COMMISSION DIRECTIVE 93/102/EC

of 16 November 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 [1], as last amended by Commission Directive 91/72/EEC [2], and in particular Article 6 (5) (b) thereof, first and second indent,

Whereas, according to the scope and effects of the proposed action, the Community measures envisaged by this Regulation are not only necessary but also indispensable for the attainment of the stated objectives; whereas these objectives cannot be achieved by Member States individually, and that furthermore their attainment at Community level is already provided for by Directive 79/112/EEC;

Whereas, without detracting from consumer information, additions should be made to the list of ingredients in Annex I to Directive 79/112/EEC for which the category rather than the specific name may be stated;

Whereas Annex I to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption [3] contains a list of the categories of food additives to which the Directive applies;

Whereas this list includes categories which do not appear, or which appear in a different form, in the list given in Annex II to Directive 79/112/EEC;

Whereas, in order that the various Community provisions may concord, the Directive 79/112/EEC list should be brought into line with the list approved by the Council within the framework of Directive 89/107/EEC provided that this meets a need for better information for consumers;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 79/112/EEC is hereby replaced by Annex I to this Directive.

Article 2

Annex II to Directive 79/112/EEC is hereby replaced by Annex II to this Directive.

Article 3

Member States shall, if appropriate, amend their laws, regulations and administrative provisions so that they comply with this Directive by 31 December 1994.

The measures concerned must:

— permit trade in products complying with this Directive by no later than 1 January 1995,

— prohibit trade in products not complying with this Directive with effect from 30 June 1996.

They shall immediately inform the Commission thereof.

When Member States adopt these provisions, the latter shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 4

The present Directive enters into effect on the third day following its publication in the *Official Journal of the European Communities.*

Done at Brussels, 16 November 1993.

For the Commission

Martin BANGEMANN

Vice-President

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[1] OJ No L 33, 8. 2. 1979, p. 1.
[2] OJ No L 42, 15. 2. 1991, p. 27.
[3] OJ No L 40, 11. 2. 1989, p. 27.