# COUNCIL DIRECTIVE

**of 5 February 1979**

**amending Directive 75/726/EEC on the approximation of the laws of the Member States concerning fruit juices and certain similar products**

(79/168/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,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas Council Directive 75/726/EEC of 17 November 1975 on the approximation of the laws of the Member States concerning fruit juices and certain similar products (3) does not provide for the possibility of correcting the acid content of apple juices;

Whereas it has appeared necessary, in view of the production conditions obtaining in certain Member States, to make it possible for such Member States to authorize the addition of three grams of citric acid per litre of apple juice;

Whereas the Annex to Directive 75/726/EEC fixes the minimum natural acid content for fruit nectars;

Whereas the intrinsic analytic characteristics of some of the fruit produced in large quantities in the Community do not permit compliance with the figures that have been fixed;

Whereas, as regards the production of non-pulpy nectars, this difficulty may be overcome by lowering the bottom limit of their natural acidity;

Whereas, moreover, in the case of pulpy nectars obtained from fruits with a low acid content, it is not always possible for technical reasons to increase the acidity of the finished product by using a greater quantity of fruit; whereas the criterion of natural acidity should not therefore be applied in this case;

Whereas the second indent of the second subparagraph of Article 18 (1) of Directive 75/726/EEC obliges Member States to prohibit trade in those products which do not comply with the Directive three years after its notification;

Whereas, because of poor sales in 1977, it has not always been possible to dispose of existing stocks before the expiry of this time limit; whereas the Member States should therefore be authorized to extend the time limit in question to four years,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 75/726/EEC shall be amended as follows:

1. Article 16 (1) (g) shall be replaced by the following:

'(g) up to 3 g/l of critic acid may be added to:

— grape juice, where such addition is authorized at the time of notification of this Directive;

— apple juice;'

2. The second indent of the second subparagraph of Article 18 (1) shall read as follows:

'— prohibit trade in those products which do not comply with this Directive three years after notification. This time limit may be extended to four years by the Member States.'

3. The Annex shall be replaced by the Annex hereto.

*Article 2*

Member States shall take all necessary steps to comply with this Directive,

— with effect from 19 November 1978 as regards Article 1 (2),

— not later than 1 July 1980 as regards Article 1 (1) and (3).

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 5 February 1979.

*For the Council*

*The President*

P. MEHAIGNERIE

(1) OJ No C 261, 6. 11. 1978, p. 45.
(2) Opinion delivered on 29/30. 11. 1978 (not yet published in the Official Journal).
(3) OJ No L 311, 1. 12. 1975, p. 40.