



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.05.2000  
COM(2000)286 final

1996/0112 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 251 (2) (c) of the EC Treaty,  
on the European Parliament's amendment  
to the Council's common position regarding the  
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL**

**relating to cocoa and chocolate products intended for human consumption**

**AMENDING THE PROPOSAL OF THE COMMISSION  
pursuant to Article 250 (2) of the EC Treaty**

## **EXPLANATORY MEMORANDUM**

Article 251(2)(c) of the EC Treaty provides that the Commission is to deliver an opinion on amendments proposed by the European Parliament on the second reading.

The Commission's opinion on the amendment proposed by Parliament is set out below. Pursuant to Article 250(2) of the EC Treaty, it also appends an amended proposal incorporating Parliament's amendment, which it accepts.

### **1. Background**

(a) Aim of the proposal:

This proposal falls under the simplification of Community rules decided at the European Council held in Edinburgh in December 1992. The proposal thus seeks to simplify and replace Directive 73/241/EEC and to adapt its provisions to the Community regulations applicable to foodstuffs. It also seeks to ensure the free circulation of products by laying down rules on the addition of any vegetable fats other than cocoa butter; the Directive currently in force (73/241/EEC) provides that the Member States can authorise or prohibit the addition of vegetable fats other than cocoa butter. Currently, the use of vegetable fats is authorised in seven Member States only.

(b) Date of adoption of the proposal for the Commission Directive (COM (1995) 722 final): 17 April 1996.

(c) Date of submission to the European Parliament and the Council: 30 May 1996.

(d) Opinion of the Economic and Social Committee: 31 October 1996.

(e) Parliament delivered its first opinion on 23 October 1997.

(f) Amended Commission proposal: COM (1997) 682 final of 2 February 1998.

(g) Date of adoption of common position: 28 October 1999.

(h) Communication from the Commission concerning the common position: SEC (1999) 1912 final of 18 November 1999.

(i) On 15 March 2000, on the second reading the European Parliament adopted a resolution in favour of the common position with one amendment.

### **2. Commission opinion on Parliament's amendment**

The amendment seeks to insert a recital after the 14th recital of the common position, making provision in particular for the Commission to consider what support the Community can provide in this connection to developing countries producing cocoa and other vegetable fats.

The amendment is in line with the Commission's policy and can accordingly be accepted.