i>
This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .			
Article 12		Article 10 <i>Addresses</i>	<i>Legal-linguistic revision</i>
This Directive is addressed to the Member States.			
Done at Brussels,			
For the European Parliament			
For the Council			
<i>The President The President</i>			

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
<u>ANNEX I</u> <i>EDIBLE CASEINS</i>			
I. STANDARDS APPLICABLE TO EDIBLE ACID CASEIN'			
(a) Essential factors of composition			
1. Maximum moisture content – 12,0% by weight			
2. Minimum milk protein content calculated on the dried extract – 90 % by weight			
of which minimum casein content – 95% by weight			
3. Maximum milk fat content calculated on the dried extract – 2,0% by weight		3. Maximum milk fat content – 2% by weight	<i>Remark:</i> <i>Full alignment with the Codex</i> <i>Alimentarius standards</i>
4. Maximum titratable acidity, expressed in ml of decinormal sodium hydroxide solution per g – 0,27			
5. Maximum ash content (P ₂ O ₅ included) – 2,5% by weight			
6. Maximum anhydrous lactose content – 1% by weight			

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
7. Maximum sediment content (burnt particles) – 22,5 mg in 25 g			
(b) Contaminants			
Maximum lead content – 1 mg/kg		Maximum lead content – <i>0,75</i> mg/kg	<i>Technical adjustment.</i>
(c) Impurities			
Extraneous matter (such as wood or metal particles, hairs or insect fragments) – nil in 25 g			
(d) Processing aids and bacterial cultures		(d) Processing aids, bacterial cultures and authorised ingredients	<i>Technical clarification</i>
(i) —lactic acid		(i) — <i>acids</i>	<i>Technical clarification</i>
		— <i>lactic acid</i>	<i>Technical clarification</i>
—hydrochloric acid			
—sulphuric acid			
—citric acid			
—acetic acid			
—orthophosphoric acid			

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
(ii) — whey		<i>(ii) bacterial cultures producing lactic acid</i>	<i>Technical clarification</i>
—bacterial cultures producing lactic acid		<i>(iii) whey</i>	<i>Technical clarification</i>
(e) Organoleptic characteristics			
1. <i>Odour</i> : No foreign odours			
2. <i>Appearance</i> : Colour ranging from white to creamy white; the product must not contain any lumps that would not break up under slight pressure.			
II. STANDARDS APPLICABLE TO EDIBLE RENNET CASEIN			
(a) Essential factors of composition			
1. Maximum moisture content – 12% m/m		1. Maximum moisture content – 12% <i>by weight</i>	<i>Technical correction</i>
2. Minimum milk protein content calculated on the dried extract – 84% by weight			
of which minimum casein content – 95% by weight			
3. Maximum milk fat content calculated on the dried extract – 2,0% by weight		3. Maximum milk fat content – 2% by weight	<u><i>Remark:</i></u> <i>Full alignment with the the Codex Alimentarius standards</i>
4. Minimum ash content (P ₂ O ₅ included) – 7,50 % by weight			

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
5. Maximum anhydrous lactose content – 1,0% by weight			
6. Maximum sediment content (burnt particles) – 22,5 mg in 25 g		6. Maximum sediment content (burnt particles) – 15 mg in 25 g	<i>Technical correction</i>
(b) Contaminants			
Maximum lead content – 1 mg /kg		Maximum lead content – 0,75 mg /kg	<i>Technical adjustment</i>
(c) Impurities			
Extraneous matter (such as wood or metal particles, hairs or insect ' fragments) – nil in 25g			
(d) Processing aids			
—Rennet meeting the requirements of Regulation (EC) No 1332/2008;			
—other milk-coagulating enzymes meeting the requirements of Regulation (EC) No 1332/2008.			
(e) Organoleptic characteristics			
1. <i>Odour</i> : No foreign odours			
2. <i>Appearance</i> : Colour ranging from white to creamy white; the product must not contain any lumps that would not break up under slight pressure.			

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
<u>ANNEX II</u> <i>EDIBLE CASEINATES</i>			
STANDARDS APPLICABLE TO EDIBLE CASEINATES			
(a) Essential factors of composition			
1. Maximum moisture content – 8% by weight			
Amendment 6 Annex II (a) 2.			
2. Minimum content of milk protein casein, calculated on <i>the dried extract</i> – 88 % by weight	2. Minimum content of milk protein casein, calculated on <i>an as-is basis</i> – 88 % by weight		Not acceptable <u>Remarks:</u> <i>1) The replacement of Directive 83/417/EEC by this Directive aims, inter alia, at aligning the standards applicable to edible caseins and caseinates placed on the EU market with the Codex Alimentarius relevant standards;</i> <i>2) Such alignment, which ensures comparable conditions for the caseinates producers at international level, favours the competitiveness of the EU products (50% of the EU caseinates production is exported),</i>

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
			<p><i>thus contributing for the growth and jobs EU objective;</i></p> <p><i>3) Setting a different EU standard for caseinates, with a higher milk protein casein content, would trigger the need for solid justification vis-à-vis WTO partners,</i></p> <p><i>4) Food business operators may place on the market caseinates with higher milk protein casein content, in particular for specific uses, and to promote their products on that basis;</i></p> <p><i>In view of the above, the reason for the EP amendment should be clarified.</i></p>
		<i>of which minimum casein content – 95% by weight</i>	<i>Technical correction</i>
3. Maximum content of milk fat, calculated on the dried extract – 2,0 % by weight		3. Maximum milk fat content – 2% by weight	<i>Full alignment with the Codex standards</i>
4. Maximum anhydrous lactose content – 1,0% by weight			
5. pH value – 6,0 to 8,0			
6. Maximum sediment content (burnt particles) – 22,5 mg in 25 g			
(b) Contaminants			
Maximum lead content –1 mg /kg		Maximum lead content – 0,75 mg /kg	

Commission proposal	Draft EP amendments (ENVI report 24.2.2015)	Council's general approach (15875/14)	Compromise proposals/Remarks
(c) Impurities			
Extraneous matter (such as wood or metal particles, hairs or insect fragments) – nil in 25 g			
(d) Processing aids		(d) Food additives	<i>Technical clarification</i>
(optional neutralizing and buffering agents)			
hydroxydes, carbonates, phosphates, citrates of sodium, potassium, calcium, ammonium, magnesium			
(e) Characteristics			
1. <i>Odour</i> : Very slight foreign flavours and odours.			
2. <i>Appearance</i> : Colour ranging from white to creamy white; the product must not contain any lumps that do not break under slight pressure.		2. <i>Appearance</i> : Colour ranging from white to creamy white; the product must not contain any lumps that would not break up under slight pressure.	<i>Wording aligned with Annex I.</i>
3. <i>Solubility</i> : Almost entirely soluble in distilled water, except for the calcium caseinate.			

P.m.:

Annex III will have to be aligned with decisions on the previous provisions and Annexes.

The versions of the Commission proposal and of the Council's position are set out below.

Commisison proposal		Council's general approach (15875/14)	
<u>ANNEX III</u> <u>Correlation table</u>		<u>ANNEX III</u> <u>Correlation table</u>	
Council Directive No 83/417/EEC	This Directive	Council Directive No 83/417/EEC	This Directive
Article 1	Articles 1 and 2	Article 1	Articles 1 and 2
Article 2	Article 3	Article 2	Article 3
Article 3	Article 4	Article 3	-
Article 4(1)	Article 5(1)	Article 4(1)	Article 4(1)
Article 4(2), first subparagraph	Article 5(2)	Article 4(2), first subparagraph	Article 4(2)
Article 4(2), second subparagraph	Article 5(3)	Article 4(2), second subparagraph	Article 4(3)
Article 5	Article 2(a) and (b)	Article 5	-
-	Article 6(1)	-	-
Article 6(1)	Article 6(2)	Article 6(1)	-

Commisison proposal		Council's general approach (15875/14)	
Article 6(2)	Article 6(3)	Article 6(2)	-
Article 7	-	Article 7	-
Article 8	-	Article 8	-
Article 9	-	Article 9	-
Article 10	-	Article 10	-
Article 11	-	Article 11	-
		-	Article 5
		-	Article 6
-	Article 7	Article 12	Article 7
-	Article 8	-	Article 8
Article 12	Article 9	-	Article 9
-	Article 10	Article 13	Article 10
-	Article 11		
Article 13	Article 12		
Annex I, section I	Article 2, points (d) and (e)	Annex I, section I	Article 2, points (a) and (b)
Annex I, section II	Annex I, section I	Annex I, section II	Annex I, section I
Annex I, section III	Annex I, section II	Annex I, section III	Annex I, section II
Annex II, section I	Article 2, point (f)	Annex II, section I	Article 2, point (c)

Commisison proposal		Council's general approach (15875/14)	
Annex II, section II	Annex II	Annex II, section II	Annex II
-	Annex III	-	Annex III
