COUNCIL DIRECTIVE

of 13 December 1983

amending for the second time Directive 76/118/EEC on the approximation of the laws of the Member States relating to certain partly or wholly dehydrated preserved milk for human consumption

(83/635/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Whereas Directive 76/118/EEC (3), as amended by Directive 78/630/EEC (4), lays down in Article 3 (3) that five years after the date of notification of that Directive the Council, acting on a proposal from the Commission, may decide to modify or revoke paragraph 2 of that Article;

Whereas difficulties have been found in certain Member States in relation to the designation of 'sweetened condensed semi-skimmed milk' and 'semi-skimmed milk powder' which may be sold by retail; whereas it is therefore necessary to extend to those States the option provided for in Article 3 (2) of Directive 76/118/EEC, as regards retail sales of products under the above designations;

Whereas the use of the designations listed in Article 3 (2) of Directive 76/118/EEC provides useful information for the consumer and does not constitute a barrier to intra-Community trade; whereas, in consequence, it is desirable to remove the temporary character of these designations by revoking Article 3 (3) of Directive 76/118/EEC;

Whereas Article 7 (8) of Directive 76/118/EEC lays down that within three years of the notification of the Directive the Council should re-examine the derogation provided for in the last indent of paragraph 3 (a) of the said Article, relating to partly or wholly skimmed products for infants;

Whereas the labelling of preserved milk is subject to the general rules laid down in 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 (5); whereas, accordingly, the present Directive can confine itself to adopting the necessary provisions supplementing and derogating from these general rules;

Whereas the second paragraph of Article 14 of Directive 76/118/EEC lays down that, within a period of three years from notification of the Directive, the Council, acting on a proposal from the Commission and on the basis of a report from the Commission on the situation in the Member States, is to re-examine the possibility of determining indications of quality;

Whereas a survey conducted by the Commission among the Member States has demonstrated the need to lay down minimum physical, chemical and hygienic standards prior to examining the possibility of laying down quality criteria as such; whereas, in consequence, the period set in the second paragraph of Article 14 of Directive 76/118/EEC should be extended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 76/118/EEC is hereby amended as follows:

1. The following is added to Article 3 (2):

'(e) "lait demi-écrémé concentré sucré" in Belgium, France and Luxembourg and "gecondenseerde halfvolle melk met suiker" in Belgium and the Netherlands, to denote, in the case of retail sale, the product defined in point 1 (g) of the Annex;

(f) "lait demi-écrémé en poudre" in Belgium, France and Luxembourg and "halfvollemelkpoeder" in Belgium and the Netherlands, to denote, in the case of retail sale, the product defined in point 2 (c) of the Annex and containing, by weight, between 14 and 16 grams of fat per 100 grams.'

2. Article 3 (3) is deleted.

(1) OJ No C 84, 3. 4. 1982, p. 3.
(2) OJ No C 149, 14. 6. 1982, p. 116.
(3) OJ No L 24, 30. 1. 1976, p. 49.
(4) OJ No L 206, 29. 7. 1978, p. 12.
(5) OJ No L 33, 8. 2. 1979, p. 1.