COUNCIL DIRECTIVE

of 19 December 1985

amending Directive 77/436/EEC on the approximation of the laws of the Member States relating to coffee extracts and chicory extracts

(85/573/EEC)

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 (2),

Having regard to the opinion of the European Parliament (3),

Having regard to the opinion of the Economic and Social Committee (4),

Whereas on the basis 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 third countries, 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 it is also desirable, in view of developments in the industry, to provide for the existence of a concentrated product in the case of chicory extract;

Whereas Directive 77/436/EEC (5) as amended by the Act of Accession of Greece should therefore be amended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

1. The second indent of Article 3 (2) shall be deleted.

2. Article 4 shall be replaced by the following:

'*Article 4*

Products in solid or in paste form referred to in Article 1, when put up in individual packages of a nominal weight of more than 25 g but not exceeding 10 kg, shall be offered for retail sale in packages of the following nominal weights only: 50 g, 100 g, 200 g, 250 g (for mixtures of coffee and chicory extracts only and for coffee extracts intended exclusively for use in automatic vending machines), 300 g (for coffee extracts only), 500 g, 750 g, 1 kg, 1,5 kg, 2 kg, 2,5 kg, 3 kg and multiples of a kilogram.'

3. Article 6 shall be replaced by the following:

'*Article 6*

1. Directive 79/112/EEC shall apply in accordance with the following conditions to the products defined in the Annex to this Directive where they are intended to be supplied without further processing to the ultimate consumer:

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

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

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

(2) The following particulars, in addition to those specified in Article 3 of Directive 79/112/EEC, shall be compulsory on the labelling:

(1) OJ No L 33, 8. 2. 1979, p. 1.
(2) OJ No C 90, 31. 3. 1984, p. 5.
(3) OJ No C 46, 18. 2. 1985, p. 93.
(4) OJ No C 248, 17. 9. 1984, p. 19.
(5) OJ No L 172, 12. 7. 1977, p. 20.