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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3827/85

of 20 December 1985

adapting on account of the accession of Portugal and Spain, Regulations (EEC) No 797/85, (EEC) No 355/77, (EEC) No 1360/78 and (EEC) No 458/80 on agricultural structures

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal and in particular Articles 253, 258 (2), 263 (2) and 396 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Articles 253 and 263 of the Act of Accession provide for the application, from the date of accession, of Community rules in the socio-structural field including those relating to producers' associations, of the most favourable specific provisions existing at the date, in horizontal Community rules, to the least-favoured areas of the Community; whereas the said provisions should therefore be extended to the advantage of Portugal;

Whereas the Joint Declaration on the application in Spain of Community socio-structural measures in the wine sector and provisions enabling the origin to be determined and the commercial movements of Spanish wines to be followed requires that Council Regulation (EEC) No 458/80 of 18 February 1980 on collective projects for the restructuring of vineyards⁽¹⁾ as last amended by Regulation (EEC) No 1598/83⁽²⁾, should be applied to Spain under the same conditions as those laid down for the present Member States and, accordingly, that the estimated cost appearing in Article 9 of that Regulation should be adjusted; whereas, moreover, in order to make the latter Regulation applicable in Spain the areas which are specified in Article 8 (1) thereof should be adjusted;

Whereas certain transitional provisions are required in order to ensure that the Community's rules in the socio-structural field are applied from the date of accession and in order to fix the deadline by which the Kingdom of Spain and the Portuguese Republic must comply with those rules;

Whereas in order to apply the said rules in Spain and Portugal the estimated cost which at present appears therein should be adjusted;

Whereas pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Community may adopt, before accession, the measures referred to in Articles 253, 258, 263 and 396 of the Act of Accession, subject to and on the date of entry into force of that Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽³⁾ is hereby amended as follows:

1. The second subparagraph of Article 2 (1) (d) shall be replaced by the following:

However, in the less-favoured areas determined in accordance with Articles 2 and 3 of Directive 75/268/EEC, the Hellenic Republic, the Italian Republic, as regards the Mezzogiorno, including the islands, and the whole territory of the Portuguese Republic shall be authorized to accept plans for improving holdings submitted during the first three years of duration of this common measure and, in the case of the Portuguese Republic, submitted during the first three years following the entry into force of the provisions implementing the measures provided for in Title I in Portugal, by holdings which do not satisfy the conditions laid down in this point, provided that the volume of work on the holding does not require more than the equivalent of one MWU and that the projected investments do not exceed 25 000 ECU.

2. The following sentence shall be added to the last subparagraph of Article 4 (2):

'In the case of Portugal the period referred to above shall begin on the date of entry into force of the provisions implementing the measures specified in Title I in Portugal.'

⁽¹⁾ OJ No L 57, 29. 2. 1980, p. 27.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 53.

⁽³⁾ OJ No L 93, 30. 3. 1985, p. 1.

3. The last subparagraph of Article 14 (1) shall be replaced by the following:

'However, in the Mezzogiorno, including the islands, in the French overseas departments and in the Greek and Portuguese regions, the minimum usable agricultural area per holding shall be two hectares.'

4. In Article 23 (3), '1 988 million ECU' shall be replaced by '2 242 million ECU'.

5. The first subparagraph of Article 26 (2) shall be replaced by the following:

'2. The Fund shall reimburse 25 % of the eligible expenditure on the measures provided for in Articles 3 to 7 and 13 to 17 and 20 to Member States. The rate shall be increased to:

— 50 % for the investment aids referred to in Articles 3 and 4 in the less-favoured areas of the West of Ireland, Greece and Mezzogiorno region of Italy, including the islands, and in the whole territory of Portugal,

— 50 % in the case of the special aids provided for in Article 7 for farmers under 40 years of age,

— 50 % in the case of the compensatory allowance provided for in Article 14 and concerning Greece, Ireland, Italy, Portugal and the French overseas departments,

— 50 % in the case of the aids referred to in Article 17 and concerning the French overseas departments, Greek, Italian and Portuguese regions within the meaning of Article 13 (1).'

6. Article 32 shall be replaced by the following:

Article 32

1. Member States shall, within six months of the date of its entry into force and, in the case of the Kingdom of Spain and the Portuguese Republic, within a period of two years from the date of their accession, bring into force the measures necessary to comply with this Regulation.

At the same time, they shall provide effective means of control over those elements which are used to calculate the aid eligible under the Fund.

2. However, the prohibitions and restrictions laid down in Articles 3 and 8 (4) shall apply to applications made after the entry into force of this Regulation and, in the case of the Kingdom of Spain and the Portuguese Republic from the date of the implementation of Title I but not later than six months after accession.'

Article 2

Council Regulation (EEC) No 355/77 of 15 February 1977 on common measures to improve the conditions under which agricultural and fishery products are processed and marketed ⁽¹⁾, as last amended by Regulation (EEC) No 1247/85 ⁽²⁾, is hereby amended as follows:

1. Article 12 (1) shall be replaced by the following:

'By way of derogation from Article 10 (a), until 31 December 1980 and until 31 December 1981 in the case of Greece and, for Portugal and Spain, until 31 December 1986 in the case of fishery products and until 31 December 1987 in the case of agricultural products, projects relating to sectors and geographical areas for which programmes have not yet been approved may receive aid from the Fund.'

2. Article 13 (2) shall be supplemented by the following:

'However, in the case of Portugal and Spain, the Commission shall take decisions during the first half of 1986 on applications for aid submitted by those Member States by 1 February 1986.'

3. Article 17 shall be replaced by the following:

Article 17

1. Aid from the Fund shall consist of capital grants paid in a lump sum or instalments.

2. For each project, in relation to the investment made:

(a) the financial contribution of the beneficiary must be not less than 50 %; however, this shall be reduced to:

— 35 % in the case of projects carried out in Languedoc-Roussillon and the departments of Vaucluse, Bouches-du-Rhône, Var, Ardèche and Drôme,

— 25 % in the case of projects carried out in the Mezzogiorno, the less-favoured areas of the West of Ireland, in all regions of the Hellenic Republic, with the exception of Greater Athens, in Portugal, and in the French overseas departments.

Moreover the Commission may, if this is justified by the situation on the currency market in one of the Member States, authorize that Member State to reduce the beneficiary's financial contribution from 50 % to 45 % in accordance with the procedure laid down in Article 22;

⁽¹⁾ OJ No L 51, 23. 2. 1977, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1985, p. 1.

(b) the financial contribution of the Member State on the territory of which the project is to be carried out must be not less than 5 %;

(c) the aid granted by the Fund shall not exceed:

- 50 % for projects carried out in the Mezzogiorno, in the less-favoured areas of the West of Ireland, in all regions of the Hellenic Republic, with the exception of Greater Athens, in Portugal, and in the French overseas departments,
- 35 % for projects carried out in Languedoc-Roussillon, in the departments of Vaucluse, Bouches-du-Rhône, Var, Ardèche and Drôme,
- 25 % in all other regions; however, the Commission may, in accordance with the procedure laid down in Article 22, increase this to a maximum of 30 % in the case of projects referred to in Article 11 (c).

3. Where aid is granted by the Fund for the purchase of harvesting equipment under Article 6 (f), the percentages referred to in paragraph 2 shall be determined in accordance with the following:

(a) the financial contribution of the beneficiary must be not less than 80 % and, in the case of Greece, Italy, Ireland and Portugal, for projects submitted prior to 31 December 1986, must be not less than 70 %.

However, the percentage applicable shall be reduced to:

- 70 % and, in the case of projects submitted before 31 December 1986, 60 % in the case of projects carried out in the Mezzogiorno, in the less-favoured areas of the West of Ireland, and in all regions of the Hellenic Republic, with the exception of Greater Athens, and in Portugal,
- 70 % in the case of projects carried out in the French overseas departments, in Languedoc-Roussillon and in the departments of Vaucluse, Bouches-du-Rhône, Var, Ardèche and Drôme;

(b) the aid granted by the Fund shall not exceed:

- 20 % and, in the case of projects submitted before 31 December 1986, 30 % in the case of projects carried out in the Mezzogiorno in the less-favoured areas of the West of Ireland, in all regions of the Hellenic Republic, with the exception of Greater Athens, and in Portugal,
- 20 % in the case of projects carried out in the French overseas departments, in Languedoc-Roussillon and in the departments of Vaucluse, Bouches-du-Rhône, Var, Ardèche and Drôme,
- 10 % in the case of other regions and 20 % in the case of projects submitted before 31 December 1986 in the other regions of Greece, Ireland and Italy.

4. In the last subparagraph of Article 16 (3), '1 343 million ECU' shall be replaced by '1 642 million ECU'.

Article 3

Council Regulation (EEC) No 1360/78 of 19 June 1978 on producer groups and associations thereof⁽¹⁾, as last amended by Regulation (EEC) No 2086/81⁽²⁾, is hereby amended as follows:

1. Article 2 shall be supplemented by the following indent:

‘— the whole of Portugal.’

2. In Article 3 (1) the introductory phrase shall be replaced by the following:

‘1. In the case of Italy, Greece and Portugal, this Regulation shall apply to the following products provided that such products are produced in those countries:’

3. In the second indent of Article 11 (2), the first sub-indent shall be replaced by the following:

‘— in existence for more than three years on the date of entry into force of this Regulation and, in the case of Greece and Portugal, on the day of accession.’

4. In Article 19 the following shall be added to the second indent:

‘and in the case of Portugal before 31 March 1987.’

Article 4

Regulation (EEC) No 458/80 shall be amended as follows:

1. In the first subparagraph of Article 8 (1), '240 600 hectares' and '45 800 hectares' shall be replaced by '274 600 hectares' and '53 000 hectares' respectively.

2. The second subparagraph of Article 8 (1) shall be supplemented by the following:

‘Spain 7 200 hectares’.

3. In Article 9 (2), '188,9 million ECU' shall be replaced by '215,4 million ECU'.

Article 5

This Regulation shall enter into force on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

⁽¹⁾ OJ No L 166, 23. 6. 1978, p. 1.

⁽²⁾ OJ No L 310, 30. 10. 1981, p. 3.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

COUNCIL REGULATION (EEC) No 3828/85

of 20 December 1985

on a specific programme for the development of Portuguese agriculture

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 253, 258 (2) and 263 (2) thereof and Protocol No 24 annexed thereto,

Having regard to the proposal from the Commission,

Whereas Protocol No 24 to the Act of Accession provides for the implementation, as from the date of accession and in accordance with the objectives of the common agricultural policy, of joint action in the form of a specific programme for the development of agricultural structures which meets the particular needs and special situation of Portuguese agriculture;

Whereas the objective of the said joint action must be a substantial improvement both in production and marketing conditions and in the general structural situation of the agricultural sector; whereas the achievement of this objective will require special Community efforts in addition to the Community measures taken in the socio-structural field, over a period of 10 years;

Whereas the establishment of an effective advisory service in agriculture and an improvement in the standard of training of farmers are absolutely essential to an improvement in the structural situation of Portuguese agriculture; whereas implementation of the relevant measures also requires an improvement in facilities for agricultural training and research;

Whereas specific measures to improve the efficiency of agricultural structures complementary to those provided for in Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures⁽¹⁾ and relating in particular to the improvement of livestock, including certain animal health protection measures, the production of seed of a certified quality and the restructuring of olive growing can contribute to a better use of available agricultural resources;

Whereas an improvement of land ownership structures constitutes a prerequisite for an improvement of agricultural structures; whereas measures to promote the consolidation of holdings which have been split up and the enlargement of those which are not currently viable and measures to improve the soil are therefore necessary;

Whereas, in the same context, measures should be taken to correct the imbalance in the age pyramid of the agricultural population by encouraging elderly farmers to retire;

Whereas the improvement of the water supply situation entailing collective irrigation operations, the establishment of small irrigation networks and drainage operations is an important prerequisite for the improvement of agricultural structures;

Whereas an improvement of infrastructures which are currently inadequate, particularly as regards public services such as electricity, drinking water, farm tracks and roads, is required;

Whereas special efforts will have to be made to improve the marketing and processing of agricultural products;

Whereas, owing to the existence of agricultural land affected by erosion, soil and water conservation measures are of particularly great importance and whereas afforestation, the improvement of deteriorated woodlands and measures to protect and ensure the existence of woodlands constitute appropriate methods of protecting agricultural land;

Whereas the planned measures must be implemented in the framework of one or more programmes tailored to the specific requirements of the various areas of Portugal;

Whereas, it is the duty of the Commission, after seeking the opinion of the Standing Committee on Agricultural Structure, to decide whether to approve these programmes and to determine the nature and scale of Community involvement therein;

Whereas it follows from the foregoing that the measures referred to above constitute a common measure within the meaning of Article 6 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽²⁾, as last amended by Regulation (EEC) No 870/85⁽³⁾,

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽²⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽³⁾ OJ No L 95, 2. 4. 1985, p. 1.

HAS ADOPTED THIS REGULATION:

TITLE I

Definition, adoption and implementation of the programme

Article 1

1. With a view to assisting the development of agriculture in the various regions of Portugal, a common measure within the meaning of Article 6 (1) of Regulation (EEC) No 729/70, to be implemented by the Portuguese Republic, is hereby introduced in order to bring about a significant structural improvement in the country's agriculture and in the agricultural production potential of its various regions, while at the same time ensuring the permanent conservation of the natural resources of agriculture.

2. The Community may, in accordance with Articles 2 to 21, make a contribution towards the common measure by financing, via the European Agricultural Guidance and Guarantee Fund, Guidance Section, hereinafter referred to as 'the Fund', measures designed in particular to:

- (a) develop advisory and vocational training services and improve facilities for vocational training in agriculture, including research;
- (b) improve the efficiency of production structures, including animal health protection;
- (c) improve the structural situation with regard to land ownership, in particular by way of measures to encourage the cessation of farming;
- (d) bring about physical improvements, e.g. by way of
 - collective irrigation schemes, including the renewal of collective irrigation networks,
 - the installation of drainage networks,
 - the development of infrastructure which has a direct link with farming;
- (e) achieve land improvement and changes in the types of production;
- (f) increase the market value of agricultural products;
- (g) permit forestry improvement.

Article 2

1. The measures referred to in Article 1 shall be implemented as one or more specific programmes, covering one or more of those measures and one or more geographical areas, to be specified by the Portuguese Government or by other authorities designated for that purpose.

2. The Portuguese Republic shall keep the Commission informed of progress made in preparing the specific programme or programmes.

3. The Commission shall provide the Portuguese Republic, if the latter so wishes, with the necessary technical assistance at whatever level is felt to be appropriate. The nature of the aid and the detailed arrangements for providing it shall be decided jointly by the Portuguese Republic and the Commission. Such aid may also comprise a contribution from the Fund towards the conduct of the studies required for the implementation of this common measure.

Article 3

Depending on the type of measure to be carried out, the specific programmes referred to in Article 2 shall, in order to qualify for aid from the Fund under this Regulation, include the following:

- a definition of the geographical area concerned,
- a description of the structural situation of the area and the socio-economic objectives to be attained,
- a description of the measure or measures to be carried out, taking into account the situation and resources of the area and the changes which they might undergo and the need to ensure consistency with the regional development programmes defined in Council Regulation (EEC) No 1787/84 of 19 June 1984 on the European Regional Development Fund ⁽¹⁾,
- a description of the aid measures adopted and the conditions applicable to their grant,
- the legislation, regulations and administrative provisions which have been adopted or which have yet to be adopted in order to implement the measures concerned,
- the estimated annual budget cost of the measures,
- the estimated number of hectares and/or agricultural holdings concerned,
- a description and schedule of the works to be carried out,
- an assurance that the measures proposed are in keeping with environmental protection requirements,
- any other information which the Commission feels is required for the purposes of approving the programmes.

Article 4

1. The Commission shall scrutinize the specific programmes with a view to determining:

- whether they comply with the provisions of this Regulation,

⁽¹⁾ OJ No L 169, 28. 6. 1984, p. 1.

- which measures are eligible for financial assistance from the Fund,
- the maximum limits or unit levels of expenditure to which aid from the Fund is subject,
- the physical limits applicable in the case of certain measures,
- the size of the Fund's contribution.

2. The Commission shall take a decision on whether to approve the programmes and the particulars referred to in paragraph 1 in accordance with the procedure laid down in Article 25 of Regulation (EEC) No 797/85.

TITLE II

Agricultural advisory and training services and research

Article 5

Measures to develop agricultural advisory services, as referred to in Article 1 (2) (a), shall include:

- (a) the creation and operation of training centres for agricultural advisers;
- (b) specialized training of instructors;
- (c) training of agricultural advisers, including supplementary training for advisers already in employment;
- (c) employment of the advisers.

Article 6

1. Actual expenditure incurred by the Portuguese Republic in implementing the measures referred to in Article 5 shall be reimbursed at a maximum rate of 75 %.

Actual expenditure incurred by the Portuguese Republic in implementing agricultural advisory schemes as part of the pre-accession programme shall, in so far as it does not already qualify for reimbursement under that programme, and subject to the limits laid down in this Article, be reimbursed by the Fund.

2. In the case of expenditure incurred in paying newly employed agricultural advisers whose salaries are paid directly or indirectly by the public authorities, the Community's contribution shall be paid in respect of six years of employment of an adviser.

The amount reimbursed per adviser shall be reduced in stages by applying the following coefficients: 1,25, 1,15, 1,05, 0,95, 0,85 and 0,75 in respect of the first, second, third, fourth, fifth and sixth years respectively.

Article 7

1. The measures designed to develop vocational training in agriculture which are referred to in Article 1 (2) (a) shall be implemented by reinforcing the

application of the measures referred to in Article 21 of Regulation (EEC) No 797/85, with the exception of the measure provided for in paragraph 2 (c) of that Article.

2. The measures referred to in paragraph 1 shall, under this Regulation, be eligible for a financial contribution of 50 %.

Article 8

1. The measures designed to improve the facilities used for vocational training in agriculture which are referred to in Article 1 (2) (a) shall be implemented by:

- building and equipping training centres aimed in particular at providing training courses as defined in Article 21 of Regulation (EEC) No 797/85,
- building and equipping an agricultural research station and a number of experimental centres and providing equipment for centres of this type which already exist, the task of which will be to:
 - carry out a detailed and permanent investigation into the problems faced by the Portuguese agricultural population,
 - conduct pilot feasibility studies in order to test, perfect, adapt and obtain information on production methods,
 - assess the economic effectiveness of the measures provided for in the programmes referred to in Article 2,
- developing and equipping model farms in order to show farmers what the various production systems, methods and techniques can actually achieve.

2. Costs incurred by the Portuguese Republic in implementing the measures referred to in the first and second indents of paragraph 1 shall be reimbursed by the Fund up to a maximum of 75 %.

Subject to the limit specified above, the Fund's contribution may be in the form of direct aid in accordance with Article 25.

3. Expenditure incurred by the Portuguese Republic in implementing the measure referred to in the third indent of paragraph 1 shall be reimbursed by the Fund up to a maximum of 50 %.

TITLE III

Improving the efficiency of agricultural structures

Article 9

The measures to improve the efficiency of agricultural structures which are referred to in Article 1 (2) (b) may include:

- (a) specific measures for the development of cattle, sheep and goat farming, including measures to protect animal health;

- (b) specific measures for restructuring olive growing;
- (c) specific measures for producing and checking seeds of certified quality;
- (d) specific measures for the autonomous region of Madeira.

Article 10

1. Specific measures for the development of stockfarming shall include:

- in the case of cattle farming:
 - stepping up performance testing of bulls in order to make an initial selection of any bulls whose characteristics meet the requirements of efficient production,
 - stepping up progeny testing of bulls in order to make a final selection of bulls which are felt to be of satisfactory genetic value and which will improve the quality of cattle production,
 - aids to encourage the use of artificial insemination,
- in the case of cattle, sheep and goat farming:
 - aids for the purchase of male breeding animals of approved quality, provided that the conditions required for their economic use exist and, in the case of cattle farming, provided that they are of indigenous breeds,
 - launching aids granted to livestock health protection groups to help cover their operating costs during the first five years after they have been formed, including their initial equipment costs,
 - the purchase of the equipment required for the operation of regional information and analysis centres.

2. Expenditure incurred by the Portuguese Republic in implementing the measures referred to in paragraph 1 shall be reimbursed by the Fund up to a limit of 75 %.

In the case of the measure referred to in the last indent of paragraph 1 the Fund's contribution may, subject to the limits specified above, be in the form of direct aid in accordance with Article 25.

Article 11

1. Specific measures for restructuring olive growing shall include:

- the restructuring, including renewal, of groves which produce olives for oil production, as a result of which total production should not exceed the quantities likely to be produced on areas planted with olive trees actually in production at 1 January 1984,

- converting groves which produce olives for oil production to other orchard or perennial crops.

The said measures may include:

- a premium per hectare, designed to contribute towards covering the cost of the necessary work,
- a special allowance which will be reduced in stages and which will be granted to farmers for up to five years to offset losses in income following the restructuring or replanting of their olive groves.

2. The expenditure incurred by the Portuguese Republic in implementing the measures referred to in paragraph 1 shall be reimbursed by the Fund up to a limit of 50 %.

Article 12

1. Special measures concerning the production and checking of quality seeds may include investment aid to assist:

- the setting up and development of approved undertakings for the production and multiplication of cereal and fodder-plant seeds of certified quality,
- the purchase of seed-testing equipment.

2. Expenditure incurred by the Portuguese Republic in implementing the measures referred to in paragraph 1 shall be reimbursed by the Fund up to a limit of 50 %.

Article 13

1. Special measures for the autonomous region of Madeira shall be concerned with a switch from banana crops to the growing of exotic flowers and subtropical fruit. They shall consist of a premium per hectare, designed to contribute towards covering the cost of the necessary work.

2. Expenditure incurred by the Portuguese Republic in implementing the measures referred to in paragraph 1 shall be reimbursed by the Fund up to a limit of 50 %.

TITLE IV

Improvement of the structure of land ownership

Article 14

Structural improvement measures may include:

- land consolidation,
- measures to encourage the cessation of farming.

Article 15

1. The Fund's financial contribution to land consolidation operations shall cover the financing of projects involving related works, such as levelling improvement of embankments and ditches, farm roads and other land-improvement works necessitated by the consolidation.

2. A contribution shall be made by the Fund only if the land consolidation scheme:

- reduces the number of parcels in the holdings concerned; as a rule, such reduction must produce a consolidation ratio of at least 3 : 1,
- contributes to a lasting structural improvement of the agricultural holdings,
- obliges the beneficiaries not to split up their holdings again in future.

3. Expenditure incurred by the Portuguese Republic in carrying out the work referred to in paragraph 1 shall be reimbursed by the Fund up to a limit of 75 %.

The Fund's contribution may, subject to the limits specified above, be in the form of a direct grant in accordance with Article 25.

Article 16

1. The measure to encourage the cessation of farming shall include:

(a) the granting of an annuity for up to 10 years to farmers aged between 55 and 65 who practise farming as their main occupation within the meaning of Article 2 (5) of Regulation (EEC) No 797/85 and who cease work in agriculture, provided the following conditions are met:

- either the area of agricultural land released must be assigned to one or more agricultural holdings run by farmers practising farming as their main occupation, or
- the person installed on the abandoned holding as a farmer practising farming as his main occupation must be a relative in the descending line up to and including the third generation, and provided:
 - the abandoned holding has a work requirement of at least one man-work unit (MWU),
 - the successor is under 40 years of age, or
- all the agricultural land released must be assigned to a land agency with a view to facilitating its transfer to one or more holdings;

(b) the granting of a premium per hectare to farmers who do not fulfil the requirements specified above but who cease farming, as part of a consolidation scheme, provided the land is assigned in accordance with the first or third indent of point (a) of this paragraph.

2. The expenditure incurred by the Portuguese Republic in implementing the measure referred to in paragraph 1 shall be reimbursed by the Fund up to a limit of 75 %.

TITLE V

Physical improvements*Article 17*

1. The Fund's financial contribution referred to in the first indent of Article 1 (2) (d) shall be limited to collective irrigation schemes.

2. The financial contribution referred to in paragraph 1 shall relate to the financing of projects which may involve the installation and renewal of collective irrigation networks from reservoirs and main channels, including associated drainage, the drilling of boreholes and the creation of reservoirs.

3. The expenditure incurred by the Portuguese Republic in carrying out the work referred to in paragraph 2 shall be reimbursed by the Fund up to a limit of 75 %.

The Fund's contribution may, subject to the limits specified above, be in the form of a direct grant in accordance with Article 25.

Article 18

1. The Fund's financial contribution referred to in the second indent of Article 1 (2) (d) shall relate to the financing of projects involving arterial drainage and field drainage.

2. The expenditure incurred by the Portuguese Republic in carrying out arterial drainage and field drainage shall be reimbursed by the fund up to a limit of 75 % and 50 % respectively.

Article 19

1. The financial contribution to the development of infrastructure which has a direct link with farming as referred to in the third indent of Article 1 (2) (d) shall relate to the financing of projects which may involve:

- the provision of electricity and drinking water supplies to farms, villages or parts of villages whose inhabitants are dependent principally on agriculture,
- the construction and improvement of farm roads and local roads which are used for agriculture and forestry.

2. Expenditure incurred by the Portuguese Republic in carrying out the work referred to in paragraph 1 shall be reimbursed by the Fund up to a limit of 75 %.

The Fund's contribution may, subject to the limits specified above, be in the form of a direct grant in accordance with Article 25.

TITLE VI

Land improvement

Article 20

1. The land-improvement measures provided for in Article 1 (2) (e) may include works and schemes such as:

- the preparation of unproductive and marginal land including:
 - stone removal and clearing,
 - rotary slashing of undergrowth,
 - ploughing,
- the improvement of meadows, grassland, grazing land and areas intended for fodder crops, including the improvement of the equipment concerned,
- aid for the purchase of selected seeds for fodder crops,
- fencing,
- measures, including bench terraces and collecting ditches, to protect land against erosion and wind,
- the building of shelters,
- the construction of small irrigation systems, including small reservoirs and associated drainage, for one or several holdings covering not more than 400 hectares and not supplied from collective irrigation works,
- aids for the purchase of the necessary machinery for switching production to fodder crops.

2. Expenditure incurred by the Portuguese Republic in implementing the measures referred to in paragraph 1 shall be reimbursed by the Fund up to a limit of 50 %.

TITLE VII

Increasing the market value of agricultural products

Article 21

1. The financial contribution of the beneficiary, as referred to in Article 17 (2) (a) of Council Regulation (EEC) No 355/77, of 15 February 1977 on common measures to improve the conditions under which agri-

cultural and fishery products are processed and marketed ⁽¹⁾ as last amended by Regulation (EEC) No 1247/85 ⁽²⁾ shall be 20 % for projects relating to agricultural products.

2. The aid granted by the Fund pursuant to Article 17 (2) (c) of Regulation (EEC) No 355/77 shall, for the purposes of this Regulation be increased to 60 % for projects relating to agricultural products.

TITLE VIII

Forestry

Article 22

1. The Fund's contribution to financing the forestry measures referred to in Article 1 (1) (g) shall relate to the following types of projects:

- afforestation and improvement of deteriorated woodlands in order to improve farming conditions in the area concerned by protecting soil and water resources,
- related works, such as earth-moving, the construction of forest roads and the control of fast-flowing streams,
- measures to prevent and fight forest fires,
- specific studies and trials essential to preparing the projects referred to above.

2. The owners of the land concerned shall contribute at least 10 % towards the cost of the works referred to in paragraph 1. However, where it is in the public interest to include such land in a project, and the owner is unlikely to benefit financially in the foreseeable future from the inclusion of his land, his contribution may be paid by the public authorities concerned.

3. The expenditure incurred by the Portuguese Republic in implementing the measures referred to in paragraph 1 shall be reimbursed by the Fund up to a limit of 50 %.

The Fund's contribution may, subject to the limits specified above, be in the form of a direct grant in accordance with Article 25.

TITLE IX

General and financial provisions

Article 23

1. The duration of the common measure shall be limited to 10 years with effect from the date of accession.

⁽¹⁾ OJ No L 51, 23. 3. 1977, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1985, p. 1.

2. The estimated cost of the common measure to the Fund amounts to 700 million ECU.

3. The provisions of Article 6 (5) of Regulation (EEC) No 729/70 shall apply in respect of this Regulation.

Article 24

1. Detailed rules concerning reimbursement by the Fund of the expenditure incurred by the Portuguese Republic shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

2. Applications for reimbursement shall relate to expenditure incurred by the Portuguese Republic in the course of a given calendar year and shall be submitted to the Commission before 1 July of the following year.

3. The granting of aid from the Fund shall be decided on in accordance with Article 7 (1) of Regulation (EEC) No 729/70.

Article 25

In cases where the Fund's contribution is in the form of a direct grant in respect of a project, 'project' shall be

taken to mean a public or semi-public physical investment project.

Article 13 (3) and (5), Article 14, Article 19 (2), (3) and (5) and Articles 20 to 22 of Regulation (EEC) No 355/77 shall apply *mutatis mutandis*.

Article 26

1. Payments on account may, in the light of the arrangements for payment adopted by the Portuguese Republic, and depending on the stage reached in the implementation of the programme, be granted by the Fund.

2. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 27

This Regulation shall enter into force on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 19 December 1985

amending Directive 64/432/EEC as regards the arrangements in relation to enzootic bovine leukosis as laid down by Directive 80/1102/EEC

(85/571/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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Council Directive 80/1102/EEC of 11 November 1980 amending Directive 64/432/EEC with regard to enzootic bovine leukosis ⁽⁴⁾, as last amended by Directive 84/644/EEC ⁽⁵⁾, lays down common health guarantees regarding enzootic bovine leukosis as applicable to bovine animals intended for intra-Community trade;

Whereas Article 1 of Directive 80/1102/EEC included protective measures against enzootic bovine leukosis in Directive 64/432/EEC for a transitional period ending on 31 December 1985;

Whereas Article 3 of Directive 80/1102/EEC requires that proposals be made concerning the definitive arrangements relating to enzootic bovine leukosis;

Whereas the said arrangements have functioned satisfactorily during the abovementioned transitional period; whereas it nevertheless appears necessary to carry out further research on the possibility of inclusion of new screening tests in Community legislation; whereas the arrangements applied during the transitional period should therefore be extended for a further period of two years,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Article 3 of Directive 80/1102/EEC shall be replaced by the following:

Article 3

Article 1 shall apply until 31 December 1987.

The Council, acting under the conditions laid down in the Treaty, on a proposal from the Commission to be submitted by 30 June 1987, shall take a decision concerning:

- the continuation of Community measures for the eradication of bovine leukosis,
- new screening and routine checking tests for enzootic bovine leukosis,

⁽¹⁾ OJ No C 297, 20. 11. 1985, p. 6.

⁽²⁾ OJ No C 352, 31. 12. 1985.

⁽³⁾ Opinion delivered on 18 December 1985 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 325, 1. 12. 1980, p. 18.

⁽⁵⁾ OJ No L 339, 27. 12. 1984, p. 30.

— further rules designed to govern trade and in particular the criteria for all or part of a Member State's territory to be declared free of enzootic bovine leukosis and to maintain that status.'

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1985.

For the Council

The President

M. FISCHBACH

COUNCIL DIRECTIVE

of 19 December 1985

laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs

(85/572/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 82/711/EEC of 18 October 1982 laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs ⁽¹⁾, and in particular Article 2 (3) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas, by virtue of Article 2 (3) of, together with the first indent of Chapter 1 (2) of the Annex to Directive 82/711/EEC, appropriate simulants to carry out migration tests should be indicated for plastic materials and articles intended to come into contact with a single foodstuff or a specific group of foodstuffs;

Whereas the possibility should not be excluded, where necessary, of making use of methods for testing migration other than those laid down in this Directive;

Whereas, in determining appropriate simulants, account must be taken in particular of the chemical composition of the foodstuff and its physical properties;

Whereas, for some foodstuffs containing fat, the result obtained in migration tests with the simulant is higher than that obtained in migration tests with the foodstuff itself and whereas therefore the result should be corrected by applying a 'reduction factor' appropriate to the particular situation; whereas in certain specific cases, particularly that of materials and objects in contact with

foodstuffs with fatty substances on the surface, the existence of appropriate methods of analysis is essential for implementation of this Directive;

Whereas the adaptation of this Directive to technical progress constitutes an implementing measure, the adoption of which, in order to simplify and accelerate the procedure, should in principle be the responsibility of the Commission;

Whereas in all cases in which the Council confers on the Commission authority to implement the provisions relating to plastic materials and articles intended to come into contact with foodstuffs, a procedure should be laid down establishing close cooperation between Member States and the Commission within the Standing Committee for Foodstuffs, set up under Decision 69/414/EEC ⁽⁵⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Pursuant to Article 2 (3) of Directive 82/711/EEC, the simulants to be used for testing migration of the constituents of plastic materials and articles intended to come into contact with a single foodstuff or specific group of foodstuffs and the concentration of these simulants shall be those indicated in the Annex.

Article 2

Notwithstanding Article 1, the list of substances or materials whose use is authorized to the exclusion of all others may lay down procedures testing migration of particular constituents of plastic materials and articles which differ from those laid down in the Annex where this is appropriate.

Article 3

Adaptations to be made to the Annex to this Directive in the light of progress in scientific and technical knowledge shall be adopted in accordance with the procedure laid down in Article 10 of Directive 76/893/EEC ⁽⁶⁾.

⁽¹⁾ OJ No L 297, 23. 10. 1982, p. 26.

⁽²⁾ OJ No C 102, 14. 4. 1984, p. 4.

⁽³⁾ OJ No C 175, 15. 7. 1985, p. 299.

⁽⁴⁾ OJ No C 25, 28. 1. 1985, p. 6.

⁽⁵⁾ OJ No L 291, 19. 11. 1969, p. 9.

⁽⁶⁾ OJ No L 340, 9. 12. 1976, p. 19.

Article 4

Done at Brussels, 19 December 1985.

Member States shall take all measures necessary to comply with this Directive not later than such time as they take the measures to implement Directive 82/711/EEC

Article 5

This Directive is addressed to the Member States.

For the Council

The President

M. FISCHBACH

ANNEX

LIST OF SIMULANTS

1. In the following tables, which make up a non-exhaustive list of foodstuffs, the simulants to be used in migration tests with a particular foodstuff or group of foodstuffs are identified by the letters shown:

Simulant A:

distilled water or water of equivalent quality;

Simulant B:

3 % acetic acid (w/v) in aqueous solution;

Simulant C:

15 % ethanol (v/v) in aqueous solution;

Simulant D:

rectified olive oil ⁽¹⁾; if for technical reasons connected with the method of analysis it is necessary to use different simulants, olive oil must be replaced by a mixture of synthetic triglycerides ⁽²⁾, or by sunflower oil ⁽³⁾.

2. For each foodstuff or group of foodstuffs, only the simulant(s) indicated by an 'X' is (are) to be used, using for each simulant, a new sample of the materials and subject concerned. Where no 'X' appears, no migration test is required for the heading or subheading concerned.
3. When 'X' is followed by an oblique stroke and a figure, the result of the migration tests should be divided by the number indicated. In the case of certain types of fatty foodstuffs this figure, known as the 'reduction factor', is conventionally used to take account of the greater extractive capacity of the simulant for such foodstuffs.
4. Where the letter 'a' is shown in brackets after the 'X', only one of the two simulants given should be used:
- if the pH value of the foodstuff is higher than 4,5, simulant A should be used,
 - if the pH value of the foodstuff is 4,5, or less, simulant B should be used.
5. Where a foodstuff is listed under both a specific and a general heading, only the simulant(s) indicated under the specific heading is (are) to be used.

⁽¹⁾ Characteristics of rectified olive oil

Iodine value (Wijs)	= 80 to 88
Refractive index at 25 °C	= 1,4665 to 1,4679
Acidity (expressed as % oleic acid)	= 0,5 % maximum
Peroxide number (expressed as oxygen milliequivalents per kg of oil)	= 10 maximum

⁽²⁾ Composition of the synthetic triglycerides mixture*Fatty acid distribution*

Number of C-atoms in fatty acid residue	6	8	10	12	14	16	18	others
GLC area [%]	~1	6 to 9	8 to 11	45 to 52	12 to 15	8 to 10	8 to 12	≤ 1

Purity

Content of monoglycerides (enzymatically)	≤ 0,2 %
Content of diglycerides (enzymatically)	≤ 2,0 %
Unsaponifiable matter	≤ 0,2 %
Iodine value (Wijs)	≤ 0,1 %
Acid value	≤ 0,1 %
Water content (K. Fischer)	≤ 0,1 %
Melting point	28 ± 2 °C

Typical absorption spectrum (thickness of layer : d = 1 cm; reference: water = 35 °C)

Wavelength (nm)	290	310	330	350	370	390	430	470	510
Transmittance (%)	~2	~15	~37	~64	~80	~88	~95	~97	~98

At least 10 % light transmittance at 310 nm (cell of 1 cm, reference: water 35 °C)

⁽³⁾ Characteristics of sunflower oil

Iodine value (Wijs)	= 120 to 145
Refractive index at 20 °C	= 1,474 to 1,476
Saponification number	= 188 to 193
Relative density at 20 °C	= 0,918 to 0,925
Unsaponifiable matter	= 0,5 % to 1,5 %

TABLE

Reference number	Description of foodstuffs	Simulants to be used			
		A	B	C	D
01	Beverages				
01.01	Non-alcoholic beverages or alcoholic beverages of an alcoholic strength lower than 5 % vol.: Waters, ciders, fruit or vegetable juices of normal strength or concentrated, musts, fruit nectars, lemonades and mineral waters, syrups, bitters, infusions, coffee, tea, liquid chocolate, beers and other	X (a)	X (a)		
01.02	Alcoholic beverages of an alcoholic strength equal to or exceeding 5 % vol.: Beverages shown under heading 01.01 but with an alcoholic strength equal to or exceeding 5 % vol.: Wines, spirits and liqueurs		X (*)	X (**)	
01.03	Miscellaneous: undenatured ethyl alcohol		X (*)	X (**)	
02	Cereals, cereal products, pastry, biscuits, cakes and other bakers' wares				
02.01	Starches				
02.02	Cereals, unprocessed, puffed, in flakes, (including popcorn, corn flakes and the like)				
02.03	Cereal flour and meal				
02.04	Macaroni, spaghetti and similar products				
02.05	Pastry, biscuits, cakes and, other bakers' wares, dry: A. With fatty substances on the surface B. Other				X/5
02.06	Pastry, cakes and other bakers' wares, fresh: A. With fatty substances on the surface B. Other	X			X/5
03	Chocolate, sugar and products thereof Confectionery products				
03.01	Chocolate, chocolate-coated products, substitutes and products coated with substitutes				X/5
03.02	Confectionery products: A. In solid form: I. With fatty substances on the surface II. Other				X/5

(*) This test shall be carried out only in cases where the pH is 4,5 or less.

(**) This test may be carried out in the case of liquids or beverages of an alcoholic strength exceeding 15 % vol. with aqueous solutions of ethanol of a similar strength.

Reference number	Description of foodstuffs	Simulants to be used			
		A	B	C	D
03.02 (continued)	B. In paste form: I. With fatty substances on the surface II. Moist	X			X/3
03.03	Sugar and sugar products: A. In solid form B. Honey and the like C. Molasses and sugar syrups				
04	Fruit, vegetables and products thereof				
04.01	Whole fruit, fresh or chilled				
04.02	Processed fruit: A. Dried or dehydrated fruit, whole or in the form of flour or powder B. Fruit in the form of chunks, purée or paste C. Fruit preserves (jams and similar products — whole fruit or chunks or in the form of flour or powder, preserved in a liquid medium): I. In an aqueous medium II. In an oily medium III. In an alcoholic medium ($\geq 5\%$ vol.)	X (a)	X (a)		
04.03	Nuts (peanuts, chestnuts, almonds, hazelnuts, walnuts, pine kernels and other): A. Shelled, dried B. Shelled and roasted C. In paste or cream form				X/5 (**) X/3 (**)
04.04	Whole vegetables, fresh or chilled				
04.05	Processed vegetables: A. Dried or dehydrated vegetables whole or in the form of flour or powder B. Vegetables, cut, in the form of purées C. Preserved vegetables: I. In an aqueous medium II. In an oily medium III. In an alcoholic medium ($\geq 5\%$ vol.)	X (a)	X (a)		
05	Fats and oils				
05.01	Animals and vegetable fats and oils, whether natural or treated (including cocoa butter, lard, resolidified butter)				X
05.02	Margarine, butter and other fats and oils made from water emulsions in oil				X/2

(*) This test is to be used only where the pH is 4,5 or less.

(**) If it can be demonstrated by means of an appropriate test that there is no 'fatty contact' with the plastic, the test with simulant D may be dispensed with.

Reference number	Description of foodstuffs	Simulants to be used			
		A	B	C	D
06	Animal products and eggs				
06.01	Fish:				
	A. Fresh, chilled, salted, smoked	X			X/3 (*)
	B. In the form of paste	X			X/3 (*)
06.02	Crustaceans and molluscs (including oysters, mussels, snails) not naturally protected by their shells	X			
06.03	Meat of all zoological species (including poultry and game):				
	A. Fresh, chilled, salted, smoked	X			X/4
	B. In the form of paste, creams	X			X/4
06.04	Processed meat products (ham, salami, bacon and other)	X			X/4
06.05	Preserved and part-preserved meat and fish:				
	A. In an aqueous medium	X (a)	X (a)		
	B. In an oily medium	X (a)	X (a)		X
06.06	Eggs not in shell:				
	A. Powdered or dried				
	B. Other	X			
06.07	Egg yolks:				
	A. Liquid	X			
	B. Powdered or frozen				
06.08	Dried white of egg				
07	Milk products				
07.01	Milk:				
	A. Whole	X			
	B. Partly dried	X			
	C. Skimmed or partly skimmed	X			
	D. Dried				
07.02	Fermented milk such as yoghurt, buttermilk and such products in association with fruit and fruit products		X		
07.03	Cream and sour cream	X (a)	X (a)		
07.04	Cheeses:				
	A. Whole, with rind				
	B. Processed cheeses	X (a)	X (a)		
	C. All others	X (a)	X (a)		X/3 (*)

(*) If it can be demonstrated by means of an appropriate test that there is no 'fatty contact' with the plastic, the test with simulant D may be dispensed with.

Reference number	Description of foodstuffs	Simulants to be used			
		A	B	C	D
07.05	Rennet: A. In liquid or viscous form B. Powdered or dried	X (a)	X (a)		
08	Miscellaneous products				
08.01	Vinegar		X		
08.02	Fried or roasted foods: A. Fried potatoes, fritters and the like B. Of animal origin				X/5 X/4
08.03	Preparations for soups, broths, in liquid, solid or powder form (extracts, concentrates); homogenized composite food preparations, prepared dishes: A. Powdered or dried: I. With fatty substances on the surface II. Other B. Liquid or paste: I. With fatty substances on the surface II. Other				X/5 X/3
08.04	Yeasts and raising agents: A. In paste form B. Dried	X (a)	X (a)		
08.05	Salt				
08.06	Sauces: A. Without fatty substances on the surface B. Mayonnaise, sauces derived from mayonnaise, salad creams and other oil in water emulsions C. Sauce containing oil and water forming two distinct layers	X (a) X (a) X (a)	X (a) X (a) X (a)		X/3 X
08.07	Mustard (except powdered mustard under heading 08.17)	X (a)	X (a)		X/3 (*)
08.08	Sandwiches, toasted bread and the like containing any kind of foodstuff: A. With fatty substances on the surface B. Other				X/5
08.09	Ice-creams	X			
08.10	Dried foods: A. With fatty substances on the surface B. Other				X/5

(*) If it can be demonstrated by means of an appropriate test that there is no 'fatty contact' with the plastic, the test with simulant D may be dispensed with.

Reference number	Description of foodstuffs	Simulants to be used			
		A	B	C	D
08.11	Frozen or deep-frozen foods				
08.12	Concentrated extracts of an alcoholic strength equal to or exceeding 5 % vol		X (**)	X	
08.13	Cocoa: A. Cocoa powder B. Cocoa paste				X/5 (*) X/3 (*)
08.14	Coffee, whether or not roasted, decaffeinated or soluble, coffee substitutes, granulated or powdered				
08.15	Liquid coffee extracts	X			
08.16	Aromatic herbs and other herbs: camomile, mallow, mint, tea, lime blossom and others				
08.17	Spices and seasonings in the natural state: cinnamon, cloves, powdered mustard, pepper, vanilla, saffron and other				

(*) If it can be demonstrated by means of an appropriate test that there is no 'fatty contact' with the plastic, the test with simulant D may be dispensed with.

(**) This test is to be used only where the pH is 4,5 or less.

COUNCIL DIRECTIVE

of 19 December 1985

amending Directive 77/436/EEC on the approximation of the laws of the Member States relating to coffee extracts and chicory extracts

(85/573/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer ⁽¹⁾, as amended by the Act of Accession of Greece, and in particular the second paragraph of Article 20 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas on the basis of technical progress and the need to improve the price/quality ratio of the products and to protect them from the risk of unfair competition from similar products manufactured in third countries, it is desirable to abolish any requirements as to the minimum quantity of raw coffee and the maximum content of insoluble substances used in coffee extract and to reduce the minimum dry-matter content required for coffee extract and chicory extract;

Whereas it is also desirable, in view of developments in the industry, to provide for the existence of a concentrated product in the case of chicory extract;

Whereas Directive 77/436/EEC ⁽⁵⁾ as amended by the Act of Accession of Greece should therefore be amended,

Article 1

Directive 77/436/EEC is hereby amended as follows:

1. The second indent of Article 3 (2) shall be deleted.

2. Article 4 shall be replaced by the following:

'Article 4

Products in solid or in paste form referred to in Article 1, 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 (for mixtures of coffee and chicory extracts only and for coffee extracts intended exclusively for use in automatic vending machines), 300 g (for coffee extracts only), 500 g, 750 g, 1 kg, 1,5 kg, 2 kg, 2,5 kg, 3 kg and multiples of a kilogram.'

3. Article 6 shall be replaced by the following:

'Article 6

1. Directive 79/112/EEC shall apply in accordance with the following conditions to the products defined in the Annex to this Directive where they are intended to be supplied without further processing to the ultimate consumer:

(1) (a) The name under which a product is sold, as referred to in Article 5 of Directive 79/112/EEC, shall be the description applied to the products concerned pursuant to Article 5 of this Directive;

(b) It may be supplemented by the term "concentrated":

(i) in the case of the product defined in point 1 (c) of the Annex, provided that the coffee-based dry matter content is more than 25 % by weight,

(ii) in the case of the product defined in point 2 (c) of the Annex, provided that the chicory-based dry matter content is more than 45 % by weight.

(2) The following particulars, in addition to those specified in Article 3 of Directive 79/112/EEC, shall be compulsory on the labelling:

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽²⁾ OJ No C 90, 31. 3. 1984, p. 5.

⁽³⁾ OJ No C 46, 18. 2. 1985, p. 93.

⁽⁴⁾ OJ No C 248, 17. 9. 1984, p. 19.

⁽⁵⁾ OJ No L 172, 12. 7. 1977, p. 20.

- (a) the term "decaffeinated" in the case of the products defined in point 1 of the Annex provided that the anhydrous caffeine content does not exceed 0,3 % by weight of the coffee-based dry matter;
- (b) in the case of the products defined in points 1 (c) and 2 (c) of the Annex:
- (i) the term "roasted with sugar" if the extract is obtained from the raw material roasted with sugar,
 - ii) the terms "with sugar", "preserved with sugar" or "with added sugar" if the sugar has been added to the raw material after roasting.
- Where sugars of types other than sucrose are used this must be stated instead of the term "sugar";
- (c) the minimum coffee-based dry matter content, expressed as a percentage by weight of the finished product, in the case of the products defined in point 1 (b) and (c) of the Annex;
- (d) the minimum chicory-based dry matter content, expressed as a percentage by weight of the finished product, in the case of the

products defined in point 2 (b) and (c) of the Annex.

- (3) The particulars mentioned in point (2) (a) and (b) above shall appear in the same field of vision as those mentioned in Article 11 (3) (a) of Directive 79/112/EEC.

2. The labelling of the products defined in the Annex where they are not intended to be supplied to the ultimate consumer shall include only the following compulsory information:

- the name under which the product is sold, as specified in paragraph 1 (1) (a),
- the nominal net quantity in units of mass or volume, except in the case of products put up for sale in bulk,
- a means of identifying the batch,
- the name or business name and address of the manufacturer or packager, or of a seller established within the Community.

The particulars listed in the first subparagraph shall appear on the packaging or a label affixed to it, or on an accompanying document.'

4. The Annex shall be replaced by the following:

ANNEX

DESCRIPTIONS AND DEFINITIONS OF THE PRODUCTS

1. Coffee extracts to which this Directive applies

- (a) "*Soluble coffee*", "*instant coffee*", "*dried coffee extract*" or "*dried extract of coffee*"

means coffee extract in powder, granular, flake, cube or other solid form, of which the coffee-based dry matter content is not less than 95 % by weight.

This product may not contain any substances other than those derived from its extraction.

- (b) "*Coffee extract paste*"

means coffee extract, in paste form, of which the coffee-based dry matter content is not more than 85 % and not less than 70 % by weight.

This product may not contain any substances other than those derived from its extraction.

- (c) "*Liquid coffee extract*"

means coffee extract in liquid form, of which the coffee-based dry matter content is not more than 55 % but greater than 15 % by weight.

This product may not contain any substances other than those derived from its extraction. However, it may contain edible sugars, whether or not roasted, in a proportion not exceeding 12 % by weight.

2. Chicory extracts to which this Directive applies

(a) "*Dried chicory extract*" or "*soluble chicory*" or "*instant chicory*"

means chicory extract in powder, granular, flake, cube or other solid form, the chicory-based dry matter content of which is not less than 95 % by weight.

This product may not contain any substances other than those derived from its extraction. Substances which are not derived from chicory may not exceed 1 %.

(b) "*Chicory extract paste*"

means chicory extract in paste form, of which the chicory-based dry matter content is not more than 85 % and not less than 70 % by weight.

This product may not contain any substances other than those derived from its extraction. Substances which are not derived from chicory may not exceed 1 %.

(c) "*Liquid chicory extract*"

means chicory extract in liquid form, of which the chicory-based dry matter content is less than 55 % but greater than 25 % by weight.

This product may not contain any substances other than those derived from its extraction. It may, however, contain sugars in a proportion not exceeding 35 % by weight.

Article 2

Member States shall take the measures necessary to comply with this Directive so as to permit, not later than 1 January 1987, trade in products complying with this Directive and prohibit from 1 July 1988 trade in products which do not comply with this Directive. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1985.

For the Council

The President

M. FISCHBACH

COUNCIL DIRECTIVE

of 19 December 1985

amending Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products

(85/574/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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas by its Directive 77/93/EEC ⁽⁴⁾, as last amended by Directive 84/378/EEC ⁽⁵⁾, the Council laid down protective measures against the introduction into the Member States of organisms harmful to plants or plant products;

Whereas, having regard to developments since then, certain of its provisions should be amended for the reasons given below;

Whereas it is useful to give a detailed definition of certain terms used in connection with the term 'plants';

Whereas machinery should be established to determine, at Community level, acceptable tolerances for certain harmful organisms on products other than plants intended for planting;

Whereas it is appropriate to lay down, with a view to the intended adoption in a standardized layout of the specimen certificates approved by the International Plant Protection Convention of 6 December 1951, as amended on 21 November 1979, certain rules concerning the conditions in accordance with which such certificates may be issued, certain rules for the use of previous models during a transitional period, and certification requirements in the case of the introduction of plants and plant products from third countries;

Whereas the procedure applicable to certain types of amendments to be made to the Annexes to Directive 77/93/EEC should be simplified;

Whereas, as a result of the adoption of certain new headings in the Annexes, the Member State concerned could impose the relevant prohibitions or restrictions also where the products concerned, originating in a third country, come from other Member States;

Whereas certain provisions laid down in the enacting terms of that Directive should be deleted following the adoption, by Directive 84/378/EEC, of more appropriate provisions in the Annexes;

Whereas derogations from the general provisions of Directive 77/93/EEC which have been granted in accordance with conditions determined on a Community basis pursuant to Article 14 (2) and (3) of that Directive have presented considerable advantages in that they have enabled specific situations to be taken into account; whereas the scope of such derogations should therefore be extended;

Whereas, moreover, experience has shown that the same degree of urgency may attach to such derogations as attaches to the safeguard provisions laid down in Article 15 of that Directive; whereas therefore the urgency procedure specified in Article 17 of the said Directive should also be made applicable to these derogations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/93/EEC is hereby amended as follows:

1. Article 2 (1) (a) shall be replaced by the following:

'(a) Plants shall be considered to mean living plants and living parts thereof, including seeds.

Living parts of plants shall be considered to include:

- fruit — in the botanical sense — other than that preserved by deep freezing,
- vegetables, other than those preserved by deep freezing,
- tubers, corms, bulbs, rhizomes,
- cut flowers,
- branches with foliage,
- cut trees retaining foliage,
- plant tissue cultures.'

⁽¹⁾ OJ No C 186, 13. 7. 1984, p. 6.

⁽²⁾ OJ No C 300, 12. 11. 1984, p. 53.

⁽³⁾ OJ No C 25, 28. 1. 1985, p. 31.

⁽⁴⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽⁵⁾ OJ No L 207, 2. 8. 1984, p. 1.

- Seeds shall be considered to mean seeds in the botanical sense, other than those not intended for planting.
2. In Article 2 (1), the following shall be inserted after (c):
 - '(d) plants intended for planting shall be considered to mean:
 - plants which are already planted and are intended to remain planted or to be replanted after their introduction, or
 - plants which are not planted at the time of introduction, but are intended to be planted thereafter.'

Points (d) and (e) shall become points (e) and (f) respectively.
 3. In Article 3:
 - paragraphs 2 and 3 shall be deleted,
 - former paragraph 4 shall become paragraph 2,
 - the following paragraph shall be inserted:

'3. Paragraphs 1 and 2 shall not apply, in accordance with conditions which may be determined in accordance with the procedure laid down in Article 16, in the case of slight contamination of plants, other than those intended for planting, by harmful organisms listed in Annex I, Part A, or in Annex II, Part A, which have previously been selected in agreement with the authorities representing the Member States in the field of plant health.'
 - former paragraphs 5, 6 and 7 shall become 4, 5 and 6 respectively.
 4. Article 7 (1) shall be replaced by the following:

'1. Where it is considered, on the basis of the examination laid down in Article 6 (1) and (2), that the conditions therein are fulfilled, a phytosanitary certificate conforming to the model in Annex VIII, Part A, may be issued, drawn up in at least one of the official languages of the Community and filled in, except in respect of stamp and signature, either entirely in capital letters or entirely in typescript, and preferably in one of the official languages of the Member State of destination.

The botanical names of plants shall be indicated in Latin characters. Uncertified alterations or erasures shall invalidate the certificate. Any copies of this certificate shall only be issued with the indication "copy" or "duplicate" printed or stamped thereon.

By way of derogation from the first subparagraph, remaining stocks of phytosanitary certificates conforming to the original version of the model laid down in the Annex to the International Plant Protection Convention of 6 December 1951 may be used until 31 December 1986.'
 5. In Article 7 (3), '31 December 1980' shall be replaced by '31 December 1986'.
 6. In Article 8 (2), first subparagraph, second sentence, the passage 'reforwarding phytosanitary certificate in accordance with the specimen in Annex VIII, Part B, drawn up in at least one official Community language, preferably that of the Member State of destination' shall be replaced by 'reforwarding phytosanitary certificate, in one original copy only, conforming to the model laid down in Annex VIII, Part B, drawn up in at least one of the official languages of the Community, and filled in, except in respect of stamp and signature, either entirely in capital letters or entirely in typescript, and preferably in one of the official languages of the Member State of destination'.
 7. In Article 8 (2), the following subparagraph shall be inserted after the first subparagraph:

'Article 7 (1), second subparagraph, shall apply by analogy.'
 8. In Article 8 (2), second subparagraph, '31 December 1980' shall be replaced by '31 December 1986'.
 9. Article 10 shall be deleted.
 10. In Article 12 (1) (b), second sentence, the words 'The certificates shall be issued' shall be replaced by 'The certificates prescribed in Articles 7, 8 or 9 shall contain information in accordance with the model defined in the Annex to the International Plant Protection Convention of 6 December 1951, as amended on 21 November 1979, irrespective of their layout, and shall be issued'.
 11. In Article 12 (1) (b), the following subparagraph shall be added:

'By way of derogation from the first subparagraph phytosanitary certificates issued in accordance with the original version of the model laid down in the Annex to the International Plant Protection Convention of 6 December 1951 may be used for a transitional period. The date of expiry of such period may be determined in accordance with the procedure laid down in Article 16.'
 12. In Article 13 the following paragraph shall be added:

'However, the following shall be adopted in accordance with the procedure laid down in Article 16:

 - headings additional to Annex III to this Directive in respect of certain plants, plant products or other objects originating in specified third countries, provided that:
 - these headings are introduced at the request of a Member State which already applies special prohibitions as regards the intro-

- duction of such products from third countries,
- harmful organisms occurring in the country of origin constitute a plant-health risk for the whole or part of the Community, and
 - their possible presence on the products in question cannot be detected effectively at the time of their introduction,
- headings additional to the other Annexes to this Directive in respect of certain plants, plant products or other objects originating in specified third countries, provided that:
 - these headings are introduced at the request of a Member State which already applies special prohibitions or restrictions as regards the introduction of such products from third countries, and
 - harmful organisms occurring in the country of origin constitute a plant-health risk for the whole or part of the Community in respect of crops, the scale of possible damage to which is unforeseeable,
 - any amendment to part B of the Annexes to this Directive, in agreement with the Member State concerned,
 - any other amendment to the Annexes to this Directive to be made in the light of developments in scientific or technical knowledge.
13. In Article 14 (1) (a), point (i) shall be deleted, points (ii), (iii) and (iv) shall become points (i), (ii) and (iii) respectively.
14. In Article 14 (1) (a):
- in point (i), the reference to Article 10 shall be deleted,
 - in point (iii), the terms '5 to 10 and 12' shall be replaced by the terms '5 to 9 and 12'.
15. In Article 14 (1) (c) (i), the terms 'and 4 (1) with regard to requirements referred to in Annex III, Part A (8), and from Articles' shall be deleted.
16. In Article 14 (2) and (3), the terms 'or, in urgent cases, with that laid down in Article 17', shall be inserted after 'In accordance with the procedure laid down in Article 16'.
17. In Article 14 (3), second indent, the terms '1 to 8 and 10' shall be replaced by 'remaining items', and the words 'with regard to the requirements referred to in Annex IV, Part A, 2, 3 and 4' replaced by 'with regard to other requirements referred to in Annex IV, Part A'.
18. In Article 14 (3), the following indent shall be inserted after the second indent:
- '— from Articles 7 (2) and 12 (1) (b), in the case of wood, if equivalent safeguards are given.'

Article 2

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 1 January 1987 at the latest.
2. Member States shall forthwith inform the Commission of all laws, regulations and administrative provisions adopted in implementation of this Directive. The Commission shall inform the other Member States thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1985.

For the Council
The President
M. FISCHBACH

COUNCIL DECISION

of 19 December 1985

introducing technical adjustments, on account of the accession of Spain and Portugal, to
Decisions 77/97/EEC, 79/542/EEC and 80/1096/EEC relating to the veterinary field

(85/575/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas in order to take account of the accession of Spain and Portugal, it is necessary to supplement the list of laboratories established by Council Decision 77/97/EEC of 21 December 1976 on the financing by the Community of certain emergency measures in the field of animal health ⁽¹⁾, as last amended by Directive 85/212/EEC ⁽²⁾;

Whereas the consequences should be drawn from the fact that Spain and Portugal — the latter continuing to benefit from Council Decision 80/877/EEC of 15 September 1980 on financial aid from the Community for the eradication of African Swine Fever in Portugal ⁽³⁾, as amended by Decision 81/477/EEC ⁽⁴⁾, for the remaining period of time for which the eradication plan has to run — are no longer regarded as third countries in respect of the Community, in particular concerning Council Decision 79/542/EEC of 21 December 1979, drawing up a list of third countries from which the Member States authorize imports of bovine animals, swine and fresh meat ⁽⁵⁾, as amended by Commission Decision 84/134/EEC ⁽⁶⁾;

Whereas provision should be made for financial aid from the Community for the control measures, to be specified in accordance with a Community procedure, which Portugal and Spain will be called upon to implement with a view to eradicating classical swine fever; whereas Council Decision 80/1096/EEC of 11 November

1980 ⁽⁷⁾ introducing Community financial measures for the eradication of classical swine fever as last amended by Decision 83/254/EEC ⁽⁸⁾, should be amended accordingly;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Community may adopt before accession the measures referred to in Article 396 of the Act of Accession, subject to and on the date of the entry into force of this Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 77/97/EEC is hereby supplemented by the following:

‘Spain: Laboratorio de Sanidad y Producción Animal de Barcelona.

Portugal: Laboratório Nacional de Investigação Veterinária — Lisboa’.

Article 2

In the Annex to Decision 79/542/EEC, the headings in respect of Spain and Portugal are hereby deleted with effect from 1 March 1986.

Article 3

Decision 80/1096/EEC shall be amended as follows:

1. In paragraph 2 of Article 2, the following phrase shall be added:

‘and 10 million ECU for Spain and Portugal’.

2. In paragraph 1 of Article 5, the following point shall be added:

‘(c) shall be 31 December 1986 in the case of Spain and Portugal’.

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 78.

⁽²⁾ OJ No L 96, 3. 4. 1985, p. 32.

⁽³⁾ OJ No L 250, 23. 9. 1980, p. 12.

⁽⁴⁾ OJ No L 186, 8. 7. 1981, p. 22.

⁽⁵⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽⁶⁾ OJ No L 70, 13. 3. 1984, p. 18.

⁽⁷⁾ OJ No L 325, 1. 12. 1980, p. 5.

⁽⁸⁾ OJ No L 143, 2. 6. 1983, p. 37.

Article 4

Done at Brussels, 19 December 1985.

This Decision shall take effect on 1 January 1986 subject to the entry into force of the Treaty of Accession of Spain and Portugal.

Article 5

This Decision is addressed to the Member States.

For the Council

The President

M. FISCHBACH

COUNCIL DIRECTIVE

of 20 December 1985

amending Directive 78/1035/EEC on the exemption from taxes of imports of small consignments of goods of a non-commercial character from third countries

(85/576/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas no adjustment has been made to the tax relief provided for in Directive 78/1035/EEC ⁽⁴⁾ as amended by Directive 81/933/EEC ⁽⁵⁾, as regards the importation of small consignments of goods of a non-commercial character from third countries since the adoption of Directive 81/933/EEC, resulting in a fall in the real value of the relief owing to the rise in consumer prices; whereas that situation should be remedied;

Whereas tafia, saké and other similar beverages can be treated as beverages of an alcoholic strength of 22 % vol. or less for which there is currently a tax-free limit; whereas the list of beverages covered by this limit should therefore be extended;

Whereas it should be specifically mentioned that the limit on the quantity of alcoholic beverages which can be exempted applies *a fortiori* to pure alcohol,

Article 1

In the third indent of Article 1 (2) (a) of Directive 78/1035/EEC, '35 ECU' is hereby replaced by '45 ECU'.

Article 2

Article 2 (b) first and second indents of Directive 78/1035/EEC shall be replaced by the following:

'(b) alcohol and alcoholic beverages:

- distilled beverages and spirits of an alcoholic strength exceeding 22 % vol.; undenatured ethyl alcohol of 80 % vol. and over: one standard bottle (up to 1 litre), or
- distilled beverages and spirits, and aperitifs with a wine or alcohol base, tafia, saké or similar beverages of an alcoholic strength of 22 % vol. or less; sparkling wines, fortified wines: one standard bottle (up to 1 litre),'

Article 3

1. Member States shall take the measures necessary to comply with this Directive as from 1 July 1986.
2. Member States shall inform the Commission of the measures they take for the application of this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

⁽¹⁾ OJ No C 167, 6. 7. 1985, p. 5.

⁽²⁾ OJ No C 345, 31. 12. 1985.

⁽³⁾ OJ No C 303, 25. 11. 1985, p. 5.

⁽⁴⁾ OJ No L 366, 28. 12. 1978, p. 34.

⁽⁵⁾ OJ No L 338, 21. 11. 1981, p. 24.

COUNCIL DIRECTIVE

of 20 December 1985

to protect the consumer in respect of contracts negotiated away from business premises

(85/577/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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas it is a common form of commercial practice in the Member States for the conclusion of a contract or a unilateral engagement between a trader and consumer to be made away from the business premises of the trader, and whereas such contracts and engagements are the subject of legislation which differs from one Member State to another;

Whereas any disparity between such legislation may directly affect the functioning of the common market; whereas it is therefore necessary to approximate laws in this field;

Whereas the preliminary programme of the European Economic Community for a consumer protection and information policy ⁽⁴⁾ provides *inter alia*, under paragraphs 24 and 25, that appropriate measures be taken to protect consumers against unfair commercial practices in respect of doorstep selling; whereas the second programme of the European Economic Community for a consumer protection and information policy ⁽⁵⁾ confirmed that the action and priorities defined in the preliminary programme would be pursued;

Whereas the special feature of contracts concluded away from the business premises of the trader is that as a rule it is the trader who initiates the contract negotiations, for which the consumer is unprepared or which he does not

except; whereas the consumer is often unable to compare the quality and price of the offer with other offers; whereas this surprise element generally exists not only in contracts made at the doorstep but also in other forms of contract concluded by the trader away from his business premises;

Whereas the consumer should be given a right of cancellation over a period of at least seven days in order to enable him to assess the obligations arising under the contract;

Whereas appropriate measures should be taken to ensure that the consumer is informed in writing of this period for reflection;

Whereas the freedom of Member States to maintain or introduce a total or partial prohibition on the conclusion of contracts away from business premises, inasmuch as they consider this to be in the interest of consumers, must not be affected;

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to contracts under which a trader supplies goods or services to a consumer and which are concluded:

- during an excursion organized by the trader away from his business premises, or
- during a visit by a trader
 - (i) to the consumer's home or to that of another consumer;
 - (ii) to the consumer's place of work;
 where the visit does not take place at the express request of the consumer.

2. This Directive shall also apply to contracts for the supply of goods or services other than those concerning which the consumer requested the visit of the trader, provided that when he requested the visit the consumer did not know, or could not reasonably have known, that the supply of those other goods or services formed part of the trader's commercial or professional activities.

3. This Directive shall also apply to contracts in respect of which an offer was made by the consumer

⁽¹⁾ OJ No C 22, 29. 1. 1977, p. 6; OJ No C 127, 1. 6. 1978, p. 6.

⁽²⁾ OJ No C 241, 10. 10. 1977, p. 26.

⁽³⁾ OJ No C 180, 18. 7. 1977, p. 39.

⁽⁴⁾ OJ No C 92, 25. 4. 1975, p. 2.

⁽⁵⁾ OJ No C 133, 3. 6. 1981, p. 1.

under conditions similar to those described in paragraph 1 or paragraph 2 although the consumer was not bound by that offer before its acceptance by the trader.

4. This Directive shall also apply to offers made contractually by the consumer under conditions similar to those described in paragraph 1 or paragraph 2 where the consumer is bound by his offer.

Article 2

For the purposes of this Directive:

'consumer' means a natural person who, in transactions covered by this Directive, is acting for purposes which can be regarded as outside his trade or profession;

'trader' means a natural or legal person who, for the transaction in question, acts in his commercial or professional capacity, and anyone acting in the name or on behalf of a trader.

Article 3

1. The Member States may decide that this Directive shall apply only to contracts for which the payment to be made by the consumer exceeds a specified amount. This amount may not exceed 60 ECU.

The Council, acting on a proposal from the Commission, shall examine and, if necessary, revise this amount for the first time no later than four years after notification of the Directive and thereafter every two years, taking into account economic and monetary developments in the Community.

2. This Directive shall not apply to:

(a) contracts for the construction, sale and rental of immovable property or contracts concerning other rights relating to immovable property.

Contracts for the supply of goods and for their incorporation in immovable property or contracts for repairing immovable property shall fall within the scope of this Directive;

b) contracts for the supply of foodstuffs or beverages or other goods intended for current consumption in the household and supplied by regular roundsmen;

(c) contracts for the supply of goods or services, provided that all three of the following conditions are met:

(i) the contract is concluded on the basis of a trader's catalogue which the consumer has a proper opportunity of reading in the absence of the trader's representative,

(ii) there is intended to be continuity of contact between the trader's representative and the consumer in relation to that or any subsequent transaction,

(iii) both the catalogue and the contract clearly inform the consumer of his right to return goods to the supplier within a period of not less than seven days of receipt or otherwise to cancel the contract within that period without obligation of any kind other than to take reasonable care of the goods;

(d) insurance contracts;

(e) contracts for securities.

3. By way of derogation from Article 1 (2), Member States may refrain from applying this Directive to contracts for the supply of goods or services having a direct connection with the goods or services concerning which the consumer requested the visit of the trader.

Article 4

In the case of transactions within the scope of Article 1, traders shall be required to give consumers written notice of their right of cancellation within the period laid down in Article 5, together with the name and address of a person against whom that right may be exercised.

Such notice shall be dated and shall state particulars enabling the contract to be identified. It shall be given to the consumer:

(a) in the case of Article 1 (1), at the time of conclusion of the contract;

(b) in the case of Article 1 (2), not later than the time of conclusion of the contract;

(c) in the case of Article 1 (3) and 1 (4), when the offer is made by the consumer.

Member States shall ensure that their national legislation lays down appropriate consumer protection measures in cases where the information referred to in this Article is not supplied.

Article 5

1. The consumer shall have the right to renounce the effects of his undertaking by sending notice within a period of not less than seven days from receipt by the consumer of the notice referred to in Article 4, in accordance with the procedure laid down by national law. It shall be sufficient if the notice is dispatched before the end of such period.

2. The giving of the notice shall have the effect of releasing the consumer from any obligations under the cancelled contract.

Article 6

The consumer may not waive the rights conferred on him by this Directive.

Article 7

If the consumer exercises his right of renunciation, the legal effects of such renunciation shall be governed by national laws, particularly regarding the reimbursement of payments for goods or services provided and the return of goods received.

Article 8

This Directive shall not prevent Member States from adopting or maintaining more favourable provisions to protect consumers in the field which it covers.

Article 9

1. Member States shall take the measures necessary to comply with this Directive within 24 months of its notification ⁽¹⁾. They shall forthwith inform the Commission thereof.

2. Member States shall ensure that the texts of the main provisions of national law which they adopt in the field covered by this Directive are communicated to the Commission.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

⁽¹⁾ This Directive was notified to the Member States on 23 December 1985.

COUNCIL DIRECTIVE

of 20 December 1985

amending, on account of the accession of Spain and Portugal, Directive 74/561/EEC on admission to the occupation of road haulage operator in national and international transport operations

(85/578/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 74/561/EEC ⁽¹⁾, as amended by Directive 80/1178/EEC ⁽²⁾, must be amended because of the accession of Spain and Portugal;

Whereas, under the terms of Article 27 of the Act of Accession, Directive 74/561/EEC must be amended in accordance with the guidelines laid down in Annex II to the Act, with a view to ensuring that in Spain and Portugal the existing rights of transport operators already engaged in their occupation in those countries are safeguarded under conditions comparable to those which have been enjoyed by operators in the present Member States;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act, such measures entering into force subject to, and on the date of, the entry into force of the said Treaty,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following paragraph is hereby added to Article 5 of Directive 74/561/EEC:

- '4. With regard to Spain and Portugal, the dates in paragraphs 1 and 2 shall be replaced as follows:
- in paragraph 1, "1 January 1978" shall be replaced by "1 January 1986";
 - in paragraph 2, "31 December 1974", "1 January 1978" and "1 January 1980" shall be replaced by "31 December 1982", "1 January 1986" and "1 January 1988" respectively.'

Article 2

This Directive shall apply from 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

⁽¹⁾ OJ No L 308, 19. 11. 1974, p. 18.

⁽²⁾ OJ No L 350, 23. 12. 1980, p. 41.

COUNCIL DIRECTIVE

of 20 December 1985

amending, on account of the accession of Spain and Portugal, Directive 74/562/EEC on admission to the occupation of road passenger transport operator in national and international transport operations

(85/579/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas Directive 74/562/EEC ⁽¹⁾, as amended by Directive 80/1179/EEC ⁽²⁾, must be amended because of the accession of Spain and Portugal;

Whereas, under the terms of Article 27 of the Act of Accession, Directive 74/562/EEC must be amended in accordance with the guidelines laid down in Annex II to the Act, with a view to ensuring that in Spain and Portugal the existing rights of transport operators already engaged in their occupation in those countries are safeguarded under conditions comparable to those which have been enjoyed by operators in the present Member States;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act, such measures entering into force subject to, and on the date of, the entry into force of the said Treaty,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following paragraph is hereby added to Article 4 of Council Directive 74/562/EEC:

4. With regard to Spain and Portugal, the dates in paragraphs 1 and 2 shall be replaced as follows:
- in paragraph 1, "1 January 1978" shall be replaced by "1 January 1986",
 - in paragraph 2, "31 December 1974", "1 January 1978" and "1 January 1980" shall be replaced by "31 December 1982", "1 January 1986" and "1 January 1988" respectively.

Article 2

This Directive shall apply from 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

⁽¹⁾ OJ No L 308, 19. 11. 1974, p. 23.

⁽²⁾ OJ No L 350, 23. 12. 1980, p. 42.

COUNCIL DIRECTIVE**of 20 December 1985****adapting, on account of the accession of Spain and Portugal, Directive 85/203/EEC on
air quality standards for nitrogen dioxide****(85/580/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 27 and 396 thereof,

Having regard to the proposal from the Commission,

Whereas, to take account of the accession of Spain and Portugal, Article 14 (2) of Directive 85/203/EEC ⁽¹⁾ should be adapted;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act, such measures entering into force subject to, and on the date of, the entry into force of the said Treaty,

HAD ADOPTED THIS DIRECTIVE:

Article 1

In Article 14 (2) of Directive 85/203/EEC '45 votes' shall be replaced by '54 votes'.

Article 2

This Directive shall take effect on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

*For the Council**The President*

R. KRIEPS

⁽¹⁾ OJ No L 87, 27. 3. 1985, p.1.

COUNCIL DIRECTIVE**of 20 December 1985****adapting, on account of the accession of Spain and Portugal, Directive 85/210/EEC on the approximation of the laws of the Member States concerning the lead content of petrol****(85/581/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 27 and 396 thereof,

Having regard to the proposal from the Commission,

Whereas, to take account of the accession of Spain and Portugal, Article 12 (2) of Directive 85/210/EEC ⁽¹⁾ should be adapted;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act, such measures entering into force subject to, and on the date of, the entry into force of the said Treaty,

Article 1

In Article 12 (2) of Directive 85/210/EEC, '45 votes' shall be replaced by '54 votes'.

Article 2

This Directive shall take effect on 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

⁽¹⁾ OJ No L 96, 3. 4. 1985, p. 25.

COUNCIL DIRECTIVE
of 20 December 1985
amending Directive 84/634/EEC on summertime arrangements
(85/582/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 27 and 396 thereof,

Having regard to the proposal from the Commission,

Whereas the summertime arrangements introduced by Directive 84/634/EEC ⁽¹⁾ should be adapted on account of the accession of Spain and Portugal;

Whereas, pursuant to Article 27 of the Act of Accession, the Directive must be adapted in accordance with the guidelines set out in Annex II to the Act;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession, the institutions of the Communities may adopt, before accession, the measures referred to in Article 396 of the Act, such measures entering into force subject to, and on the date of, the entry into force of the said Treaty,

HAS ADOPTED THIS DIRECTIVE:

Article 1

With effect from 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal, Articles 3 and 4 of Directive 84/634/EEC are hereby replaced by the following:

Article 3

The Member States, apart from Ireland and the United Kingdom, shall take the measures necessary to ensure that the summertime period for 1986, 1987 and 1988 ends at 1 a.m. Greenwich Mean Time, on the last Sunday in September, namely:

- in 1986: on 28 September,
- in 1987: on 27 September,
- in 1988: on 25 September.

Article 4

Ireland and the United Kingdom shall take the measures necessary to ensure that the summertime period for 1986, 1987 and 1988 ends at 1 a.m. Greenwich Mean Time, on the fourth Sunday in October, namely:

- in 1986: on 26 October,
- in 1987: on 25 October,
- in 1988: on 23 October.'

Article 2

The Member States shall take the measures necessary to comply with this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

⁽¹⁾ OJ No L 331, 19. 12. 1984, p. 33.

COUNCIL DIRECTIVE

of 20 December 1985

amending the Directive of 11 May 1960 on the implementation of Article 67 of the Treaty

(85/583/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 69 thereof,

Having regard to the proposal from the Commission, submitted after consultation of the Monetary Committee,

Whereas the Council Directive of 11 May 1960 for the implementation of Article 67 of the Treaty⁽¹⁾, as amended by Directive 63/21/EEC⁽²⁾, excluded transactions in the units of unit trusts from the capital movements referred to in Article 2 thereof and set out in List B of Annex I thereto and included them in the capital movements referred to in Article 3 thereof and set out in List C of Annex I thereto;

Whereas Council Directive 85/611/EEC of 20 December 1985⁽³⁾ has coordinated the laws, regulations and administrative provisions regarding certain undertakings for collective investment in transferable securities (UCITS); whereas that coordination, which provides investors with more effective protection and with more

uniform safeguards, makes it possible to remove the restrictions on the free movement of the units of such undertakings; whereas, moreover, retention of those restrictions would substantially reduce the effect of those provisions of that Directive which relate to the marketing of the units of such undertakings;

Whereas, pursuant to the subparagraph of Article 229 of the Act of Accession of 1985, the Portuguese Republic may postpone until 31 December 1990 the liberalization of the transactions set out in List B in Annex I to the Directive of 11 May 1960 concerning the acquisition of foreign securities by residents; whereas the Portuguese Republic should be able to postpone to the same date the liberalization pursuant to this Directive of transactions of the same kind in the units of foreign UCITS carried out by residents,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to the Directive of 11 May 1960 is hereby amended as follows:

1. The following shall be substituted for List B:

'LIST B

Capital movements referred to in Article 2 of the Directive

	Items of nomenclature
Operations in securities:	
(a) Securities dealt in on stock exchanges	
Acquisition by non-residents of domestic securities and repatriation of the proceeds of the liquidation thereof	IV A
— excluding units of unit trusts not governed by Directive 85/611/EEC	
Acquisition by residents of foreign securities and use of the proceeds of the liquidation thereof	IV B
— excluding bonds issued on foreign markets and denominated in national currency	
— excluding units of unit trusts not governed by Directive 85/611/EEC	

⁽¹⁾ OJ No 43, 12. 7. 1960, p. 921/60.

⁽²⁾ OJ No 9, 22. 1. 1963, p. 62/63.

⁽³⁾ OJ No L 375, 31. 12. 1985.

	Items of nomenclature
(b) Securities not dealt in on stock exchanges	
Acquisition by non-residents of units of domestic undertakings for collective investment in transferable securities governed by Directive 85/611/EEC and repatriation of the proceeds of the liquidation thereof	IV C
Acquisition by residents of units of foreign undertakings for collective investment in transferable securities governed by Directive 85/611/EEC and use of the proceeds of the liquidation thereof	IV D
(c) Physical movements of the securities mentioned in (a) and (b)	IV E in conjunction with IV A and IV C, IV B and IV D

The use of the proceeds of the liquidation of assets abroad belonging to residents must be permitted at least within the limits of the obligations as regards liberalization accepted by Member States.'

2. The following shall be substituted for the section on 'Operations in securities' in List C:

	Items of nomenclature
'Operations in securities:	
(a) Securities dealt in on stock exchanges	
Acquisition by non-residents of units of domestic unit trusts not governed by Directive 85/611/EEC and repatriation of the proceeds of the liquidation thereof	IV A
Acquisition by residents of units of foreign unit trusts not governed by Directive 85/611/EEC and use of the proceeds of the liquidation thereof	IV B
Acquisition by residents of foreign bonds issued on foreign markets and denominated in national currency	IV B 3 (i)
(b) Securities not dealt in on stock exchanges	
Acquisition by non-residents of domestic securities and repatriation of the proceeds of the liquidation thereof	IV C
— excluding units of domestic undertakings for collective investment in transferable securities governed by Directive 85/611/EEC	
Acquisition by residents of foreign securities and use of the proceeds of the liquidation thereof	IV D
— excluding units of foreign undertakings for collective investment in transferable securities governed by Directive 85/611/EEC	
(c) Physical movements of the securities mentioned in (a) and (b)	IV E in conjunction with IV A and IV C, IV B and IV D'

Article 2

The Explanatory Notes in Annex II to the Directive of 11 May 1960 shall be supplemented as follows:

'Undertakings for collective investment in transferable securities (UCITS)

Undertakings

— the sole object of which is the collective investment in transferable securities of the capital

they raise and which operate on the principle of risk-spreading, and

— the units of which are, at the request of holders, under the legal, contractual or statutory conditions governing them, repurchased or redeemed, directly or indirectly, out of those undertakings' assets. Action taken by a UCITS to ensure that the stock exchange value of its units does not significantly vary from their net asset value shall be regarded as equivalent to such repurchase or redemption.

Such undertakings may be constituted according to law either under the law of contract (as common funds managed by management companies) or trust

law (as unit trusts) or under statute (as investment companies).

For the purposes of this Directive "common funds" shall also include unit trusts.'

Article 3

The Member States shall bring into force the measures necessary for them to comply with this Directive by 1 October 1989 at the latest and shall forthwith inform the Commission thereof.

The Portuguese Republic may postpone until 31 December 1990 the liberalization of the acquisition by residents of the units of foreign collective investment undertakings covered by Directive 85/611/EEC.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

COUNCIL DIRECTIVE

of 20 December 1985

amending, on account of the accession of Spain and Portugal, Directive 85/433/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy

(85/584/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Whereas, on account of the accession of Spain and Portugal, it is necessary to make certain amendments to Directive 85/433/EEC ⁽¹⁾ to ensure its equal application by the Kingdom of Spain and the Portuguese Republic and the other Member States;

Whereas pursuant to Article 2 (3), of the Treaty of Accession of Spain and Portugal the institutions of the Community can adopt before accession the measures referred to in Article 396 of the Act of Accession, the measures entering into force subject to and on the date of entry into force of the said Treaty,

HAD ADOPTED THIS DIRECTIVE:

Article 1

As from 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal, the following shall be added to Article 4 of Directive 85/433/EEC:

'(k) *in Spain:*

título de licenciado en farmacia (university degree in pharmacy awarded by the Ministry of Education and Science or by the universities)

(l) *in Portugal:*

Carta de curso de licenciatura em Ciências Farmacêuticas (the certificate in pharmaceutical sciences awarded by the universities).'

Article 2

The Member States shall bring into force the measures necessary to comply with this Directive within the time limit specified in Article 19 (1) of Directive 85/433/EEC.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. KRIEPS

(¹) OJ No L 253, 24. 9. 1985, p. 37.

COUNCIL DIRECTIVE

of 20 December 1985

amending Directive 64/54/EEC on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption

(85/585/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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Directive 64/54/EEC ⁽⁴⁾, as last amended by Directive 85/172/EEC ⁽⁵⁾, lays down a list of preservatives which may be used for the protection of foodstuffs intended for human consumption against deterioration caused by micro-organisms;

Whereas potassium acid sulphite (potassium bisulphite) may be used in wine production as an alternative to other sulphites already permitted by the said Directive, and therefore should be added to the list under No E 228;

Whereas, without prejudice to future general Community rules on the surface treatment of fruit, in order to remove any uncertainty about the acceptability of thiabendazole (E 233), the deadline for its authorized use should be removed with effect from 16 September 1984,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 64/54/EEC is hereby amended as follows:

(i) the following shall be inserted under entry I:

EEC No	Name	Conditions of use
E 228	Potassium acid sulphite (Potassium bisulphite)	

(ii) Under E 233 in the column 'Conditions of use', point (c) shall be deleted with effect from 1 January 1986.

Article 2

Member States shall bring into force not later than 31 December 1986 the laws, regulations or administrative procedures necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No C 33, 17. 12. 1981, p. 7.

⁽²⁾ OJ No C 125, 17. 5. 1982, p. 117.

⁽³⁾ OJ No C 178, 15. 7. 1982, p. 4.

⁽⁴⁾ OJ No 12, 27. 1. 1964, p. 161/64.

⁽⁵⁾ OJ No L 65, 6. 3. 1985, p. 22.

COUNCIL DIRECTIVE

of 20 December 1985

introducing technical adjustments, on account of the accession of Spain and Portugal, to Directives 64/432/EEC, 64/433/EEC, 77/99/EEC, 77/504/EEC, 80/217/EEC and 80/1095/EEC relating to the veterinary field

(85/586/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas to take account of the accession of Spain and Portugal, the lists of laboratories drawn up under Community rules should be supplemented, namely Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽¹⁾, as last amended by Directive 85/320/EEC⁽²⁾, and Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by Directive 84/645/EEC⁽⁴⁾;

Whereas it is advisable to adapt the Community certificates covering trade in live cattle and pigs and the health marking of fresh meat and meat products; whereas this adaptation concerns Directive 64/432/EEC, Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat⁽⁵⁾, as last amended by Directive 85/325/EEC⁽⁶⁾, and Council Directive 77/99/EEC of 21 December 1976 on health problems affecting intra-Community trade in meat products⁽⁷⁾, as last amended by Directive 85/328/EEC⁽⁸⁾;

Whereas Council Directive 75/504/EEC of 25 July 1977 on pure-bred breeding animals of the bovine

species⁽⁹⁾, as last amended by the Act of Accession of Greece⁽¹⁰⁾, should be amended in order to take into account the derogation provided for in respect of Portugal in Article 343 of the 1985 Act of Accession;

Whereas the control measures which Portugal and Spain will be called upon to apply with a view to eradicating classical swine fever should be laid down in accordance with a Community procedure; whereas Council Directive 80/1095/EEC of 11 November 1980 laying down conditions designed to render and keep the territory of the Community free from classical swine fever⁽¹¹⁾, as last amended by Directive 81/47/EEC⁽¹²⁾, should be adopted to that end;

Whereas the concept of 'region', as referred to in Directive 64/432/EEC, should be further defined in order to take account of the accession of Spain and Portugal;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession of Spain and Portugal the institutions of the Community may adopt before accession the measures referred to in Article 396 of the Act of Accession, subject to and on the date of the entry into force of this Treaty,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 64/432/EEC is hereby amended as follows:

1. The following indents shall be added to Article 2 (o):

- Spain: Provincia,
- Portugal: mainland: distrito, and other parts of Portugal's territory: região autónoma'.

2. In Annex B, the following points shall be added to point 12:

'(k) Spain — Laboratorio de Sanidad y Producción Animal, Granada,

(l) Portugal — Laboratório Nacional de Investigação Veterinária — Lisboa'.

(1) OJ No 121, 29. 7. 1964, p. 1977/64.

(2) OJ No L 168, 28. 6. 1985, p. 36.

(3) OJ No L 47, 21. 2. 1980, p. 11.

(4) OJ No L 339, 27. 12. 1984, p. 33.

(5) OJ No 121, 29. 7. 1964, p. 2012/64.

(6) OJ No L 168, 28. 6. 1985, p. 47.

(7) OJ No L 26, 31. 1. 1977, p. 85.

(8) OJ No L 168, 28. 6. 1985, p. 50.

(9) OJ No L 206, 12. 8. 1977, p. 8.

(10) OJ No L 291, 19. 11. 1979, p. 17.

(11) OJ No L 325, 1. 12. 1980, p. 5.

(12) OJ No L 186, 8. 7. 1981, p. 20.

3. In Annex C, the following shall be added to point A.9:

'(k) Spain — Centro Nacional de Brucelosis de Murcia,

(l) Portugal — Laboratório Nacional de Investigação Veterinária — Lisboa'.

4. In Annex F, footnote (4) to Model I is hereby supplemented by the following:

'Spain: Inspector Veterinario;

Portugal: Inspector veterinário'.

5. In Annex F, footnote (5) to Model II is hereby supplemented by the following:

'in Spain: Inspector Veterinario;

in Portugal: Inspector veterinário.'

6. In Annex F, footnote (4) to Model III is hereby supplemented by the following:

'in Spain: Inspector Veterinario;

in Portugal: Inspector veterinário.'

7. In Annex F, the footnote (5) to Model IV is hereby supplemented by:

'in Spain: Inspector Veterinario;

in Portugal: Inspector veterinário.'

8. In Annex G, the following shall be added to point A.2:

'(j) Spain: Laboratorio de Sanidad y Producción Animal de Barcelona,

(k) Portugal: Laboratório Nacional de Investigação Veterinária — Lisboa.'

Article 2

In Chapter X.49 (a) of Annex I to Directive 64/433/EEC, the first indent is hereby supplemented by: '— ESP — P'.

Article 3

In the first indent of point 33 (a) of Chapter VII of Annex A to Directive 77/99/EEC, 'ESP — P' shall be inserted after 'E'.

Article 4

Article 2 of Directive 77/504/EEC shall be supplemented by the following paragraph:

'However, Portugal is hereby authorized to maintain, until 31 December 1990 at the latest, import restrictions for bovine animals, as described in the first indent of the previous paragraph, where the breeds concerned do not appear on the list of breeds authorized in Portugal. Portugal shall notify the Commission and the Member States of the list of authorized breeds.'

Article 5

The list of national swine fever laboratories in Annex II to Directive 80/217/EEC is hereby supplemented by the following:

'Spain: Laboratorio de Sanidad y Producción Animal de Barcelona

Portugal: Laboratório Nacional de Investigação Veterinária — Lisboa'.

Article 6

Directive 80/1095/EEC is hereby amended as follows:

1. The following subparagraph shall be added to Article 3 (2):

'The status of Portugal and Spain will be defined in accordance with the same procedure before 1 July 1986 with a view to specifying such control measures as may prove appropriate.'

2. Article 12 (2) shall be supplemented by the following: 'and, in the case of Portugal and Spain, before 1 July 1992.'

Article 7

Subject to the entry into force of the Treaty of Accession of Spain and Portugal, Member States shall bring into force not later than 1 January 1986, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

COUNCIL DECISION**of 20 December 1985****amending, on account of the accession of Spain, Decision 78/476/EEC on the equivalence of checks on practices for the maintenance of varieties carried out in third countries****(85/587/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Subject to the entry into force of the Treaty of Accession of Spain and Portugal, point 3 in the table (relating to Spain) of the Annex to Decision 78/476/EEC shall be deleted with effect from 1 March 1986.

Having regard to the proposal from the Commission,

*Article 2*Whereas in Decision 78/476/EEC ⁽¹⁾, as last amended by Decision 83/495/EEC ⁽²⁾, the Council determined that the official checks carried out in 11 third countries on practices for the maintenance of certain varieties of arable and vegetable crops provided the same guarantees as checks carried out in the Member States; whereas the said determination of equivalence also includes Spain;

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1985.

Whereas, pursuant to Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt before accession the measures referred to in Article 396 of the Act of Accession,

*For the Council**The President*

R. STEICHEN

⁽¹⁾ OJ No L 152, 8. 6. 1978, p. 17.⁽²⁾ OJ No L 275, 8. 10. 1983, p. 18.

COUNCIL DECISION

of 20 December 1985

amending, on account of the accession of Spain and Portugal, Decision 85/356/EEC on the equivalence of seed produced in third countries

(85/588/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas in Decision 85/356/EEC⁽¹⁾ the Council determined that the seed of certain species harvested in 21 third countries was equivalent to the corresponding seed harvested in the Community; whereas the said determination of equivalence includes Spain and Portugal;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the

Communities may adopt before accession the measures referred to in Article 396 of the Act of Accession,

HAS DECIDED AS FOLLOWS:

Article 1

Subject to the entry into force of the Treaty of Accession of Spain and Portugal, the Annex to Council Decision 85/356/EEC shall be amended as follows with effect from 1 March 1986:

- In Part I, Title 1, point 1.1 the following entries shall be deleted:
'E = Spain', and
'P = Portugal'.
- In the table in Part I, Title 2, the following additions shall be made to the table headings:

'País País	Servicio Serviço	Especie Espécie	Categoría — Categoria		Observaciones Observações
			País tercero País terceiro	CEE CEE	
1	2	3	4	5	6'

3. The eighth section of the table relating to Spain shall be deleted.

4. In the 12th section of the table (relating to New Zealand), the following shall be added to footnote (1) on *Beta vulgaris*:

'Solamente para remolacha azucarera.

Unicamente para a beterraba açucareira.'

5. In the 12th section of the table (relating to New Zealand), the following shall be added to footnote (1) on *Linum usitatissimum*:

'Solamente para el lino oleaginoso.

Unicamente para ó linho oleaginoso.'

6. The 13th section of the table (relating to Portugal) shall be deleted.

7. In the 14th section of the table (relating to Poland), the following shall be added to footnote (1) on *Brassica rapa (partim)*, *Brassica napus* spp. *oleifera* and *Sinapis alba*:

'Destinadas a obtención de forraje.

Destinada à produção de forragem.'

8. In the 18th and 19th sections of the table (relating to Turkey and the United States of America respectively), the following shall be added to the footnote on *Beta vulgaris*:

'Solamente para remolacha azucarera.

Unicamente para a beterraba açucareira.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 195, 26. 7. 1985, p. 20.

COUNCIL DECISION

of 20 December 1985

amending, on account of the accession of Spain and Portugal, Decision 85/355/EEC on the equivalence of field inspections carried out in third countries on seed-producing crops

(85/589/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

Whereas in Decision 85/355/EEC⁽¹⁾ the Council determined that the field inspections carried out in 21 third countries on seed-producing crops of certain species satisfied the conditions laid down in the relevant Community Directives; whereas the said determination of equivalence includes Spain and Portugal;

Whereas, by virtue of Article 2 (3) of the Treaty of Accession of Spain and Portugal, the institutions of the Communities may adopt before accession the measures referred to in Article 396 of the Act of Accession,

HAS DECIDED AS FOLLOWS:

Article 1

Subject to the entry into force of the Treaty of Accession of Spain and Portugal, the Annex to Council Decision 85/355/EEC shall be amended as follows with effect from 1 March 1986:

1. in Part I, Title 1, point 1.1. the following entries shall be deleted:

'E = Spain', and

'P = Portugal'.

2. In the table in Part I, Title 2, the following additions shall be made to the table headings:

'País País	Servicio Serviço	Especie Espécie	Observaciones Observações
1	2	3	4'

3. The eighth section of the table relating to Spain shall be deleted.

4. In the 12th section of the table (relating to New Zealand), the following shall be added to footnote (1) on *Beta vulgaris*:

'Solamente para remolacha azucarera.

Unicamente para a beterraba açucareira.'

5. In the 12th section of the table (relating to New Zealand), the following shall be added to the footnote on *Linum usitatissimum*:

'Solamente para el lino oleaginoso.

Unicamente para ó linho oleaginoso.'

6. The 13th section of the table relating to Portugal shall be deleted.

7. In the 14th section of the table (relating to Poland), the following shall be added to footnote (1) on *Brassica napus* ssp. *oleifera*, *Brassica rapa* (partim) and *Sinapis alba*:

'Destinadas a obtención de forraje.

Destinada à produção de forragem.'

8. In the 18th and 19th sections of the table (relating to Turkey and the United States of America respectively), the following shall be added to the footnote on *Beta vulgaris*:

'Solamente para remolacha azucarera.

Unicamente para a beterraba açucareira.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council

The President

R. STEICHEN

⁽¹⁾ OJ No L 195, 26. 7. 1985, p. 1.

COUNCIL DIRECTIVE**of 20 December 1985****amending Directive 83/515/EEC concerning certain measures to adjust capacity in the fisheries sector****(85/590/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Having regard to the Treaty establishing the European Economic Community,

With effect from 1 January 1986, subject to the entry into force of the Treaty of Accession of Spain and Portugal, Directive 83/515/EEC is hereby amended as follows:

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

1. The second subparagraph of Article 9 (4) shall be replaced by the following:

Having regard to the proposal of the Commission,

‘The total estimated cost charged to the Community’s budget is estimated at:

Whereas it is necessary, in view of the accession of Spain and Portugal, to amend Directive 83/515/EEC ⁽¹⁾, in order to adjust the total estimated cost charged to the Community’s budget;

— 60 million ECU for the financial aid referred to in Article 3,

— 46 million ECU for the financial aid referred to in Article 5.’

2. In Article 13 (2) ‘45’ shall be replaced by ‘54’.

Article 2

This Directive is addressed to the Member States.

Whereas, pursuant to Article 2 (3) of the Treaty of Accession, the institutions of the Community may adopt, before accession, the measures referred to in Article 396 of the Act of Accession, such measures entering into force subject to and on the date of the entry into force of that Treaty,

Done at Brussels, 20 December 1985.

*For the Council**The President*

R. STEICHEN

⁽¹⁾ OJ No L 290, 22. 10. 1983, p. 15.

COUNCIL DIRECTIVE

of 20 December 1985

concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption

(85/591/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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the production, manufacture, marketing and use of foodstuffs intended for human consumption are of considerable importance in the European Economic Community;

Whereas the methods of sampling and analysis used for this purpose can have direct repercussions on the establishment and functioning of the common market; whereas they should, therefore, be harmonized;

Whereas the laying down of these methods of sampling and analysis constitutes a measure of a purely scientific and technical nature; whereas a rapid procedure for developing, improving and supplementing such methods is necessary; whereas, in order to facilitate the adoption of such measures, a procedure should be introduced for close cooperation between the Member States and the Commission within the Standing Committee for Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Where it is necessary to introduce Community methods of sampling or analysis for the purpose of determining the composition, conditions of manufacture, packaging or labelling of a foodstuff, such methods shall be adopted by the Commission or by the Council as appropriate in accordance with the procedure laid down in Article 4.

2. Paragraph 1 shall be without prejudice to any specific provisions currently in force or hereafter adopted in the context of special Community rules.

3. For the purposes of determining whether it is necessary to introduce the measures provided for in paragraph 1, the following criteria in particular will be taken into consideration:

- (a) the need to ensure that Community law is uniformly applied;
- (b) the existence of barriers to intra-Community trade;
- (c) the permanent or recurrent nature of the criteria referred to in (a) or (b).

Article 2

1. The Directives provided for in Article 1 shall take account of the state of scientific and technical knowledge, in particular of proven methods of sampling and analysis.

2. Such Directives shall specify appropriate time limits for Member States to implement them.

3. The introduction of the measures provided for in Article 1 (1) shall not preclude Member States from using other tested and scientifically valid methods provided that this does not hinder the free movement of products recognized as complying with the rules by virtue of Community methods. However, in the event of differences in the interpretation of results, those obtained by the use of Community methods shall be determinant.

4. The methods of analysis introduced shall comply with the criteria set out in the Annex.

5. Without prejudice to Article 3, the necessary amendments to existing Directives in so far as appropriate in view of the advanced state of scientific and technological knowledge may, at the request of a Member State, be adopted by means of the procedure provided for in Article 4.

Article 3

1. Where a Member State has detailed evidence that a measure adopted in accordance with Article 1 is inappropriate in a particular case for technical reasons or because it is insufficiently conclusive for the examination of an important health question, that Member State may

⁽¹⁾ OJ No C 53, 24. 2. 1984, p. 9.

⁽²⁾ OJ No C 46, 18. 2. 1985, p. 95.

⁽³⁾ OJ No C 44, 15. 2. 1985, p. 1.

temporarily suspend the measure in question in its territory but only for that particular case. It shall immediately inform the other Member States and the Commission thereof and give reasons for its decision.

2. The Commission shall examine as soon as possible the evidence given by the Member State and then consult the Member States within the Standing Committee for Foodstuffs referred to in Article 4, after which it shall deliver its opinion forthwith and take the appropriate measures.

3. If the Commission considers that amendments to the measure adopted in accordance with Article 1 are necessary in order to resolve the difficulties mentioned in paragraph 1, it shall initiate the procedure laid down in Article 4. The member State which has suspended the Community measure may, in that event, continue to do so until the amendments enter into force.

Article 4

1. Where the procedure defined in this Article is invoked, the matter shall be referred to the Standing Committee for Foodstuffs set up by Decision 69/414/EEC⁽¹⁾ (hereinafter called 'the Committee') by its chairman, either on his own initiative or at the request of a representative of a Member State.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its own opinion on that draft within a time limit set by the chairman having regard to the urgency of the matter. Opinions shall be delivered by a majority of 45 votes, the votes of the

Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. (a) Where the measures envisaged are in accordance with the opinion of the Committee, the Commission shall adopt them;
- (b) Where the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority;
- (c) If the Council has not acted within three months after submission of the proposal, the proposed measures shall be adopted by the Commission.

Article 5

Member States shall, within a period of two years following notification thereof⁽²⁾, bring into force by law, regulation or administrative action any provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 20 December 1985.

For the Council:

The President

R. STEICHEN

⁽¹⁾ OJ No L 291, 19. 11. 1969, p. 9.

⁽²⁾ This Directive was notified to the Member States on 23 December 1985.

ANNEX

1. Methods of analysis which are to be considered for adoption under the provisions of the Directive shall be examined with respect to the following criteria:
 - (i) specificity,
 - (ii) accuracy,
 - (iii) precision; repeatability intra-laboratory (within laboratory) and reproducibility inter-laboratory (within and between laboratories) variabilities,
 - (iv) limit of detection,
 - (v) sensitivity,
 - (vi) practicability and applicability,
 - (vii) other criteria which may be selected as required.
 2. The precision values referred to in 1 (iii) shall be obtained from a collaborative trial which has been conducted in accordance with an internationally recognized protocol on collaborative trials (e.g. International Organization of Standardization 'Precision of Test Methods' (ISO 5725/1981)). The repeatability and reproducibility values shall be expressed in an internationally recognized form (e.g. the 95 % confidence intervals as defined by ISO 5725/1981). The results from the collaborative trial shall be published or freely available.
 3. Methods of analysis which are applicable uniformly to various groups of commodities should be given preference over methods which apply only to individual commodities.
 4. Methods of analysis adopted under this Directive should be edited in the standard layout for methods of analysis recommended by the International Organization for Standardization.
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