C. CALCULATION OF PERCENTAGES

The minimum contents laid down in points A (2), (3), (4), (5), (7) and (8) shall be calculated after deduction of the weight of the additives provided for in point B.

The chocolate contents of the products defined in points A (6) and (9) shall be calculated in relation to the total weight of the finished product, including its filling.

Proposal for a Council Directive relating to certain sugars intended for human consumption

(96/C 231/02)

COM(95) 722 final — 96/0113(CNS)

(Submitted by the Commission on 30 May 1996)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 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 73/437/EEC of 11 December 1973 on the approximation of the laws of the Member States concerning certain sugars intended for human consumption [2], as last amended by the Act of Accession of Spain and Portugal, was justified by the fact that differences between national laws on certain categories of sugar 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 lay down definitions and common rules on the manufacturing characteristics, packaging and labelling of the products concerned so as to ensure their free movement within the Community;

Whereas Council Directive 73/437/EEC should be recast in order to bring it into line with general Community legislation on foodstuffs, particularly legislation on labelling, colouring matter and other authorized additives, extraction solvents and methods of analysis;

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;

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,

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[1] OJ No C 166, 17. 6. 1993, p. 1.
[2] OJ No L 356, 27. 12. 1973, p. 71.
[3] OJ No L 33, 8. 2. 1979, p. 1.
[4] OJ No L 291, 25. 11. 1993, p. 14.

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to the products defined in Part A of the Annex.

This Directive shall not apply to the products defined in Part A of the Annex when they take the following forms: icing sugars, candy sugars, sugars in loaf form.

Article 2

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

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

   The product name referred to in point 2 of Part A of the Annex may also be used to designate the product referred to in point 3 thereof.

   However,

   — the products defined in Part A of the Annex may, in addition to the compulsory product name, also bear other product names commonly used in the various Member States,

   — the product names may also be used in product names made up to designate other products, in accordance with custom,

   provided that such names are not liable to mislead the consumer.

2. The labelling must indicate the net weight of products weighing more than 50 g.

3. The labelling must indicate the actual dry matter and invert sugar content of sugar solution, invert sugar solution and invert sugar syrup.

4. The labelling must include the qualifying term 'crystallized' for invert sugar syrup incorporating crystals in the solution.

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 necessary to bring this Directive into line with general Community rules on foodstuffs and adapt it 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 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 73/437/EEC is hereby repealed with effect from 1 October 1997.

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 October 1997. They shall immediately inform the Commission thereof.

The provisions shall be applied so as to:

— authorize the marketing of the products defined in Part A of the Annex if they conform to the definitions and rules laid down in this Directive, with effect from 1 October 1997,

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

However, the marketing of products which fail to conform to this Directive and labelled before 1 October 1997 in accordance with Directive 73/437/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

A. PRODUCT NAMES AND DEFINITIONS

1. **Semi-white sugar**

Purified and crystallized sucrose of sound and fair marketable quality with the following characteristics:

(a) polarization	not less than 99,5°
(b) invert sugar content	not more than 0,1 % by weight
(c) loss on drying	not more than 0,1 % by weight
(d) residual sulphur dioxide content	not more than 10 mg/kg.

2. **Sugar or white sugar**

Purified and crystallized sucrose of sound and fair marketable quality with the following characteristics:

(a) polarization	not less than 99,7°
(b) invert sugar content	not more than 0,04 % by weight
(c) loss on drying	not more than 0,1 % by weight
(d) residual sulphur dioxide content	not more than 10 mg/kg
(e) type of colour	not more than 12 points determined in accordance with Part B (a).

3. **Extra white sugar**

The product having the characteristics referred to in point 2 (a), (b), (c) and (d) and in respect of which the total number of points determined according to the provisions of Part B does not exceed 8, and not more than:

— 4 for the colour type,

— 6 for the ash content,

— 3 for the colour in solution.

4. **Sugar solution** [1]

The aqueous solution of sucrose with the following characteristics:

(a) dry matter	not less than 62 % by weight
(b) invert sugar content (ratio of fructose to dextrose: 1,0 ± 0,2)	not more than 3 % by weight of dry matter

[1] The description 'white' is reserved for:
(a) sugar solution where the colour in solution does not exceed 25 ICUMSA units determined in accordance with the method specified in Annex 2 (c);
(b) invert sugar solution and invert sugar syrup of which
— the ask content does not exceed 0,1 %,
— the colour in solution does not exceed 25 ICUMSA units determined in accordance with the method specified in Annex 2 (c).

(c) conductivity ash	not more than 0,1 % by weight of dry matter, determined in accordance with Part B (b)
(d) colour in solution	not more than 45 ICUMSA units
(e) residual sulphur dioxide content	not more than 15 mg/kg of dry matter.

5. **Invert sugar solution** (1)

The aqueous solution of sucrose partially inverted by hydrolysis, in which the proportion of invert sugar does not predominate, with the following characteristics:

(a) dry matter	not less than 62 % by weight
(b) invert sugar content ratio of fructose to dextrose 1,0 ± 0,1)	more than 3 % but not more than 50 %, by weight of dry matter
(c) conductivity ash	not more than 0,4 % by weight of dry matter, determined in accordance with Part B (b)
(d) residual sulphur dioxide content	not more than 15 mg/kg of dry matter.

6. **Invert sugar syrup** (1)

The aqueous solution, which has possibly been crystallized, of sucrose that has been partly inverted via hydrolysis, in which the invert sugar content (fructose/dextrose quotient 1,0 ± 0,1), must exceed 50 % by weight of dry matter, but which must otherwise meet the requirements laid down in points 5 (a), (c) and (d).

7. **Glucose syrup**

The purified and concentrated aqueous solution of nutritive saccharides obtained from starch, with the following characteristics:

(a) dry matter	not less than 70 % by weight
(b) dextrose equivalent	not less than 20 % by weight of dry matter and expressed as D-glucose
(c) sulphated ash	not more than 1 % by weight of dry matter
(d) total sulphur dioxide content	not more than 20 mg/kg.

8. **Dried glucose syrup**

Partially dried glucose syrup with at least 93 % by weight of dry matter, but which must otherwise meet the requirements laid down in point 7 (b), (c) and (d).

9. **Dextrose, dextrose monohydrate**

Purified and crystallized D-glucose containing one molecule of water of crystallization, with the following characteristics:

(a) dextrose (D-glucose)	not less than 99,5 % by weight of dry matter
(b) dry matter	not less than 90 % by weight
(c) sulphated ash	not more than 0,25 % by weight of dry matter
(d) total sulphur dioxide	not more than 15 mg/kg.

10. **Dextrose, anhydrous dextrose**

Purified and crystallized D-glucose not containing water of crystallization, with at least 98 % by weight of dry matter, but which must otherwise meet the requirements laid down in points 9 (a), (c) and (d).

(1) The description 'white' is reserved for:
(a) sugar solution where the colour in solution does not exceed 25 ICUMSA units determined in accordance with the method specified in Annex 2 (c);
(b) invert sugar solution and invert sugar syrup of which
— the ask content does not exceed 0,1 %,
— the colour in solution does not exceed 25 ICUMSA units determined in accordance with the method specified in Annex 2 (c).

B. METHOD OF DETERMINING THE COLOUR TYPE, ASH CONTENT AND THE COLOUR IN SOLUTION OF SUGAR (WHITE) AND OF EXTRA-WHITE SUGAR DEFINED IN PART A, POINTS (2) AND (3)

A 'point' corresponds:

(a) in the case of the colour type, to 0,5 units, calculated by the method of the Brunswick Institute for Agricultural and Sugar Industry Technology, as set out in Chapter A, paragraph (2) of the Annex to Commission Regulation (EEC) No 1265/69 of 1 July 1969 establishing methods for determining the quality of sugar bought in by intervention agencies [1];

(b) in the case of ash content, to 0,0018 % calculated by the method of the International Commission for Uniform Methods of Sugar Analysis (ICUMSA) as set out in Chapter A, paragraph (1) of the Annex to the said Regulation;

(c) in the case of the colour in solution, to 7,5 units calculated by the ICUMSA method as set out in Chapter A, paragraph (3) of the Annex to the said Regulation.

[1] OJ No L 163, 4. 7. 1969, p. 3.

Proposal for a Council Directive relating to honey

(96/C 231/03)

COM(95) 722 final — 96/0114(CNS)

(Submitted by the Commission on 30 May 1996)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 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];

[1] OJ No C 166, 17. 6. 1993, p. 1.

Whereas Council Directive 74/409/EEC of 22 July 1974 on the harmonization of the laws of the Member States relating to honey [2], as last amended by the Act of Accession of Spain and Portugal, was justified by the fact that differences between national laws on the definition of honey, the various types of honey and the characteristics required of it 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 and its subsequent admendments consequently established definitions, specified the different types of honey which could be placed on the market under appropriate names, laid down common rules on composition and determined the main labelling information so as to ensure the free movement of these products within the Community;

Whereas Directive 74/409/EEC should be recast in order to bring it into line with general Community legislation on foodstuffs, particularly legislation on labelling, contaminants and methods of analysis;

Whereas the general food-labelling rules set out in Council Directive 79/112/EEC [3], as last amended by

[2] OJ No L 221, 12. 8. 1974, p. 10.
[3] OJ No L 33, 8. 2. 1979, p. 1.