— The French term 'lait demi-écrémé concentré sucré' and the Dutch term 'gecondenseerde halfvolle melk met suiker' mean the product defined in Annex I point 1 (g).

— The French term 'lait demi-écrémé en poudre' and the Dutch term 'halfvolle-melkpoeder' mean the product defined in Annex I point 2 (c) with a fat content between 14 % and 16 %.

— The Portuguese term 'leite em po meio gordo' means dehydrated milk with a fat content between 13 % and 26 %.

Proposal for a European Parliament and Council Directive relating to coffee extracts and chicory extracts

(96/C 231/06)

COM(95) 722 final — 96/0117(COD)

(Submitted by the Commission on 30 May 1996)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a 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 certain vertical Directives relating to foods should be simplified in order to take account only of the essential requirements to be met by the products they cover in order that those products may move freely within the internal market, in accordance with the conclusions of the European Council held in Edinburgh on 11 and 12 December 1992, confirmed by those of the European Council in Brussels on 10 and 11 December 1993;

Whereas attention should be paid to the drafting of Community law so as to make it more accessible, in accordance with the guidelines emerging from the Council Resolution of 8 June 1993 [1];

Whereas Council Directive 77/436/EEC of 27 June 1977 on the approximation of the laws of the Member States relating to coffee extracts and chicory extracts [2], as last amended by the Act of Accession of Spain and Portugal, was justified by the fact that differences between national laws on coffee extracts and chicory extracts could result in conditions of unfair competition likely to mislead consumers, and thereby have a direct effect on the establishment and functioning of the common market;

Whereas the aforesaid Directive was consequently designed to define coffee extracts and chicory extracts, to determine which substances may be added during their manufacture, to lay down common rules concerning their packaging and labelling of such extracts and to specify the conditions under which particular designations may be used for some of these products, in order to ensure their free movement within the Community;

Whereas Directive 77/436/EEC should be brought into line with general Community legislation on foodstuffs, particularly legislation on labelling and methods of analysis;

Whereas, for the sake of clarity, that Directive should therefore be recast;

Whereas the general food-labelling rules set out in Council Directive 79/112/EEC [3], as last amended by Commission Directive 93/102/EC [4], should apply subject to certain derogations;

Whereas, pursuant to the principle of proportionality, this Directive limits itself to what is necessary in order to achieve the objectives, in accordance with the third paragraph of Article 3b thereof;

Whereas the Commission should be given the power to effect future adaptations to this Directive, acting via the consultation procedure within the Standing Committee for Foodstuffs;

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[1] OJ No C 166, 17. 6. 1993, p. 1.
[2] OJ No L 172, 12. 7. 1977, p. 20.
[3] OJ No L 33, 8. 2. 1979, p. 1.
[4] OJ No L 291, 25. 11. 1993, p. 14.

Whereas, to avoid creating new barriers to free movement, Member States should refrain from adopting more detailed rules or rules not covered by this Directive for the products in question,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

This Directive concerns coffee extracts and chicory extracts as defined in the Annex.

Article 2

Directive 79/112/EEC shall apply to the products defined in the Annex, subject to the following conditions:

1. The product names listed in the Annex shall apply only to the products referred to therein and must be used in trade to designate them.

   However, product names may be supplemented by the term 'concentrated':

   — in the case of the product defined in point 1 (c) of the Annex, provided the coffee-based dry matter content is more than 25 % by weight,

   — in the case of the product defined in point 2 (c) of the Annex, provided the chicory-based dry matter content is more than 45 % by weight.

2. The labelling must include the term 'decaffeinated' in the case of the products defined in point 1 of the Annex, provided the anhydrous caffeine content does not exceed 0,3 % by weight of the coffee-based dry matter. This term shall appear, in easily visible lettering, near the trade name.

3. In the case of the products defined in points 1 (c) and 2 (c) of the Annex, the label must include:

   — the term 'roasted with sugar' if the extract is obtained from raw material roasted with sugar,

   — the terms 'with sugar', 'preserved with sugar' or 'with added sugar' if the sugar has been added to the raw material after roasting.

   This information must be within the same field of vision as the sales description.

   Where sugars other than sucrose are used, this must be stated in place of the term 'sugar'.

4. The labelling must indicate, in the case of the products defined in points 1 (b) and (c) of the Annex, the minimum coffee-based dry matter content and, in the case of the products defined in points 2 (b) and (c) of the Annex, the minimum chicory-based dry matter content. These contents shall be expressed as a percentage by weight of the finished product.

Article 3

Member States shall refrain from adopting more detailed national provisions or provisions not covered by this Directive for the products in question.

Article 4

Any adaptations of this Directive to general Community provisions on foodstuffs and to technical progress shall be adopted in accordance with the procedure laid down in Article 5.

Article 5

The Commission shall be assisted by the Standing Committee for Foodstuffs, hereinafter referred to as 'the Committee', composed of representatives of the Member States and chaired by a representative of the Commission.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall be entitled to ask for its position to be recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 6

Directive 77/436/EEC is hereby repealed with effect from 1 January 1998.

References to the repealed Directive shall be construed as references to this Directive.

Article 7

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1998. They shall immediately inform the Commission thereof.

The provisions shall be applied so as to:

— authorize the marketing of the products defined in the Annex if they conform to the definitions and rules laid down in this Directive, with effect from 1 January 1998,

— prohibit the marketing of products which fail to conform to this Directive, with effect from 1 July 1998.

However, the marketing of products failing to comply with this Directive but labelled before 1 January 1998 in accordance with Directive 77/436/EEC shall be permitted until stocks are exhausted.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 8

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 9

This Directive is addressed to the Member States.

ANNEX

PRODUCT DESCRIPTIONS, DEFINITIONS AND CHARACTERISTICS

1. **Coffee extract**

This means the more or less concentrated product obtained by extraction from roasted coffee beans using only water as the medium of extraction and excluding any process of hydrolysis involving the addition of an acid or a base. Apart from those insoluble substances which it is technically impossible to remove, coffee extract must contain only the soluble and aromatic constituents of coffee.

The coffee-based dry matter content must be:

(a) not less than 95 % by weight in the case of dried coffee extract, soluble coffee extract, soluble coffee or instant coffee;

(b) from 70 % to 85 % by weight in the case of coffee extract paste;

(c) from 15 % to 55 % by weight in the case of liquid coffee extract.

Coffee extract in solid or paste form must contain no substances other than those derived from the extraction of coffee. Liquid coffee extract may contain edible sugars, whether or not roasted, in a proportion not exceeding 12 % by weight.

2. **Chicory extract**

This means the more or less concentrated product obtained by extraction from roasted chicory using only water as the medium of extraction and excluding any process of hydrolysis involving the addition of an acid or a base.

'Chicory' means the roots of *Cichorium Intybus L.*, not used for the production of witloof chicory, usually used for the preparation of drinks, suitable cleaned to be dried and roasted.

The chicory-based dry matter content must be:

(a) not less than 95 % by weight in the case of dried chicory extract, soluble chicory or instant chicory;

(b) from 70 % to 85 % by weight in the case of chicory extract paste;

(c) from 25 % to 55 % by weight in the case of liquid chicory extract.

Chicory extract in solid or paste form may contain not more than 1 % substances not derived from chicory.

The liquid-chicory extract may contain edible sugars, whether roasted or not, to a proportion not exceeding 35 % by weight.
