

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive amending Directive 77/436/EEC on the approximation of the laws of the Member States to coffee extracts and chicory extracts*COM(84) 138 final**(Submitted by the Commission to the Council on 20 March 1984)**(84/C 90/06)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

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 for sale to the ultimate consumer ⁽¹⁾, as amended by the Act of Accession of Greece, and in particular the second paragraph of Article 20 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Directive 79/112/EEC, in view of the first paragraph of Article 20 thereof, does not affect the provisions of Council Directive 77/436/EEC ⁽²⁾, as amended by the Act of Accession of Greece; whereas it is desirable to adapt those provisions to the rules laid down in Directive 79/112/EEC, including transitional or exempting provisions, in accordance with the second paragraph of Article 20 thereof;

Whereas, in view of technical progress and the need to improve the price-quality ratio of the products and to protect them from the risk of unfair competition from similar products manufactured in non-member countries, mainly owing to the lack of reliable

methods of analysis, and from other rival products, it is desirable to abolish any requirements as to the minimum quantity of raw coffee and the maximum content of insoluble substances used in coffee extract and to reduce the minimum dry-matter content required for coffee extract and chicory extract;

Whereas there is no need as a general rule to maintain the provisions of Directive 77/436/EEC allowing Member States to derogate from the common system introduced by that Directive except in the case of anti-caking products for the manufacture of extracts until such time as the relevant scientific knowledge has reached an acceptable level for the Community as a whole; whereas the use of such derogations by some Member States could impede the free movement of products that are legally manufactured and marketed in other Member States in conformity with the common system of the Directive;

Whereas, in order to facilitate trade, it is desirable to maintain, with amendments, the rules on the labelling of products not intended to be supplied as such to the ultimate consumer;

Whereas it is desirable, in view of developments in the industry, to provide for the existence of a concentrated product in the case of chicory extract,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/436/EEC is hereby amended as follows:

1. Article 3 (2) is deleted.
2. Article 4 (2) is deleted.

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽²⁾ OJ No L 172, 12. 7. 1977, p. 20.

3. Article 6 is replaced by the following:

Article 6

1. Council Directive 79/112/EEC ⁽¹⁾ shall apply to the products referred to in paragraphs 1 and 2 of the Annex.

2. (a) The name under which a product is sold referred to in Article 5 of Directive 79/112/EEC shall be the description applied to the products concerned pursuant to Article 5.

(b) It may be supplemented by the term "concentrated":

(i) in the case of the product referred to in paragraph 1 (c) of the Annex, provided that the coffee-based dry-matter content is more than 25 % by weight;

(ii) in the case of the product referred to in paragraph 2 (c) of the Annex, provided that the chicory-based dry-matter content is more than 45 % by weight.

3. Labelling shall bear the following particulars in addition to those specified in Article 3 of Directive 79/112/EEC:

(a) the term "decaffeinated" in the case of the products referred to in paragraph 1 of the Annex, provided that the anhydrous caffeine content of those products does not exceed 0,3 % by weight of their coffee-based dry-matter content;

(b) the words "roasted with sugars" or "preserved with sugars" in the case of the products referred to in paragraph 1 (c) of the Annex and, if a single type of sugar is used, its name;

(c) the term "sugared" in the case of the products referred to in paragraph 2 (c) of the Annex where appropriate;

(d) in the case of the products referred to in paragraph 1 (b) and (c) of the Annex, the minimum coffee-based dry-matter content expressed as a percentage by weight of the finished product;⁴

(e) in the case of the products referred to in paragraph 2 (b) and (c) of the Annex, the minimum chicory-based dry-matter content expressed as a percentage by weight of the finished product.

4. The particulars mentioned in paragraph 3 (a) and (b) shall appear in the same field of vision as those referred to in Article 11 (3) (a) of Directive 79/112/EEC.

5. The net quantity of the prepackaged products referred to in paragraphs 1 (a) and 2 (a) of the

Annex need not be indicated when that quantity is less than eight grams.

6. (a) The name under which the product referred to in paragraph 1 (c) of the Annex is sold may be supplemented by the term "concentrated" when the coffee-based dry-matter content is more than 25 % by weight.

(b) The name under which the product referred to in paragraph 2 (c) of the Annex is sold may be supplemented by the term "concentrated" when the chicory-based dry-matter content is more than 45 % by weight.

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 1.

4. The following Article 6a is inserted:

Article 6a

1. Without prejudice to the provisions in this field to be adopted by the Community, only the following particulars shall be compulsory on the labelling of products defined in the Annex that are not intended to be supplied as such to the ultimate consumer:

(a) the name under which the product is sold, in accordance with Article 6;

(b) the net quantity, expressed in units of mass (kilogram or tonne as appropriate), except in the case of products put up in bulk;

(c) the date of manufacture or an inscription enabling the batch to be identified;

(d) the name or business name and the address of the manufacturer or packer, or of a seller established within the Community.

2. By way of derogation from paragraph 1, Member States may retain national provisions which require indication of the manufacturing or packing premises in respect of their national production.

3. (a) The particulars referred to in paragraph 1 (a) and (d) shall appear on the packaging or on a label attached thereto.

(b) The particulars referred to in paragraph 1 (b) and (c) shall appear:

— either on the packaging or on a label attached thereto,

— or on the commercial documents relating to the product in question.

(c) Where the products are transported in bulk, the particulars referred to in paragraph 1 shall appear only on the commercial documents relating to the product in question.

4. The provisions of this Article shall not affect any more specific or more wide-ranging Community provisions in the field of metrology.

5. The Annex is amended in accordance with the Annex hereto.

Article 2

Member States shall take the necessary measures to comply with this Directive in such a way as to permit, by 1 July 1985, trade in products which comply with this Directive and prohibit, on 1 July 1986, trade in products which do not comply with this Directive. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

ANNEX

1. The first indent of paragraph 1 (a) is replaced by the following: 'means coffee extract, in powder, granular, flake, cube or other solid form, of which the coffee-based dry-matter content is not less than 95 % by weight'.
2. The first indent of paragraph 1 (b) is replaced by the following: 'means coffee extract, in paste form, of which the coffee-based dry-matter content is not more than 85 % and not less than 70 % weight'.
3. The first indent of paragraph 1 (c) is replaced by the following: 'means coffee extract, in liquid form, of which the coffee-based dry-matter content is not more than 55 % but greater than 15 % by weight'.
4. The first indent of paragraph 2 (a) is replaced by the following: 'means chicory extract in powder, granular, flake, cube or other solid form, the chicory-based dry-matter content of which is not less than 95 % by weight'.
5. Paragraph 2 (c) is replaced by the following:

'(c) "*liquid chicory extract*"

means chicory extract in liquid form, of which the soluble chicory-based dry-matter content is less than 55 % but greater than 25 % by weight.

This product shall not contain any substances other than those derived by extraction. It may, however, contain sugars in a proportion not exceeding 35 % by weight'.
