

# COMMISSION OF THE EUROPEAN COMMUNITIES

— COM(82) 626 final

Brussels, 8 October 1982

Proposal for a

COUNCIL DIRECTIVE

amending Directive 79/112/EEC 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

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(submitted to the Council by the Commission)

COM(82) 626 final

EXPLANATORY MEMORANDUM

1. Article 6(3) of Directive 79/112/EEC states that

"in the case of beverages containing more than 1.2% by volume of alcohol, the Council, acting on a proposal from the Commission, shall, before the expiry of a period of 4 years following notification of this Directive, determine the rules for labelling ingredients and, possibly, indicating the alcoholic strength".

2. Accordingly, the Commission is obliged to present to the Council before the end of the year:

- for still wines and grape musts: a proposal for a Council Regulation amending Council Regulation (EEC) No 355/79 laying down general rules for the description and presentation of wines and grape musts, in pursuance of Article 20 of the above mentioned Directive;
- for special wines (liqueur wines, sparkling wines, aerated sparkling wines, semi-sparkling wines, aerated semi-sparkling wines): a proposal for a Council Regulation laying down rules for the description of special wines;
- for spirituous beverages and aromatized wines: a proposal for a Council Regulation laying down general rules on the definition, description and presentation of spirituous beverages and of vermouths and other wines of fresh grapes flavoured with plants or other aromatic substances;
- for other beverages containing more than 1.2% by volume of alcohol: a proposal for a Council Directive amending Council Directive 79/112/EEC 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.

3. In the case of spirituous beverages and aromatized wines, the proposal for a Regulation has already been transmitted to the Council.
4. Proposals relating to still wines, grape musts and special wines will be presented in the near future.
5. The present proposal amending Directive 79/112/EEC therefore lays down the rules for labelling the ingredients and alcoholic strength of other beverages containing more than 1.2% by volume of alcohol, such as beer, cider and perries.
6. In order to avoid any discrimination between the various beverages containing more than 1.2% by volume of alcohol, it would be desirable if all the provisions cited in paragraph 2 above were adopted in a coordinated manner.
7. In formulating the proposal, the Commission sought the opinion of national experts and consulted the Advisory Committee on Foodstuffs.
8. The proposal is based on Article 100 of the Treaty. The European Parliament and the Economic and Social Committee will have to be consulted.

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 100 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas Article 6(3) of Council Directive 79/112/EEC<sup>1</sup> provides, with respect to alcoholic beverages containing more than 1.2% by volume of alcohol, that the Council shall, before expiry of a period of four years following notification of that Directive, determine the rules for labelling ingredients and, possibly, indicating the alcoholic strength;

Whereas it is necessary in the interests of consumers that the inclusion on the labelling of such beverages of particulars of their ingredients and alcoholic strength be compulsory while at the same time there should be scope for detailed rules to be determined by specific provisions;

Whereas the rules for indicating alcoholic strength will have to be established subsequently, especially with regard to tolerances;

Whereas, with respect to beer, an addition should be made to Annex I to the abovementioned Directive;

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<sup>1</sup> OJ L 33, 8.2.1979, p. 1

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 79/112/EEC is hereby amended as follows:

1. The following point (9) is added to Article 3(1):

"(9) with respect to beverages containing more than 1.2% by volume of alcohol, the alcoholic strength."

2. Article 6(3) is replaced by the following:

"3. In the case of:

- products covered by CCT headings 22.04 and 22.05,
- spirituous beverages,
- aromatized wines,

the rules concerning the inclusion of ingredients on the label shall be those laid down in the specific Community provisions applicable to such beverages."

3. The following subparagraph (c) is added to Article 6(8):

"(c) in the case of beverages containing more than 1.2% by volume of alcohol where water is an ingredient without which the beverage cannot be obtained."

4. The following Article 10 a is inserted:

"Article 10 a

The rules concerning indication of the alcoholic strength shall:

(a) in the case of:

- products covered by CCT headings 22.04 and 22.05,
- spirituous beverages,
- aromatized wines,

be those laid down in the specific Community provisions applicable to such beverages;

(b) in the case of other beverages containing more than 1.2% by volume of alcohol, be laid down in accordance with the procedure provided for in Article 17."

5. The first subparagraph of Article 11(3)(a) is replaced by the following:

"(a) The particulars listed in Article 3(1), points 1, 3, 4 and 9, shall be simultaneously visible."

6. The following is added to Annex I:

<u>Definition</u>	<u>Designation</u>
All non-malted cereals used in the manufacture of beer.	Non-malted cereal(s) or mixture(s) of non-malted cereals.
Hops, hop powder, hop extracts used in the manufacture of beer and similar beverages.	Hops."

#### Article 2

1. Member States shall, where appropriate, amend their legislation to comply with this Directive and shall forthwith inform the Commission thereof; legislation thus amended shall be applied in such a manner as to:

- permit trade in products which comply with the provisions of this Directive by 31 December 1984 at the latest,
- prohibit trade in products which do not comply with the provisions of this Directive by 31 December 1985 at the latest.

2. However, in the case of certain long-keeping products, the time limit fixed in the second indent of paragraph 1 above may be extended in accordance with the procedure laid down in Article 17 of Directive 79/112/EEC.

#### Article 3

This Directive is addressed to the Member States.

