



Notification Number: 2001/370/F

Draft Decree amending Decree No 88-1206 of 30 December 1988 on cheese.

Date received : 27/08/2001

End of Standstill : Closed

Message

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Message 002

Communication from the Commission - SG(2001) D/51908
Directive 98/34/EC



Translation of the message 001

Notification: 2001/370/F

(MSG: 200101908.EN)

1. Structured Information Line

MSG 002 IND 2001 0370 F EN 28-11-2001 27-08-2001 F NOTIF 28-11-2001

2. Member State

FRANCE

3. Department Responsible

Délégué interministériel aux normes

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3. Originating Department

Ministère de l'économie, des finances et de l'industrie

Direction générale de la concurrence,

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75703 PARIS CEDEX 13

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Direction des Politiques économiques internationales

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75349 PARIS 07 SP

4. Notification Number

2001/370/F - COOA

5. Title

Draft Decree amending Decree No 88-1206 of 30 December 1988 on cheese.

6. Products Concerned

Cheese.

7. Notification Under Another Act

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8. Main Content

The aim of this draft Decree is to establish new rules for the production of Emmental cheese.

The current provisions of Decree No 88-1206 of 30 December 1988 stipulate that the "Emmental" designation may only be used to denote a cheese with a characteristic hard, dry, golden yellow to light brown rind. In a Judgment of 5 December 2000 (Case Guimont C-448/98), the Court of Justice of the European Communities concluded that such a rule is unjustified and constitutes a quantitative restriction on trade (Article 28 of the



Treaty) insofar as it also applies to imported products.

The proposed draft Decree stipulates that a cheese in the shape of a round or block, including rindless cheese, may receive the Emmental designation provided that the other manufacturing conditions are met.

Given the significant difference in maturing between an Emmental with rind and a rindless Emmental, it is stipulated that the designation of cheese that is in the shape of a round and complies with the specific production and maturing conditions in accordance with common practice shall be accompanied by a supplementary informative statement. The qualifier chosen is "Affinage de tradition" ("Traditionally matured"). This is in fact sufficient to inform the consumer precisely on the difference in treatment of the cheese at the maturing stage.

The Order announced in this draft Decree that will establish the additional rules governing the manufacture, maturing, packaging, labelling and inspection of Emmental cheese will be the subject of a future notification. Naturally, a mutual recognition clause governing all cheese from the other Member States and from EFTA States will be inserted into the text of Decree No 88-1206.

9. Brief Statement of Grounds

No

10. Reference Documents - Basic Texts

Decree No 88-1206 of 30 December 1988, implementing the Consumer Code, with regard to cheese.

11. Invocation of the Emergency Procedure

No

12 . -

13. Confidentiality

No

14. Fiscal measures

No

David O'Sullivan
General Secretary
European Commission