COUNCIL DIRECTIVE

of 27 June 1977

on the approximation of the laws of the Member States relating to coffee extracts and chicory extracts

(77/436/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 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 the provisions laid down by law, regulation or administrative action in force in certain Member States define coffee extracts and chicory extracts, determine the substances which may be added during the manufacture thereof and lay down specific rules with regard to their labelling;

Whereas the differences existing between these measures constitute a barrier to freedom of movement of coffee extracts and chicory extracts, thus obliging the undertakings engaged in the manufacture thereof in the Community to differentiate their products according to the Member State for which such products are destined; whereas they have, thereby, a direct bearing on the establishment and functioning of the common market;

Whereas for these reasons and in order to protect and inform consumers it is necessary to determine at Community level the rules which must be observed with regard to the composition of these products, the substances which may be used in the manufacture thereof, the packaging materials and the labelling thereof and to lay down the conditions on which specific designations may be used for certain of these products;

Whereas, however, it is not possible in this Directive to harmonize all those provisions applying to foodstuffs which may impede trade in coffee extracts and chicory extracts, although any obstacles that remain as a result are bound to decrease as national provisions relating to foodstuffs are increasingly harmonized;

Whereas the determination of the procedures relating to the taking of samples and to the methods of analysis necessary for checking the composition and manufacturing characteristics of these products is an implementing measure of a technical nature and the adoption thereof should be assigned to the Commission with the aim of simplifying and accelerating the procedure;

Whereas in all cases in which the Council confers on the Commission the power to enforce the rules drawn up in the field of foodstuffs, it is necessary to provide for a procedure for setting up close cooperation between the Member States and the Commission within the Standing Committee on Foodstuffs established by Decision 69/414/EEC (3),

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive concerns the coffee extracts and chicory extracts referred to in the Annex.

2. For the purposes of this Directive:

(a) coffee extracts are the products in any concentration obtained by extraction from roasted coffee using only water as the medium of extraction and excluding any process of hydrolysis involving the addition of an acid or a base and,

  (i) containing the soluble and aromatic constituents of coffee,

  (ii) which may contain insoluble oils derived from coffee, traces of other insoluble substances derived from coffee and insoluble substances not derived from coffee or from the water used for extraction;

(b) chicory extracts are the products in any concentration obtained by extraction from roasted chicory using only water as the medium of extraction and excluding any process of hydrolysis involving the addition of an acid or a base.

  For the purposes of this Directive chicory is the product in granular or powder form obtained from roots of Chicorium Intybus L., not used for the production of witloof chicory, suitably cleaned,

(1) OJ No C 83, 11. 10. 1973, p. 19.
(2) OJ No C 37, 1. 4. 1974, p. 1.
(3) OJ No L 291, 19. 11. 1969, p. 9.

dried and roasted whether or not containing small quantities of added nutrient oils or fats and/or sugars and/or molasses ; they may contain traces of insoluble substances not derived from chicory.

Article 2

1. Member States shall take all measures necessary to ensure that the products listed in the Annex may be offered for sale only if they comply with the definitions and rules laid down in this Directive and its Annex.

2. Blends of coffee extracts and chicory extracts and extracts of blends of roasted coffee and roasted chicory may be offered for sale only if :

— these products comply *mutatis mutandis* with the definitions laid down in the Annex, and

— should they be in solid or paste form, they comply with Article 4.

Article 3

1. Only raw materials which are sound, genuine and of merchantable quality may be used in the manufacture of the products referred to in the Annex.

2. Acting on a proposal from the Commission, the Council shall :

— determine the list of and criteria of purity for solvents which may be used for the decaffeination of the products referred to in paragraph 1 of the Annex, as well as the maximum levels for residues from the said solvents,

— fix the maximum level for insoluble substances for the products referred to in paragraph 1 of the Annex.

3. Member States may authorize within their territory the use of anti-caking agents :

— for the products referred to in paragraph 1 (a) of the Annex when they are used in vending machines and specifically labelled as such,

— for the products referred to in paragraph 2 (a) of the Annex.

Article 4

1. Products in solid or in paste form referred to in the Annex, 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, 500 g, 750 g, 1 kg, 1·5 kg, 2 kg, 2·5 kg, 3 kg and multiples of a kilogram.

2. Member States may, however, in their own territory :

— prohibit individual packages of a nominal weight of 250 g, provided that they permit those of a nominal weight of 300 g,

— permit individual packages of a nominal weight of 150 g for a transitional period of four years from the notification of this Directive.

Article 5

The descriptions set out in the Annex shall apply only to the products referred to therein and must be used in trade to describe those products.

Article 6

1. The only information which is compulsory on the packages, containers or labels of the products referred to in the Annex, and which must be conspicuous, clearly legible and indelible, shall be the following :

(a) the description applied exclusively to them in accordance with Article 5 ;

(b) the term 'decaffeinated' for coffee extracts, provided that the anhydrous caffeine content of the extract in question does not exceed 0·3 % by weight of its coffee-based dry matter content ;

(c) without prejudice to Community provisions on the labelling of foodstuffs, for the products referred to in the Annex, paragraph 1 (c) and paragraph 2 (c), the terms 'roasted with sugars' or 'preserved with sugars', if need be and as appropriate, on the understanding that, if a single type of sugars is used, it is referred to by name ;

(d) — for products in solid or paste form, the nominal weight expressed in kilograms or grams, save where the products referred to in paragraph 1 (a) and (b) of the Annex, weigh less than 5 g and those referred to in paragraph 2 (a) and (b) of the Annex, weigh less than 8 g,

— for liquid products, the nominal volume expressed in litres, centilitres or millilitres,

— in the case of products put up in packages consisting of two or more individual packages each containing the same nominal quantity of the same product, the nominal quantity contained in each individual package and the total number of such packages. These indications shall not, however, be compulsory where the total number of individual packages can be clearly seen and easily counted from the outside and where at least one indication of the nominal quantity contained in each individual package can be clearly seen from the outside,