

Directive (EU) 2015/2203 of the European Parliament and of the Council of 25 November 2015 on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC

DIRECTIVE (EU) 2015/2203 OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 25 November 2015

on the approximation of the laws of the Member States
relating to caseins and caseinates intended for human
consumption and repealing Council Directive 83/417/EEC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁽¹⁾,

Acting in accordance with the ordinary legislative procedure⁽²⁾,

Whereas:

- (1) Council Directive 83/417/EEC⁽³⁾ provides for the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption. Since the entry into force of that Directive, several changes have taken place, in particular the development of a comprehensive legal framework in the area of food law and the adoption of an international standard for edible casein products by the Codex Alimentarius Commission ('Codex standard for edible casein products'), which need to be taken into account.
- (2) Directive 83/417/EEC confers powers on the Commission in order to implement some of its provisions. As a consequence of the entry into force of the Lisbon Treaty, those powers need to be aligned to Article 290 of the Treaty on the Functioning of the European Union ('TFEU').
- (3) For the sake of clarity, Directive 83/417/EEC should therefore be repealed and replaced with a new Directive.
- (4) Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽⁴⁾ contains general, horizontal and uniform Union rules concerning the adoption of emergency measures for food and feed. The related provisions of Directive 83/417/EEC are therefore no longer necessary.

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- (5) Regulation (EC) No 882/2004 of the European Parliament and of the Council⁽⁵⁾ contains general, horizontal and uniform Union rules concerning the methods of sampling and analysis of foodstuffs. The related provisions of Directive 83/417/EEC are therefore no longer necessary.
- (6) Under Regulation (EU) No 1169/2011 of the European Parliament and of the Council⁽⁶⁾, sufficient information is to be provided in business to business relations in order to ensure the presence and accuracy of food information for the final consumer. Since the products covered by this Directive are meant to be sold from business to business, for the preparation of food products, it is appropriate to maintain and adapt the specific rules already included in Directive 83/417/EEC to the current legal framework and simplify them. Such specific rules should provide for the information to be provided for the products covered by this Directive, in business to business relations, in order, on the one hand, to make available to food business operators the information they need for the labelling of the final products, for example when it comes to allergens, and, on the other hand, to avoid those products being confused with similar products not meant or not suitable for human consumption.
- (7) Regulation (EC) No 1333/2008 of the European Parliament and of the Council⁽⁷⁾ lays down a definition of food additives and processing aids referred to as technological adjuvants in Directive 83/417/EEC. Consequently, this Directive should use the terms ‘food additives’ and ‘processing aids’ instead of ‘technological adjuvants’. Such use of terminology would also be in line with the Codex standard for edible casein products.
- (8) Other terms and references used in the Annexes to Directive 83/417/EEC should be adapted to take into account those used in Regulation (EC) No 1332/2008 of the European Parliament and of the Council⁽⁸⁾ and Regulation (EC) No 1333/2008.
- (9) Annex I to Directive 83/417/EEC fixes the maximum moisture content for edible caseins at 10 % and the maximum milk fat content for edible acid casein at 2,25 %. Taking into consideration that the Codex standard for edible casein products fixes those parameters at 12 % and 2 % respectively, the corresponding parameters should be set in line with that standard so as to avoid trade distortions.
- (10) In order to promptly adapt or update the technical elements contained in the Annexes to this Directive so as to take account of developments in relevant international standards or technical progress, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the standards applicable to edible caseins and edible caseinates laid down in Annexes I and II. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (11) Since the objectives of this Directive, namely to facilitate, through approximation of the laws of the Member States, the free movement of caseins and caseinates intended for human consumption while providing a high level of protection of health, and to bring existing provisions into line with general Union legislation on food and with

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international standards, cannot be sufficiently achieved by the Member States but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 424, 26.11.2014, p. 72.](#)
- (2) Position of the European Parliament of 7 October 2015 (not yet published in the Official Journal) and decision of the Council of 10 November 2015.
- (3) Council Directive 83/417/EEC of 25 July 1983 on the approximation of the laws of the Member States relating to certain lactoproteins (caseins and caseinates) intended for human consumption ([OJ L 237, 26.8.1983, p. 25](#)).
- (4) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ([OJ L 31, 1.2.2002, p. 1](#)).
- (5) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ([OJ L 165, 30.4.2004, p. 1](#)).
- (6) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 ([OJ L 304, 22.11.2011, p. 18](#)).
- (7) Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ([OJ L 354, 31.12.2008, p. 16](#)).
- (8) Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 ([OJ L 354, 31.12.2008, p. 7](#)).