COMMISSION

COMMISSION DECISION

of 10 September 1999

concerning a draft law of the Italian Republic on additional provisions for the labelling of beverages in ring-pull cans

(notified under document number C(1999) 2897)

(Only the Italian text is authentic)

(Text with EEA relevance)

(1999/631/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs [1], as last amended by Directive 97/4/EC of the European Parliament and of the Council [2], and in particular Articles 16 and 17 thereof,

(1) Whereas, in accordance with the procedure laid down in Article 16(2) of Directive 79/112/EEC, the Italian authorities have notified the Commission of a draft law on additional provisions for the labelling of beverages in ring-pull cans;

(2) Whereas the said draft law requires the labelling of such beverages to carry an indication of the type 'clean top of can before opening and avoid drinking directly from can';

(3) Whereas, in accordance with Article 16(2) of Directive 79/112/EEC, the Commission has consulted the other Member States within the Standing Committee on Foodstuffs;

(4) Whereas the hygiene measures advocated by the Italian authorities for using this type of packaging are not in question;

(5) Whereas, however, foodstuffs labelling is often not the most appropriate way of educating consumers in food hygiene;

(6) Whereas a more appropriate measure, constituting less of an obstacle to the free movement of the beverages in question, would be information campaigns to raise the awareness of consumers; particularly young consumers, regarding hygiene precautions to be taken when using this type of can;

(7) Whereas the requirements of the notified draft law therefore appear excessive in relation to the objective in hand;

(8) Whereas this finding has prompted the Commission to deliver a negative opinion, in accordance with the second subparagraph of Article 16(2) of Directive 79/112/EEC;

(9) Whereas for the Italian authorities to impose such an obligation unilaterally would create new barriers to the free movement of foodstuffs;

(10) Whereas the Italian authorities should therefore be asked not to adopt this draft law;

(11) Whereas the measures laid down in this Decision are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DECISION:

Article 1

Italy is required not to adopt its draft law on additional provisions for the labelling of beverages in ring-pull cans.

[1] OJ L 33, 8.2.1979, p. 1.
[2] OJ L 43, 14.2.1997, p. 21.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 10 September 1999.

For the Commission
Karel VAN MIERT
Member of the Commission