



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.02.1999

COM(1999) 63 final

99/0048 (CNS)

Proposal for a

**COUNCIL REGULATION (EC)**

amending Regulation (EC) No 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

Article 4 of Regulation (EC) No 2597/97 lays down certain requirements concerning the composition of drinking milk, applicable from 1 January 1999. Point (d) thereof stipulates that whole milk must have a fat-free dry matter content of 8.50% (m/m) or more.

In the discussions before this Regulation was adopted, some Member States indicated that this requirement might create difficulties given the fat-free dry matter content of raw milk produced in their countries. In response, the Commission undertook to look into this requirement, in the light, at the request of one Member State, of scientific and statistical studies.

In this connection, two Member States submitted files to the Commission indicating that the raw milk produced on their territory did not attain the minimum fat-free dry matter content provided for in Regulation (EC) No 2597/97 during part or all of the year. This situation is liable to have serious consequences for the production of drinking milk in the countries concerned and might even jeopardise their drinking milk supplies. It is therefore advisable to consider an amendment or the deletion of the relevant provision.

It is worth pointing out that the provisions of Article 4 of Regulation (EC) No 2597/97 were taken over from Directive 92/46/EEC laying down the health rules for the production and placing on the market of milk and milk products. The reason for them was connected with the need to ensure a minimum quality standard as regards the composition of drinking milk. For the sake of consistency, it was deemed appropriate to include these provisions in the rules on the marketing standards for drinking milk.

It should also be emphasised that as far as the composition of drinking milk is concerned, the primary objective of Regulation (EC) No 2597/97 is to avoid any unauthorised modification of the raw milk used. Setting minimum criteria - which automatically reflect the minimum values in the Community for raw milk - cannot be regarded as a safety net. As regards the freezing point, the requirement laid down in Directive 92/46/EEC has been replaced by a comparative check on the freezing point for raw milk and drinking milk. The Commission also takes the view that special attention should be paid to checks in connection with the ban on modifying the protein content of the raw milk used.

The Commission is therefore of the opinion that the provision concerning the minimum fat-free dry matter content of drinking milk could be deleted without any risk to the quality of this product. On the other hand, it will ensure that the Member States make every effort to prevent unauthorised modification of the raw milk used in the manufacture of drinking milk. The attached proposal thus provides for the deletion of point (d) of Article 4 of Regulation (EC) No 2597/97.

Proposal for a

**COUNCIL REGULATION (EC)**

amending Regulation (EC) No 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission<sup>1</sup>

Having regard to the opinion of the European Parliament,<sup>2</sup>

Whereas Article 4(d) of Council Regulation (EC) No 2597/97 of 18 December 1987<sup>3</sup> lays down that drinking milk must have a fat-free dry matter content of 8.50% (m/m) or more for milk containing 3.5% (m/m) of fat or an equivalent content in the case of milk having a different fat content; whereas it has been found that raw milk in some Member States does not attain the rate specified for part or all of the year; whereas that situation could jeopardise drinking milk supplies in certain regions of the Community; whereas in view of the restrictions laid down in Article 3(2) regarding modification of the fat-free dry matter of milk and the other additional requirements laid down in Article 4, point (d) should be deleted with effect from its entry into force,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 4(d) of Regulation (EC) No 2597/97 is deleted.

*Article 2*

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1999.

---

<sup>1</sup> OJ C

<sup>2</sup> OJ C

<sup>3</sup> OJ L 351, 23.12.1997, p. 13.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council*  
*The President*

# FINANCIAL STATEMENT

<b>FINANCIAL STATEMENT</b>					
1. BUDGET HEADING: B1-20		APPROPRIATIONS: EUR 2.621 million			
2. TITLE: Proposal for a Council Regulation amending Regulation (EC) No 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk					
3. LEGAL BASIS: Article 43 of the Treaty					
4. AIMS: To delete Article 4(d) of Regulation (EC) No 2597/97 regarding the minimum fat-free dry matter content of drinking milk.					
5. FINANCIAL IMPLICATIONS		PERIOD OF 12 MONTHS  (EUR million)	CURRENT FINANCIAL YEAR (1999) (EUR million)	FOLLOWING FINANCIAL YEAR (2000) (EUR million)	
5.0 EXPENDITURE		-	-	-	
- CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION)					
- NATIONAL AUTHORITIES					
- OTHER					
5.1 REVENUE		-	-	-	
- OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)					
- NATIONAL					
		2001	2002	2003	2004
5.0.1 ESTIMATED EXPENDITURE		-	-	-	-
5.1.1 ESTIMATED REVENUE					
5.2 METHOD OF CALCULATION:					
6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET?					YES / <del>NO</del>
6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?					<del>YES</del> / NO
6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY?					<del>YES</del> / NO
6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY?					<del>YES</del> / NO
OBSERVATIONS:  The measure as such has no financial impact.					