COMMISSION DIRECTIVE 98/36/EC

of 2 June 1998

amending Directive 96/5/EC on processed cereal-based foods and baby foods for infants and young children

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses [1], as amended by Directive 96/84/EC of the European Parliament and of the Council [2], and in particular Article 4(1) thereof,

After consulting the Scientific Committee for Food on the provisions liable to affect public health;

Whereas the essential compositional criteria for processed cereal-based foods and baby foods are specified in Annexes I and II respectively to Commission Directive 96/5/EC [3];

Whereas, because of the particular nutrient composition and chemical, physical and organoleptic properties of cheese, if products made of cheese and other ingredients were made to meet the protein requirements laid down in Annex II to Directive 96/5/EC, they would have too high a fat content and be unpalatable to infants and young children;

Whereas therefore the protein requirement for those products should be redefined;

Whereas the diverse culinary habits in the Community have resulted in the marketing of sauces used as accompaniment to a meal which are organoleptically important but not significant in nutrient contribution; whereas therefore these sauces should be exempt from the protein requirements in Annex II;

Whereas maximum levels for some substances added for nutritional purposes are laid down in the Annexes to Directive 96/5/EC; whereas Article 5 of Directive 96/5/EC provides that maximum levels, in addition to those already stipulated, should be laid down where necessary;

Whereas Directive 96/5/EC should be amended accordingly;

Whereas the measures provided in this Directive are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annexes to Directive 96/5/EC are amended as shown in the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1998. They shall forthwith inform the Commission thereof. Those laws, regulations and administrative provisions shall be applied in such a way as to:

— permit trade in products conforming to this Directive no later than 1 January 1999,

— prohibit trade in products which do not comply with this Directive with effect from 1 January 2000.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 2 June 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

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[1] OJ L 186, 30. 6. 1989, p. 27.
[2] OJ L 48, 19. 2. 1997, p. 20.
[3] OJ L 49, 28. 2. 1996, p. 17.