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R E P O R T

of the Committee on the Environment, Public Health and Consumer Protection

on the Commission proposal for a Council regulation laying down the health rules for the production and placing on the market of minced meat, meat preparations and comminuted meat for industrial use

(COM(89) 0671 final - C3-0079/90)

Rapporteur: Mrs Pauline Green

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A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations) ^{Or} EN



= Consultation procedure requiring a single reading



= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment



= Cooperation procedure (first reading)



= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

C O N T E N T S

	<u>Page</u>
Procedural Page	3
A. Amendments to the Commission proposal	4
LEGISLATIVE RESOLUTION	12
B. Explanatory Statement	13
Opinion of the Committee on Agriculture, Fisheries and Rural Development	16
Opinion of the Committee on Budgets	20

By letter of 2 March 1990 the Council consulted the European Parliament, pursuant to Article 43 of the EEC Treaty, on the Commission proposal for a Council Regulation (EEC) laying down the health rules for the production and placing on the market of minced meat, meat preparations and comminuted meat for industrial use.

At the sitting of 2 April 1990 the President of Parliament announced that he had referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the Committee responsible, and to the Committee on Agriculture, Fisheries and Rural Development and to the Committee on Budgets for their opinions.

At its meeting of 23 March 1990, the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Pauline Green rapporteur.

At its meetings of 17 October 1990, 7 February and 22 March 1991, it considered the Commission proposal and draft report.

At the last meeting it adopted the draft legislative resolution unanimously.

The following took part in the vote:

Collins (chairman); Green (rapporteur); Bowe, Canavarro, Chanterie, Diez de Rivera, Florenz, Hadjigeorgiou (for Alber), Jackson, Jensen, Kuhn, McCubbin (for Avgerinos), Oomen-Ruijten, Partsch, Pimenta, Read (for Pollack), Smith, Valverde Lopez and Vohrer.

The opinions of the Committee on Agriculture, Fisheries and Rural Development and the Committee on Budgets are attached.

The report was tabled on 25 March 1991.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

Commission proposal for a Council Regulation (EEC) laying down
the health rules for the production and placing on the market of
minced meat, meat preparations and comminuted meat for industrial use

Commission text¹

Amendments

(Amendment No. 1)
Recital 4a (new)

Whereas when considering the
completion of the internal market,
the Community will take as a base a
high level of consumer protection;

(Amendment No. 2)
Article 1(2)

2. This Regulation shall not apply to minced meat and meat preparations obtained in retail shops or in premises adjacent to sale points, prepared on the spot at the request of the purchaser or to such meat obtained in establishments selling directly to the consumer where transport and packaging are not involved.

2. This Regulation shall not apply to minced meat and meat preparations prepared in retail shops or in premises adjacent to sale points for sale directly to the consumer where transport and packaging are not involved.

(Amendment No. 3)
Article 2(5)

5. Products for direct consumption means minced meat or meat preparations intended to be consumed directly without undergoing any further treatment.

5. Products for direct consumption means minced meat or meat preparations intended to be consumed directly without undergoing any further treatment by the consumer, prior to consumption

¹ For full text see COM(89) 671 final - OJ No. C 84, 2.4.1990, p. 120

Commission text

Amendments

(Amendment No. 4)
Article 4(1)(a)

1. In addition to the general conditions laid down in Article 3, minced meat and, insofar as they contain such meat, meat preparations must

(a) (i) either be obtained from chilled fresh meat, within a maximum of six days after the slaughter of the animal of origin, compliance with this requirement being guaranteed by a method of identification to be specified by the competent authority;

(ii) or be obtained from frozen or quick frozen boneless meat.

1. In addition to the general conditions laid down in Article 3, minced meat and, insofar as they contain such meat, meat preparations must

(a) (i) be obtained from chilled fresh meat or from frozen or quick frozen boneless meat;

(ii) in the case of meat and meat preparations intended for direct consumption, be obtained from chilled fresh meat, within a maximum of six days after the slaughter of the animal of origin in the case of pigmeat, and nine days in the case of beef, compliance with this requirement being guaranteed by a method of identification to be specified by the competent authority.

(Amendment No. 5)
Article 4(1)(c)(i)

(c) be placed on the market,

(i) either chilled and wrapped for the final consumer and cooled at an internal temperature below + 2°C in a period of not more than one hour. In this case they must be obtained from the meat referred to in subparagraph (a)(i).

(c) be placed on the market,

(i) either chilled or wrapped for the final consumer and cooled at an internal temperature below +4°C in a period of not more than one hour and below +2°C after two hours. In this case they must be obtained from the meat referred to in subparagraph (a)(i).

Commission text

Amendments

(Amendment No. 6)
Article 4(1)(d) (new)

d) unless obtained from meat referred to in sub-paragraph (a)(ii), be labelled at point of sale "This product should be thoroughly cooked before consumption".

(Amendment No. 7)
Article 5(3)

3. The inspection and supervision of establishments shall be carried out under the responsibility of the competent authority which may be assisted in purely practical tasks by staff specially trained for the purpose. The competent authority must at all times have free access to all parts of the establishment in order to ensure that this Regulation is being complied with.

The detailed rules governing this assistance shall be determined in accordance with the procedure laid down in Article 10.

3. The inspection and supervision of establishments shall be carried out under the responsibility of the competent authority which may be assisted in purely practical tasks by staff specially trained for the purpose. The competent authority must at all times have free access to all parts of the establishment in order to ensure that this Regulation is being complied with.

The detailed rules governing this assistance shall be determined in accordance with the procedure laid down in Article 9.

Commission text

Amendments

(Amendment No. 8)
Article 6(1)

1. Veterinary experts from the Commission may, in so far as is necessary to ensure uniform application of this Regulation, make on-the-spot checks; they may verify whether establishments are actually complying with this Regulation. The Commission shall inform the Member States of the results of the investigation.

A Member State in whose territory a check is being carried out shall give all the necessary assistance to the experts in carrying out their duties.

1. Veterinary experts from the Commission shall, in so far as is necessary to ensure uniform application of this Regulation, make on-the-spot checks; they shall verify whether establishments are actually complying with this Regulation. The Commission shall inform the Member States of the results of the investigation.

A Member State in whose territory a check is being carried out shall give all the necessary assistance to the experts in carrying out their duties.

The results of these checks shall be communicated to the undertakings concerned.

(Amendment No. 9)
Article 9(2)

2. Where the procedure laid down in this Article is to be followed, the following provisions shall apply

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

2. Where the procedure laid down in this Article is to be followed, the following provisions shall apply.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

Commission text

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

(Amendment No. 10)
Article 10

Where the procedure laid down in this Article is to be followed, the following provisions shall apply.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Amendments

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Delete

Commission text

Amendments

(Amendment No. 11)
Article 11(3)

3. When granting the derogations referred to in paragraph 1, the Commission shall establish in accordance with the procedure referred to in Article 9, the general and particular conditions applicable to the enforcement of each derogation.

3. The derogations granted shall be publicly notified.

(Amendment No. 12)
Annex I, Chapter I, point 1(a)

(a) a room separate from the cutting room for mincing, wrapping and for the addition of other foodstuffs equipped with a recording thermometer or recording telethermometer.

(a) an area for mincing, wrapping and for the addition of other foodstuffs that is separated from the cutting area and is equipped with a recording thermometer or recording telethermometer.

However, the competent authority may authorize the mincing of meat in the cutting room provided that the mincing is carried out in a separate area and does not involve the addition of seasonings and other foodstuffs;

(Amendment No. 13)
Annex I, Chapter II, point 4

4. Comminuted meat for industrial use shall not be obtained from contaminated meat. In particular, mechanically recovered meat shall be obtained from flesh bearing bones apart from the bones of the head, extremities of the limbs below the carpal and tarsal joints and, in case of swine, the coccydeal vertebrae.

4. Comminuted meat for industrial use shall not be obtained from contaminated meat. In particular, mechanically recovered meat shall be obtained from flesh bearing bones apart from the bones of the head, extremities of the limbs below the carpal and tarsal joints and, in case of swine, the coccydeal vertebrae. It shall not be obtained from the bovine spine.

Commission text

Amendments

(Amendment No. 14)

Annex I, Chapter III, point 8

8. Minced meat shall not be obtained from scrap cuttings or scrap trimmings.

In particular, it shall not be prepared from meat from the following parts of bovine animals, pigs, sheep or goats: fragments of muscles from the head, boned shin meat, the point at which the sticking of the animal took place, injection areas, diaphragm and the central part of the belly muscles and bone scrapings. It shall not contain any bone fragments.

8. Minced meat shall not be obtained from scrap cuttings or scrap trimmings and shall not contain any bone fragments.

In particular, it shall not be prepared from meat derived from the following parts of bovine animals, pigs, sheep or goats:

(a) the point at which the sticking of the animal took place, injection areas and bone scrapings; and

(b) in the case of products for direct consumption, fragments of muscles from the head, boned shin meat, diaphragm and the central part of the belly muscles.

(Amendment No. 15)

Annex I, Chapter V, point 11

11. Establishments which produce the minced meat or meat preparations or comminuted meat for industrial use shall be subject to inspection by the official service. The official service shall be present when work is undertaken.

11. Establishments which produce the minced meat or meat preparations or comminuted meat for industrial use shall be subject to inspection by the official service.

(Amendment No. 16)

Annex I, Chapter VI, point 17

17. The results of the microbiological tests shall be at the official veterinarian's disposal.

The establishment shall inform the official veterinarian when the standards laid down in Annex II are reached. The official veterinarian shall take the appropriate measures.

17. The results of the microbiological tests shall be at the disposal of the competent authority.

The establishment shall inform the competent authority when the standards laid down in Annex II are reached. The competent authority shall take the appropriate measures.

Commission text

If, after the expiry of 15 days starting from the time of sampling, the output from production plants or independent production units does not meet the standards prescribed, products from such establishments shall be excluded from human consumption.

Amendments

If, after the expiry of 15 days starting from the time of sampling, the output from production plants or independent production units does not meet the standards prescribed, products from such establishments shall be excluded from human consumption.

(Amendment No. 17)
Annex I, Chapter VII, point 19, 1(a) (new)

- the percentage of Mechanically Recovered Meat contained in the product.

A

LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament
on the Commission proposal for a Council Regulation laying down the
health rules for the production and placing on the market of minced meat,
meat preparations and comminuted meat for industrial use

The European Parliament,

- having regard to the Commission proposal to the Council (COM(89) 671 final)¹,
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (C3-0079/90),
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Committee on Agriculture, Fisheries and Rural Development and the Committee on Budgets (A3-0074/90),
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 149(3) of the EEC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
 5. Instructs its President to forward this opinion to the Council and Commission.

¹ OJ No C 84, 2.4.1990, p.120

B
EXPLANATORY STATEMENT

INTRODUCTION

In the past eighteen months the Committee on the Environment, Public Health and Consumer Protection has had a series of product specific hygiene regulations before it, of which this is just one. Such a variety of regulations do not present an easy task for industry, commerce and enforcement services because they often involve different production standards, different temperature controls and different enforcement conditions, often all in the same plant, retail or distribution system.

Inevitably if the professionals find it confusing and difficult to operate it certainly will not present a transparent system which will allow consumers to have confidence in the presentation of food products for their consumption. As we approach the completion of the internal market it is essential that consumer confidence in the safety of food is enhanced.

Food legislation is a particularly difficult area because it must take into account all the cultural, traditional and aesthetic differences in cooking and eating which exist in all twelve Member States.

THE APPROACH TO FOOD HYGIENE

The committee is now in the ironic position whereby one DG is producing product specific hygiene regulations, whilst another is now circulating a working draft of a framework directive on food hygiene which would consolidate, simplify and rationalize our approach to food hygiene.

The committee believes that the only way to deal with the vitally important issue of food hygiene is for the framework directive on food hygiene to be adopted by the Commission with all speed.

CRITICISMS

The committee believes that this present proposal attempts to legislate for two quite distinct products in one regulation. In consequence, it will fail for both and in the process damage European industry and commerce and fail consumers by pushing up prices on what is a low price staple foodstuff in all Member States.

Put simply, the proposal insists on an extremely rigorous system of hygiene regulation for virtually all minced meat products regardless of whether they are eaten raw or are to be cooked by the consumer.

If a consumer wishes to buy minced meat to be eaten raw (e.g. steak tartar), that consumer must be guaranteed that the product they are buying is produced to the highest possible hygiene standards. The committee would support totally the Commission proposal for that very specific product which accounts for something like 10% of Community minced meat production.

However 90% of minced meat consumed in the 12 Member States is consumed after cooking. All the evidence available to the committee from consumer bodies, enforcement officers, the meat industry, retailers and producers adamantly argues that such stringent regulations are not necessary for a product which is to be cooked prior to consumption.

It is not just those arguments which leads the committee to have severe difficulties with this proposal; it is also internally inconsistent.

1. Six-day rule

The proposal stipulates that meat for mincing must be taken from a carcass within 6 days of the slaughter of the beast.

What is important here is not the length of time meat is stored but the quality of the product in terms of the number of spoilage organisms present. Consequently, if the micro-biological standards laid down in the annex to the regulation are adhered to, the time limit becomes redundant. This is borne out by scientific evidence.

The acceptance of that principle would allow for differing traditions in the handling and maturation of meat in the different Member States to be maintained.

2. Restricted cuts

The proposal restricts the use of meat from certain parts of the carcass.

There would appear to be no logical or scientific reason for some of these restrictions. Many of the restricted cuts are traditional sources of minced meat in several Member States and would still be able to be consumed as a whole muscle or as a cut.

For instance in the pork market there would be the ridiculous situation of pork bellies being banned for mincing but being sold as streaky rashers for both bacon and pork.

3. Prohibition on frozen meat

The proposals prohibits the use of frozen meat in minced meat and preparations containing minced meat such as sausages and burgers.

Whilst there is certainly a strong argument that frozen meat should not be used in products sold as 'fresh', there is an equally strong case that a certain percentage of frozen meat can assist in the hygienic production of manufactured products.

One consequence of this provision for instance would be that meat taken from the Community's own intervention stores could not be used for mincing.

4. Temperature requirements

The proposal insists that all minced meat must be cooled below +2°C within one hour after mincing and wrapping.

This is a good example of a laudable principle losing touch with practical application. Even should it be possible, without product deterioration, to meet this requirement, it is questionable as to whether such a low temperature can be maintained throughout the distribution and marketing chain.

AMENDMENTS

The main aim of the committee's amendments is to distinguish quite clearly between minced meat eaten raw and that consumed after cooking, and to deal with the areas of confusion and inconsistency identified above.

CONCLUSION

In conclusion the committee supports the need for a sound hygiene regime for mincemeat production, however, it remains far from convinced that the proposal as presented by the Commission achieves that aim.

The committee is also very concerned that the effect of this proposal as it stands would be to greatly affect the choice available, particularly to the poorest and most vulnerable members of our community. For instance minced meat provides a cheap, staple and nutritious food in virtually all Member States. This proposal would both push up the price considerably and affect the availability of that source of protein to them.

OPINION

(Rule 120 of the Rules of Procedure)

**of the Committee on Agriculture, Fisheries
and Rural Development**

Draftsman: Mr WILSON

At its meeting of 22 and 23 March 1990 the Committee on Agriculture, Fisheries and Rural Development appointed Mr Wilson draftsman.

At its meeting of 26 and 27 April 1990 the committee considered the Commission proposal and the draft opinion. At the same meeting, it adopted the draft opinion unopposed with 3 abstentions.

The following took part in the vote: Graefe zu Baringdorf, vice-chairman and acting chairman; Wilson, draftsman (for Thareau), da Cunha Oliveira, Funk, Guillaume, Howell, Keppelhoff-Wiechert, S. Martin, Rothe, Spencer, Stevenson and Woltjer.

The proposed regulation is intended to replace Directive 88/687/CEE from 1st January 1993, and will apply to minced meat and meat preparation (eg hamburgers and sausages) as well as comminuted meat for industrial use, marketed nationally or through intra-Community trade. Its purpose is to harmonize hygiene standards applied to these products and to apply existing intra-Community rules to domestic markets, with some derogations for small producers.

The draftsman believes that the proposal presents a number of problems in different areas, such as a possible distortion of trade (because it appears not to apply to minced meat or preparations prepared on the spot at the request of the purchaser) as well as problems of labelling (a requirement exists to print the date of packaging as well as the "sell by" date, and also to state the species of meat and proportions of different species contained. However, the four main areas of concern for the Committee on Agriculture, Fisheries and Rural Development are as follows:

1. The six day rule: There is a prohibition on use of meat chilled for more than six days (Article 4 (1)(a)). Accepted maturation practices allow chilled beef storage for up to 21 days, and a certain tidying up of the text may be in order.
2. Excessive chilling rate: The requirement in Article 4 (1)(c) for the meat preparations to be chilled within one hour of portioning is too restrictive and will require special equipment involving greater costs.
3. Use of frozen meat: Article 4(1)(c) prohibits all use of frozen meat to prepare chilled minced meat and preparations. This restriction is too sweeping, as micro-biological test have shown, and should be limited to products for direct consumption.
4. Sources for minced meat: Annex 1, Chapter III prohibits the production of minced meat from various parts of the carcass which have been officially inspected and approved for human consumption - e.g. shin meat. This is a traditional source in several Member States, so it is proposed to reword this clause to link it more closely with products for direct consumption.

The draftsman believes that without these changes, the proposed restrictions are excessive and will increase costs and prices significantly, affecting lower-income families, children and the elderly. The consequences are considerable - trade in minced meat is estimated to be around 4.2 billion ECU annually.

Amendments are proposed accordingly:

COMMISSION TEXT

Article 4(1)(a)

1. In addition to the general conditions laid down in Article 3, minced meat and, insofar as they contain meat, meat preparations must

(a) (i) either be obtained from chilled fresh meat, within a maximum of six days after the slaughter of the animal of origin, compliance with this requirement being guaranteed by a method of identification to be specified by the competent authority

(ii) or be obtained from frozen or quick frozen boneless meat.

Article 4(1)(c)(i)

(i) either chilled and wrapped for the final consumer and cooled at an internal temperature below +2°C in a period of not more than one hour.

In this case they must be obtained from the meat referred to in subparagraph (a)(i).

AMENDMENTS PROPOSED BY THE COMMITTEE ON AGRICULTURE, FISHERIES AND RURAL DEVELOPMENT

Amendment No. 1

Article 4(1)(a)

1. In addition to the general conditions laid down in Article 3, minced meat and, insofar as they contain meat, meat preparations must

(a) (i) either be obtained from chilled fresh meat, and in the case of products for direct consumption, they must be so obtained within a maximum of six days after the slaughter of the animal of origin, compliance with this requirement being guaranteed by a method of identification to be specified by the competent authority

(ii) or be obtained from frozen or quick frozen boneless meat.

Amendment No. 2

Article 4(1)(c)(i)

(i) either chilled and wrapped for the final consumer and cooled at an internal temperature below 3°C in a period of not more than 12 hours, and stored thereafter in such a manner as to achieve an internal temperature of not more than 2°C.

In the case of products for direct consumption they must be obtained from chilled fresh meat in the manner referred to in subparagraph (a)(i)

COMMISSION TEXT

ANNEX I, CHAPTER III

8. Minced meat shall not be obtained from scrap cuttings or scrap trimmings.

In particular, it shall not be prepared from meat from the following parts of bovine animals, pigs, sheep or goats: fragments of muscles from the head, boned shin meat, the point at which the sticking of the animal took place, injection areas, diaphragm and the central part of the belly muscles and bone scrapings. It shall not contain any bone fragments.

AMENDMENTS PROPOSED BY THE COMMITTEE
ON AGRICULTURE, FISHERIES AND RURAL
DEVELOPMENT

Amendment No. 3

ANNEX I, CHAPTER III

8. Minced meat shall not be obtained from scrap cuttings or scrap trimmings and shall not contain any bone fragments.

In particular, it shall not be prepared from meat derived from the following parts of bovine animals, pigs, sheep or goats:

(a) the point at which the sticking of the animal took place, injection areas and bone scrapings; and

(b) in the case of products for direct consumption, fragments of muscles from the head, boned shin meat, diaphragm and the central part of the belly muscles.

OPINION

of the Committee on Budgets

Letter of 2 July 1990 from the chairman of the Committee on Budgets to Mr Collins, chairman of the Committee on the Environment, Public Health and Consumer Protection

Subject: Health rules for the production and placing on the market of minced meat, meat preparations and comminuted meat for industrial use
(COM(89) 671 final - C3-79/90)

Dear Mr Collins,

At its meeting of 28 June 1990 the Committee on Budgets considered the above subject.

In the light of its deliberations, the committee would question whether the administrative appropriations should be entered in part B of the budget, which is reserved for operating appropriations.

Consequently it asks the Commission to assign it a more appropriate entry when the preliminary draft budget is drawn up.

The committee also notes that the Commission will be assisted by a regulatory committee. Under Article 205 of the EEC Treaty and in line with the conclusions of the working party on committee set up by Parliament's Bureau in March 1989, the Committee on Budgets has adopted an amendment to Article 9 of the proposal for a regulation, replacing the regulatory committee with a management committee.

Yours sincerely,

(sgd) Thomas von der Vring

Amendments adopted by the Committee on Budgets

Article 9(2)

Third paragraph

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

The Commission shall adopt measures that apply immediately.

Fourth and fifth paragraphs

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If the measures envisaged are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

The Commission shall defer application of the measures which it has decided for a period of not more than three months from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

The following were present for the vote: von der Vring, chairman; Arbeloa Muru, Colom i Naval, Goedmakers, Kellett-Bowman, Lamassoure, Lo Giudice, Napolitano and Theato.

