



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.12.1996
COM(96) 683 final

Proposal for a
COUNCIL DECISION

**requesting the Republic of Austria to refrain from
adopting its draft Order on the labelling of foodstuffs produced by genetic
engineering**

(presented by the Commission)

Explanatory memorandum

The Austrian authorities have, through the procedure laid down in Article 16 of Directive 79/112/EEC on the labelling of foodstuffs, notified a draft decree concerning the labelling of foodstuffs, including additives produced through genetic engineering. The draft requires the words "produced through genetic engineering" to be placed on the labelling of any foodstuff which is, or contains, a genetically modified organism.

Novel foods, including those deriving from genetic engineering, were covered by a proposal for a Community regulation in July 1992. The Council adopted a common position in October 1995. Following the rejection by the Council and the Commission of most of the amendments Parliament adopted at second reading, the dossier is now in the conciliation phase.

The notified draft runs counter to the labelling provisions laid down in the common position.

Adoption of the proposal for a Regulation on novel foods will enable the Community to introduce labelling rules concerning, *inter alia*, foodstuffs produced through genetic engineering. These rules will be binding in their entirety and directly applicable in all Member States. This will entail the removal of national provisions.

Accordingly, it would be preferable if the Austrian authorities refrained for the moment from adopting their draft decree.

**Proposal for a Council Decision requesting the Republic of Austria to refrain from
adopting its draft Order on the labelling of foodstuffs produced by genetic
engineering**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer,¹ as last amended by Commission Directive 93/102/EC,² and in particular Articles 16 and 17 thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with the procedure provided for in Article 16(2) of Directive 79/112/EEC, the Austrian authorities notified the Commission of their intention to adopt a draft Order on the labelling of foodstuffs produced by genetic engineering;

Whereas the aim of the said draft is to require the words "produced by genetic engineering" to be indicated on the labelling of foodstuffs which are genetically modified organisms or are produced from genetically modified organisms;

Whereas in July 1992 the Commission sent the Council a proposal for a Regulation on novel foodstuffs, in particular those produced by genetic engineering; whereas the Council adopted a common position on this subject in October 1995;

Whereas the draft Order is not in agreement with the provisions of the common position as regards labelling since it aims to require the systematic labelling of foodstuffs produced by genetic engineering, which would go beyond the provisions of the common position;

Whereas, in addition, there are no plans at Community level to require operators to include a specific wording on the labelling, as provided for in the draft Austrian Order;

¹ OJ L 33, 8.2.1979, p. 1.

² OJ L 291, 25.11.1993, p. 14.

Whereas this finding has prompted the Commission to deliver a negative opinion pursuant to Article 16(2)(2) of Directive 79/112/EEC;

Whereas, by adopting the proposal for a Regulation on novel foodstuffs, the Community will be introducing rules on the labelling of novel foodstuffs, in particular foodstuffs produced by genetic engineering;

Whereas these rules will be general in scope, binding in their entirety and directly applicable in all Member States;

Whereas the Member States will therefore no longer be able to maintain their corresponding national provisions;

Whereas it is therefore necessary to request the Austrian authorities to refrain from adopting their draft regulations;

Whereas, in accordance with the procedure laid down in article 17 of Directive 79/112/EEC, a draft of this Decision was submitted to the Standing Committee on Foodstuffs; whereas the latter was unable to deliver an opinion; whereas in accordance with that same procedure the Commission has submitted a proposal to the Council regarding the measures to be adopted,

HAS ADOPTED THIS DECISION:

Article 1

The Republic of Austria is hereby requested to refrain from adopting its draft Order on the labelling of foodstuffs produced by genetic engineering.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels,

By the Council

ISSN 0254-1475

COM(96) 683 final

DOCUMENTS

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03 15 10

Catalogue number : CB-CO-96-694-EN-C

ISBN 92-78-13639-5

Office for Official Publications of the European Communities

L-2985 Luxembourg