

Council Directive 2001/111/EC of 20 December 2001
relating to certain sugars intended for human consumption

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas:

- (1) Certain vertical Directives relating to foodstuffs should be simplified in order to take account only of the essential requirements to be met by the products they cover in order that those products may move freely within the internal market, in accordance with the conclusions of the European Council held in Edinburgh on 11 and 12 December 1992, as confirmed by those of the European Council in Brussels on 10 and 11 December 1993.
- (2) Council Directive 73/437/EEC of 11 December 1973 on the approximation of the laws of the Member States concerning certain sugars intended for human consumption⁽⁴⁾ was justified by the fact that differences between national laws on certain categories of sugar could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the common market.
- (3) Directive 73/437/EEC was consequently designed to lay down definitions and common rules on the manufacturing characteristics, packaging and labelling of the products concerned so as to ensure their free movement within the Community.
- (4) The Commission intends to propose, as quickly as possible, and at all events before 1 July 2000, the inclusion in Council Directive 80/232/EEC of 15 January 1980 on the approximation of the laws of the Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain prepackaged products⁽⁵⁾ of a range of nominal weights of the products covered by this Directive.
- (5) Directive 73/437/EEC should be recast in order to make the rules on manufacturing and marketing conditions relating to certain sugars intended for human consumption more accessible and, furthermore, in order to bring it into line with general Community legislation on foodstuffs, particularly legislation on labelling, colouring matter and other authorised additives, extraction solvents and methods of analysis.

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- (6) The general food-labelling rules laid down in Directive 2000/13/EC of the European Parliament and of the Council⁽⁶⁾ should apply subject to certain conditions.
- (7) In accordance with the principles of subsidiarity and proportionality established by Article 5 of the Treaty, the objective of laying down common definitions and rules for the products concerned and bringing the provisions into line with general Community legislation on foodstuffs cannot be sufficiently achieved by the Member States and can therefore, by reason of the nature of this Directive, be better achieved by the Community. This Directive does not go beyond what is necessary in order to achieve the said objective.
- (8) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁷⁾.
- (9) To avoid creating new barriers to free movement, Member States should refrain from adopting, for the products in question, national provisions not provided for by this Directive,

HAS ADOPTED THIS DIRECTIVE:

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- (1) OJ C 231, 9.8.1996, p. 6.
- (2) OJ C 279, 1.10.1999, p. 90.
- (3) OJ C 56, 24.2.1997, p. 20.
- (4) OJ L 356, 27.12.1973, p. 71. Directive as amended by the 1985 Act of Accession.
- (5) OJ L 51, 25.2.1980, p. 1. Directive as last amended by Directive 87/356/EEC (OJ L 192, 11.7.1987, p. 48).
- (6) OJ L 109, 6.5.2000, p. 29.
- (7) OJ L 184, 7.7.1999, p. 23.