

EUROPEAN PARLIAMENT

# Working Documents

1972 - 1973

16 JANUARY 1973

DOCUMENT 216/72

## Report

drawn up on behalf of the  
Committee on Social Affairs and Health Protection  
on the amendments proposed by the Commission of  
the European Communities to the proposal for a  
Council directive on the approximation of Member  
States' legislation on cocoa and chocolate  
products intended for human consumption

Rapporteur : Mr Marcel Albert VANDEWIELE

PE 31.106/fin.



By letter of 19 April 1972 the Committee on Social Affairs and Health Protection requested authorization to draw up a report on the draft Council directive of 22 July 1971 (R/1425/1/71) on the approximation of Member States' legislation on cocoa and chocolate products intended for human consumption and the Commission's proposals of 2 March 1972 (COM (72)227 fin.) in respect of the same draft directive.

Authorization was given by the President of the European Parliament in his letter of 2 October 1972.

The Committee on Social Affairs and Health Protection appointed Mr Vandewiele rapporteur on 12 April 1972.

It examined the draft report at its meetings of 12 April, 15 September and 30 October 1972 and unanimously adopted the motion for a resolution and the explanatory statement.

The following were present: Miss Lulling, Deputy Chairman; Mr Durand, Deputy Chairman; Mr Vandewiele, Rapporteur; Mr Berthoin; Mr Van der Gun; Mr Koning; Mr Laudrin; Mr Liogier; Mr Martens; Mr Pêtre; Mr Pianta; Mr Richarts (deputizing for Mr Mitterdorfer); Mr Schwabe and Mr Vermeylen.



The Committee on Social Affairs and Health Protection hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the amendments proposed by the Commission to the proposal for a Council directive on the approximation of Member States' legislation on cocoa and chocolate products intended for human consumption

The European Parliament,

- having regard to the amended proposals from the Commission of the European Communities to the Council<sup>1</sup>,
  - having regard to the report of the Committee on Social Affairs and Health Protection (Doc. 216/72),
1. Refers to its resolution of 18 June 1964<sup>2</sup> - the reasons for which still hold good - on the original Commission proposals for directives on the approximation of the laws of the Member States on cocoa and chocolate products;
  2. Finds it regrettable that the Commission took but little note of the amendments contained in the resolution referred to and did not submit suitably amended proposals to the Council, in accordance with Article 149 (2) of the EEC Treaty;
  3. Considers that after years of efforts by Community bodies to approximate the laws on foodstuffs, the special wishes of the acceding States can only be taken into account if the vital interests of their peoples are involved;
  4. Definitely opposes the intention of the Council, which is in any case unable to fulfil its commitments regarding Community legislation on schedule, to reserve for itself the right to enact implementing measures in the foodstuffs sphere (e.g. in establishing permitted solvents and in working out purity criteria) and considers that the responsibility for these implementing measures should be transferred to the Commission;

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<sup>1</sup>Council Doc. 1425/1/71, 22 July 1971, and COM (72) 227/fin., 2 March 1972

<sup>2</sup>OJ 109, 9 July 1964, p. 1703/64

5. Requests the Commission, bearing in mind its earlier demands, to lay down a Community directive on solvents that may be used for the extraction of cocoa butter as soon as possible;
6. Continues to uphold the principle that the essential details on the packing or labelling of foodstuffs must be in a language that the consumer understands and therefore calls on the Commission and Council to make Article 7 (3) of the planned directive binding;
7. Reiterates its earlier request that details about composition and manufacturing characteristics over and above the obligatory details given on the packing of cocoa and chocolate products should only be allowed if they are manifestly true and do not give those without special knowledge any false ideas about the quality of the product concerned;
8. Continues to consider it essential for the analytical procedure to be worked out well enough in time to come into application directly the planned directive comes into force;
9. Stresses that the Member States should only allow the sale of unpacked chocolate provided that the requirements of hygiene are complied with and therefore calls on the Commission and Council to add an appropriate condition to the directive;
10. Again, asks that products intended for export which do not come within the scope of the directive should be described differently so as to facilitate control over observation of the directive;
11. Requests the Commission to embody the following amendments in its proposals, in accordance with Article 149 (2) of the EEC Treaty;
12. Requests its President to forward this resolution and the report of its committee to the Commission and Council of the European Communities.

Council directive of ..... on the  
approximation of Member States' legislation  
on cocoa and chocolate products<sup>1</sup> in conjunction  
with the Commission's proposals for amendments  
to this directive<sup>2</sup>

Introduction, recitals and Articles 1 to 4 unchanged

Article 5

The official version of this text is  
unavailable.

Article 5

1. Within a maximum period of four  
years, the Commission shall lay down:

(a) unchanged

(b) unchanged

2. unchanged

3. unchanged

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<sup>1</sup> For full text see Council Doc. R/1425/1/71 of 22 July 1971

<sup>2</sup> For full text see Doc. COM(72) 227/fin. of 2 March 1972

The official English version of this text is unavailable.

Unchanged

#### Article 6

Chocolate, gianduja nut chocolate, milk chocolate, gianduja nut milk chocolate, white chocolate and filled chocolate when put up for sale in the form of tablets or bars with an individual net weight of between 75 g and 500 g shall be sold only in the following individual weights: 100 g, 125 g, 150 g, 200 g, 250 g, 300 g, 400 g, 500 g.

#### Article 7

1. unchanged
  - (a) unchanged
  - (b) unchanged
  - (c) unchanged
  - (d) unchanged
  - (e) the net weight, except where the products are of a weight less than 50 g; this exception shall not apply to products having a weight of less than 50 g per unit which are offered in a general package the total net weight of which is equal to or more than 50 g; this statement may be replaced by that of the *minimum* weight in the case of *hollow* moulds;



The official English version of this text is unavailable.

(f) unchanged

2. unchanged

3. The Member States shall refrain from specifying how the descriptions laid down in paragraph 1 shall be given. The Member States must, however, prohibit the circulation on their territory of the products defined in the Annex if the descriptions laid down in paragraphs 1(a), (b), (c) and (d) are not given in the language or languages of the country on one of the main surfaces of the packing or container.

Articles 8 to 10 unchanged

#### Article 11

The following shall be determined according to the procedure laid down in Article 12 not later than when this directive comes into force:

(a) unchanged

(b) unchanged

The official English version of this text is unavailable.

Article 12

1. unchanged

2. unchanged

3. (a) The Commission shall decide on measures, which shall be put into effect forthwith.
- (b) If however they are not in line with the opinion of the committee, they shall be immediately notified to the Council by the Commission. In this case the Commission may defer the application of the measures it has decided upon for up to one month after notification.
- (c) The Council may take an alternative decision within one month by a qualified majority.

Article 13

deleted

The official English version of this text is unavailable.

Article 14

1. unchanged

2. This directive shall not prejudice the provisions of national laws which

(a) deleted

(b) unchanged

(c) unchanged

3. The Member States shall allow the sale of unpacked chocolate in the retail trade only on condition that the requirements of hygiene are complied with.

4. This directive shall not apply to the products listed in Number 1 of the annex and intended for export from the Community if they bear different distinguishing marks.

Articles 15 to 17 unchanged

Annexes I and II unchanged

