II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 29 June 1978

amending for the fifth time Directive 73/241/EEC on the approximation of the laws of the Member States relating to cocoa and chocolate products intended for human consumption

(78/609/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 the proposal fom 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 item 1.19 of Annex I to 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 (3), as last amended by Directive 76/628/EEC (4), defines gianduja nut chocolate;

Whereas the definition of this type of chocolate given in Annex I does not provide for the use of milk in various forms; whereas this could eventually prevent further manufacture of this type of chocolate, which is, moreover, a quality product;

Whereas the product may traditionally contain a certain quantity of milk; whereas therefore a better definition should be laid down and the addition of small quantities of milk in various forms authorized,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Item 1.19 of Annex I to Directive 73/241/EEC shall be replaced by the following:

'1.19 *Gianduja (or one of the derivatives of the word "gianduja") nut chocolate*

the product obtained firstly from chocolate having a minimum total dry cocoa solids content of 32 % including a minimum dry non-fat cocoa solids content of 8 %, and secondly from finely ground hazelnuts in such quantities that 100 g of the product contain not less than 20 g and not more than 40 g of nuts.

The following may also be added:

— milk or dry matter produced by the partial or complete dehydration of whole milk or partially or fully skimmed milk in a proportion such that the finished

(1) OJ No C 108, 8. 5. 1978, p. 16.
(2) OJ No C 84, 8. 4. 1978, p. 7.
(3) OJ No L 228, 16. 8. 1973, p. 23.
(4) OJ No L 223, 16. 8. 1976, p. 1.