

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 1123 final

Brussels, 16 July 1974

Proposal for a

COUNCIL DIRECTIVE

amending for the first time the Council Directive of  
24 July 1973 on the approximation of the laws of the  
Member States relating to cocoa and chocolate products  
intended for human consumption

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(submitted to the Council by the Commission)

COM(74) 1123 final



EXPLANATION MEMORANDUM

The first sentence of the first paragraph of Article 15 of the Council Directive (1) of 24 July 1973 on the approximation of the laws of the Member States relating to cocoa and chocolate products intended for human consumption provides that Member States shall, if necessary, within a period of one year following notification, amend their laws in accordance with the provisions of that Directive.

When the laws and regulations discharging this obligation were being drawn up in the Member States it emerged that certain rules and definitions proposed in the Directive might give rise to conflicting interpretation. For example, the French and English versions of Article 6 (1) are unclear. The definition of milk chocolate, milk chocolate with high milk content and milk chocolate vermicelli or flakes (items 1.21, 1.22 and 1.23 in the Annex) no longer correspond to the intentions of the delegations when the Directive was adopted.

The Commission intends therefore to submit as soon as possible a proposal for a Directive defining the text where required more accurately.

Until such time as the Council adopts the proposal the period laid down in Article 15 should be extended to enable Member States to take account of these adjustments when national measures are adopted.

The object of this proposal is, therefore, to extend the period until 31 December 1974.



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PROPOSAL FOR A COUNCIL DIRECTIVE

amending for the first time the Council Directive of  
24 July 1973 on the approximation of the laws of the  
Member States relating to cocoa and chocolate products  
intended for human consumption.

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;

Whereas the first sentence of the first paragraph of Article 15 of the Council  
Directive (1) of 24 July 1973 on the approximation of the laws of the Member  
States relating to cocoa and chocolate products intended for human consumption  
provides that Member States shall, if necessary, within a period of one year  
following notification amend their laws in accordance with the provisions of  
that Directive;

Whereas it appears that the present wording of certain provisions of the  
Directive concerned may give rise to conflicting interpretation and that they  
should therefore be defined more accurately;

Whereas the Commission has stated that it is about to submit a proposal amending  
the wording of the Directive but that it will not be possible to make such  
amendment before the expiry of the abovementioned period;

Whereas Member States should therefore be enabled, by the extension of that  
period, to take account of the adjustments made when giving effect to the  
Directive in their national laws;

Whereas, however, there is no need to alter the period of two years laid down  
in the second sentence of the first paragraph of Article 15 of the Council  
Directive of 23 July 1973,

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HAS ADOPTED THIS DIRECTIVE :

Article 1

The first paragraph of Article 15 of the Council Directive of 24 July 1973 is hereby amended to read as follows :

"Member States shall, if necessary, before 1 January 1975, amend their laws in accordance with the provisions of this Directive and shall forthwith inform the Commission thereof. The laws thus amended shall apply to products offered for sale in the Member States two years after the notification of this Directive".

Article 2

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The President