

COMMISSION OF THE EUROPEAN COMMUNITIES

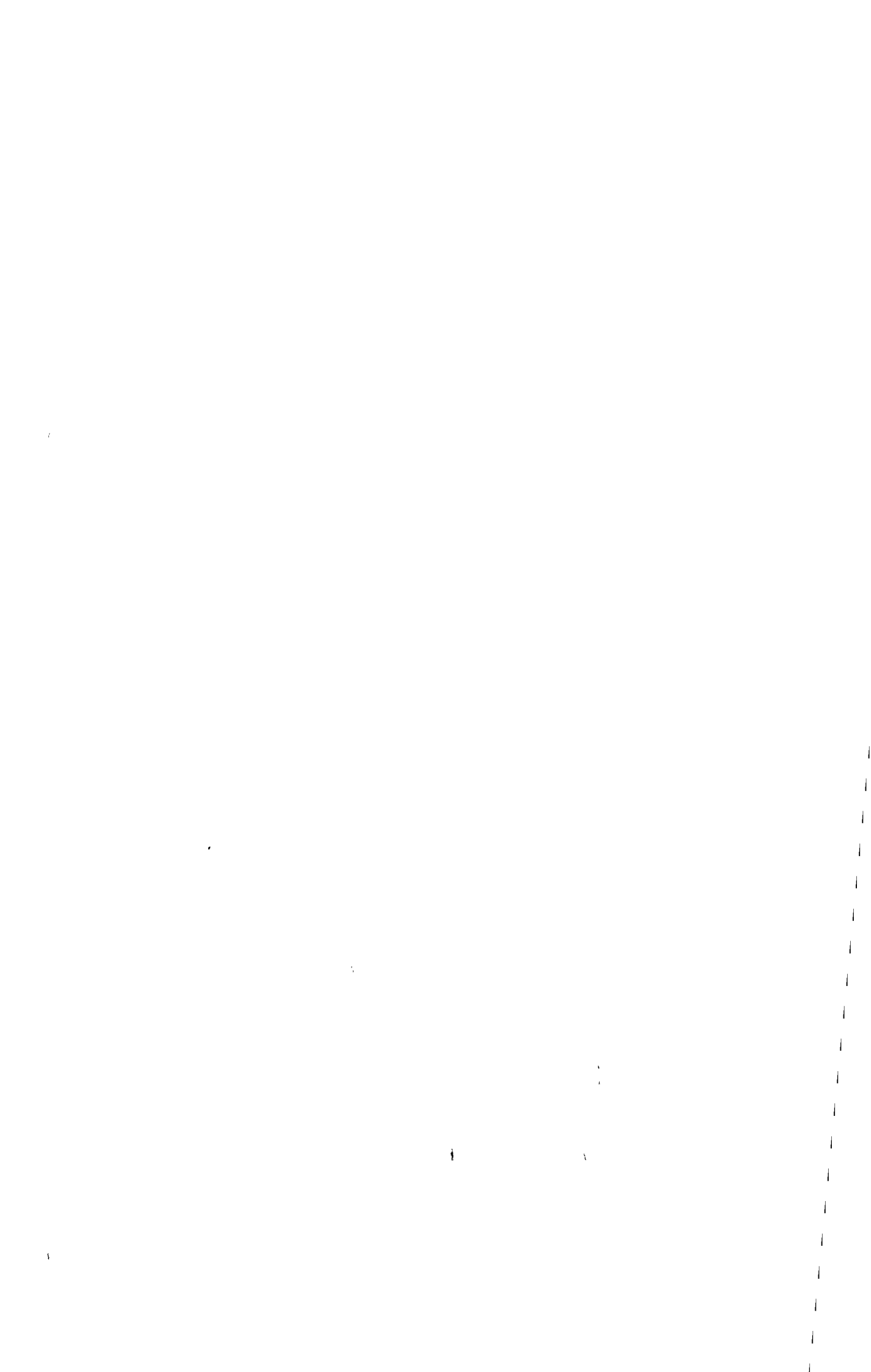
COM(76) 420 final.

Brussels, 28 July 1976.

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL

Council Directive 73/241/EEC of 24 July 1973 on the approximation
of the laws of the Member States relating to cocoa and chocolate
products intended for human consumption

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-1.

Communication from the Commission to the Council

Subject: Council Directive 73/241/EEC of 24 July 1973 on the approximation of the laws of the Member States relating to cocoa and chocolate products intended for human consumption (OJ No L 228 of 16 August 1973, p. 23)

I. Article 14(2)(a) of the above Directive states that:

"This Directive shall not affect the provisions of national laws:

(a) At present authorizing or prohibiting the addition of vegetable fats other than cocoa-butter to the chocolate products defined in Annex I. At the end of a period of three years from the notification of this Directive the Council shall decide, on a proposal from the Commission, on the possibilities and the forms of extending the use of these fats to the whole of the Community."

I.1. The United Kingdom, Denmark and Ireland already authorize their manufacturers to use these fats.

I.2. In addition, since the Directive was notified on 1 August 1973, a decision to apply this text ^{should} be taken before 1 August 1976.

II. For this reason, on 28 April last, the Commission consulted the government experts of the various Member States.

They were informed that:

.../...

II.1. Within the Commission and the Association of Sugar Products Industries of the EEC (CAOBISCO) no certain method has yet been perfected for checking qualitatively and quantitatively for the fats in question in finished products of the chocolate industry.

II.2. On the other hand, within the Association of Sugar Products Industries of the EEC (CAOBISCO), an expert group has been set up to examine the various aspects of this question, both from the scientific and from the administrative point of view. This group has made contact with the producers of fats represented by FEDIOL (EEC Seed Crushers and Oil Processors' Federation), and a work programme has been agreed jointly.

At the present time, the CAOBISCO and FEDIOL experts have adopted a method based on the use of indicators which would be introduced into the vegetable fats used in chocolate manufacture. Supplementary work is still however necessary at the laboratory stage before it will be possible to arrive at a definite conclusion on the value of this technique. These studies would last approximately 18 months: it is therefore not until the end of this period that the CAOBISCO delegations will be able to adopt a position as to the substance of the problem raised by the Article mentioned above.

II.3. A favourable orientation developed from the discussion that followed to postpone any new decision on the matter for two years.

III. On 14 June, the Advisory Committee on Foodstuffs met to discover the position of the various economic categories constituting it (agriculture, industry, trade, workers and consumers). The Committee was unanimous in giving a favourable opinion on the postponement of any decision on the matter for two years.

IV. After these considerations, and in view of the situation outlined above, the Commission does not consider it necessary for the moment to propose a decision to the Council by the date mentioned.

On the other hand, from a legal point of view, it does not seem necessary to change the time limit laid down.

Since it is not an absolute time limit. The decision may be taken after the time limit set.

A modification of the Directive therefore is not obligatory.

The Commission expects to forward to the Council at the beginning of 1978 a proposal which will settle the question of vegetable fats other than cocoa-butter in a definitive way for the whole of the Community.

