

Official Journal

of the European Communities

ISSN 0378-6978

L 48

Volume 40

19 February 1997

English edition

Legislation

Contents

I Acts whose publication is obligatory

- * Council Regulation (EC) No 285/97 of 17 February 1997 amending Regulation (EEC) No 738/92 imposing a definitive anti-dumping duty on imports of cotton yarn originating in Brazil and Turkey 1
- * Commission Regulation (EC) No 286/97 of 17 February 1997 concerning the classification of certain goods in the combined nomenclature 3
- * Commission Regulation (EC) No 287/97 of 17 February 1997 concerning the classification of certain goods in the combined nomenclature 5
- * Commission Regulation (EC) No 288/97 of 17 February 1997 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and repealing a number of regulations on classification 7
- * Commission Regulation (EC) No 289/97 of 18 February 1997 subjecting the issue of import licences for processed tomatoes originating in Turkey to special conditions 8
- Commission Regulation (EC) No 290/97 of 18 February 1997 fixing the export refunds on poultrymeat 9
- Commission Regulation (EC) No 291/97 of 18 February 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables 11
- * Decision No 292/97/EC of the European Parliament and of the Council of 19 December 1996 on the maintenance of national laws prohibiting the use of certain additives in the production of certain specific foodstuffs 13
- * Directive 96/83/EC of the European Parliament and of the Council of 19 December 1996 amending Directive 94/35/EC on sweeteners for use in foodstuffs 16

2

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

* Directive 96/84/EC of the European Parliament and of the Council of 19 December 1996 amending Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses	20
* Commission Directive 97/8/EC of 7 February 1997 amending Council Directive 74/63/EEC on undesirable substances and products in animal nutrition ⁽¹⁾	22

II *Acts whose publication is not obligatory*

Commission

97/124/ECSC:

* Commission Decision of 30 July 1996 concerning State aid to Werkstoff-Union GmbH, Lippendorf (Saxony).....	31
--	----

97/125/EC:

* Commission Decision of 24 January 1997 authorizing the indelible printing of prescribed information on packages of seed of oil and fibre plants and amending Decision 87/309/EEC authorizing the indelible printing of prescribed information on packages of certain fodder plant species	35
---	----

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 285/97
of 17 February 1997
amending Regulation (EEC) No 738/92 imposing a definitive anti-dumping duty
on imports of cotton yarn originating in Brazil and Turkey

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾,

Having regard to the proposal from the Commission, after consulting the Advisory Committee,

Whereas:

individual dumping margins could not be initiated in this proceeding, as sampling was used in the original investigation. However, in order to ensure equal treatment between any new exporters and the cooperating companies not included in the sample during the original investigation, it is considered that provision should be made for the weighted average duty imposed on the latter companies to be applied to any new exporters which would otherwise be entitled to a review pursuant to Article 11 (4),

HAS ADOPTED THIS REGULATION:

A. Previous procedure

Article 1

- (1) The Council, by Regulation (EEC) No 738/92⁽²⁾, imposed definitive anti-dumping duties on imports of cotton yarn falling with CN codes 5205 11 00 to 5205 45 90 and 5206 11 00 to 5206 45 90 originating, inter alia, in Turkey. Sampling was applied to Turkish exporters, and individual duties ranging from 4,9 % to 12,1 % were imposed on the companies in the sample, while other cooperating companies not included in the sample received a weighted average duty of 9 %. A duty of 12,1 % was imposed on companies which either did not make themselves known or did not cooperate in the investigation.

The following paragraph shall be added to Article 1 of Regulation (EEC) No 738/92:

‘6. Where any party provides sufficient evidence to the Commission that it did not export the goods described in Article 1(1) during the investigation period, that it is not related to any exporter or producer subject to the measures imposed by this Regulation and that it has exported the goods concerned after the investigation period, or that it has entered into an irrevocable contractual obligation to export a significant quantity to the Community, then the Council, acting by simple majority on a proposal submitted by the Commission after consulting the Advisory Committee, may amend Article 1(2) by adding that party to Article 1(2).’

B. Amendment

- (2) Pursuant to Article 11(4) of Regulation (EC) No 384/96, a new exporter's review to determine

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 82, 27. 3. 1992, p. 1. Regulation as last amended by Regulation (EC) No 1828/94 (OJ No L 191, 27. 7. 1994, p. 3).

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

Done at Brussels, 17 February 1997.

For the Council

The President

G. ZALM

COMMISSION REGULATION (EC) No 286/97

of 17 February 1997

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 2493/96⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas the Tariff and Statistical Nomenclature Section of the Customs Code Committee has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 17 February 1997.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 338, 28. 12. 1996, p. 27.

ANNEX

Description	Classification CN code	Reasons
(1)	(2)	(3)
Spreadable emulsion of the water-in-oil type containing milk fat (61,2 % by weight), milk protein and small pieces of garlic, parsley and other herbs.	0405 20 30	Classification is determined by General Rules 1 and 6 for the interpretation of the combined nomenclature, Note 2 (b) to Chapter 4 and the wording of CN codes 0405, 0405 20 and 0405 20 30.

COMMISSION REGULATION (EC) No 287/97

of 17 February 1997

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 2493/96⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present

Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 17 February 1997.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 338, 28. 12. 1996, p. 27.

ANNEX

Description	Classification CN code	Reasons
(1)	(2)	(3)
<p>1. Food preparation, composed as follows:</p> <p>milk fat: 74 % by weight</p> <p>whole egg powder: 5 % by weight</p> <p>wine vinegar: 4 % by weight</p> <p>salt: 1,5 % by weight</p> <p>water: 15,5 % by weight</p> <p>The product, presented in the chilled state, takes the form of a pale yellow, oily block.</p>	2106 90 98	Classification is determined by General Rules 1 and 6 for the interpretation of the combined nomenclature, Note 2 (b) to Chapter 4, Note 1 (c) to Chapter 15, and by the wording of CN codes 2106, 2106 90 and 2106 90 98.
<p>2. Spreadable fat consisting, by weight, of 70 to 80 % milk fats and 20 to 30 % vegetable fats, generally put up for retail sale in 500 g packets</p> <p>The product may be obtained by mixing butter (heading 0405) and vegetable fat (Chapter 15) or by mixing cream (heading 0401) and vegetable fat (Chapter 15) and churning after mixing.</p>	2106 90 98	Classification is based on the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, Note 2 (b) to Chapter 4, Note 1 (c) to Chapter 15 and by wording of CN codes 2106, 2106 90 and 2106 90 98.

COMMISSION REGULATION (EC) No 288/97

of 17 February 1997

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and repealing a number of regulations on classification

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 2493/96⁽²⁾, and in particular Article 9 thereof,

Whereas it can be difficult to distinguish between some vegetable-based sauces falling within heading 2103 and prepared or preserved vegetables falling within Chapter 20; whereas, to ensure the uniform application of the combined nomenclature, provision should be made to distinguish between the two groups of products; whereas the said sauces usually take the form of liquids, emulsions or suspensions containing very little visible solid matter; whereas a suitable distinguishing criterion would be to pass them through a sieve of a given aperture;

Whereas an additional note should be inserted in Chapter 21 of the combined nomenclature and the corresponding amendments made to Annex I to Regulation (EEC) No 2658/87;

Whereas the regulations or parts of regulations that previously served to classify such products on the basis of criteria other than passage through a metal wire sieve, namely Commission Regulations (EEC) No 314/90⁽³⁾, (EEC) No 3044/90⁽⁴⁾ and (EC) No 3055/94⁽⁵⁾, should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statis-

tical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Chapter 21 of the combined nomenclature annexed to Regulation (EEC) No 2658/87 is hereby amended as follows:

1. the following additional note shall be inserted:

'1. For the purposes of subheadings 2103 20 00 and 2103 90 90, the expression "sauces" does not cover a preparation of vegetables, fruit or other edible parts of plants if the percentage of these ingredients passing through a metal wire sieve, with an aperture of 5 mm, is, after rinsing with water of a temperature of 20 °C, less than 80 % by weight, calculated on the original preparation.'

2. Additional notes 1 to 4 shall be renumbered 2 to 5.

Article 2

Point 2 of the Annex to Regulation (EEC) No 314/90, point 1 of the Annex to Regulation (EEC) No 3044/90 and Regulation (EC) No 3055/94 are hereby repealed.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 17 February 1997.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 338, 28. 12. 1996, p. 27.

⁽³⁾ OJ No L 35, 7. 2. 1990, p. 9.

⁽⁴⁾ OJ No L 292, 24. 10. 1990, p. 5.

⁽⁵⁾ OJ No L 323, 16. 12. 1994, p. 8.

COMMISSION REGULATION (EC) No 289/97

of 18 February 1997

subjecting the issue of import licences for processed tomatoes originating in Turkey to special conditions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products⁽¹⁾, and in particular Article 11 (2) thereof,

Whereas Article 2 (2) of Commission Regulation (EC) No 1921/95 of 3 August 1995 laying down detailed rules for application of the system of import licences for products processed from fruit and vegetables and repealing Regulations (EEC) No 2405/89 and (EEC) No 3518/86⁽²⁾, as amended by Regulation (EC) No 2427/95⁽³⁾ states that, for products for which import trends need to be monitored closely in order to assess the risk of disturbance or threatened disturbance of the market, the Commission may decide that import licences are to be issued following a cooling-off period; whereas when it has been decided to use this provision Member States are required to notify to the Commission three times a week the particulars of the import licences issued;

Whereas the recent import trend for processed tomatoes falling within CN code 2002 originating in Turkey calls for increased surveillance;

Whereas to prevent improper import licence applications from being lodged in the days preceding entry into force

of the present Regulation it should enter into force on the day of its publication in the *Official Journal of the European Communities*;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Processed Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For processed tomatoes falling within CN code 2002 originating in Turkey:

- (a) import licences as referred to in Regulation (EC) No 1921/95 shall be issued on the third working day following that on which the application was lodged;
- (b) particulars of licence applications shall be notified by Member States to the Commission as specified in Article 7 (2) of Regulation (EC) No 1921/95.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 18 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ No L 185, 4. 8. 1995, p. 10.

⁽³⁾ OJ No L 249, 17. 10. 1995, p. 12.

COMMISSION REGULATION (EC) No 290/97
of 18 February 1997
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EC) No 2916/95⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2777/75 provides that from 1 July 1995 all exports for which refunds are requested, with the exception of exports of day-old chicks, shall be subject to the presentation of an export licence with advance fixing of the refund; whereas the specific implementing rules for these arrangements are laid down in Commission Regulation (EC) No 1372/95⁽³⁾, as last amended by Regulation (EC) No 2370/96⁽⁴⁾;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the poultrymeat sector;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas

detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The list of product codes for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto for exports to be carried out on the basis of the export licences referred to in Article 2 of Regulation (EC) No 1372/95 or on the basis of the 'ex-post' export licences referred to in Article 9 of the same Regulation.

Article 2

This Regulation shall enter into force on 19 February 1997.

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

Done at Brussels, 18 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽⁴⁾ OJ No L 323, 13. 12. 1996, p. 12.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 18 February 1997 fixing the export refunds on poultrymeat

Product code	Destination of refund ⁽¹⁾	Amount of refund	Product code	Destination of refund ⁽¹⁾	Amount of refund
		ECU/100 units			ECU/100 kg
0105 11 11 9000	01	1,50	0207 25 10 9000	05	7,00
0105 11 19 9000	01	1,50	0207 25 90 9000	05	7,00
0105 11 91 9000	01	1,50	0207 14 20 9900	05	7,00
0105 11 99 9000	01	1,50	0207 14 60 9900	05	7,00
0105 12 00 9000	01	3,50	0207 14 70 9190	05	7,00
0105 19 20 9000	01	3,50	0207 14 70 9290	05	7,00
		ECU/100 kg	0207 27 10 9990	03	5,00
0207 12 10 9900	02	16,00		06	7,00
	03	14,00	0207 27 60 9000	03	5,00
	04	6,00		06	7,00
0207 12 90 9190	02	19,00	0207 27 70 9000	03	5,00
	03	14,00		06	7,00
	04	6,00			

(¹) The destinations are as follows:

01 All destinations except the United States of America,

02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon and Iran,

03 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia and Latvia,

04 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Switzerland and those of 02 and 03 above,

05 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic and Switzerland,

06 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Switzerland and those of 03 above.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 291/97
of 18 February 1997
establishing the standard import values for determining the entry price of
certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 February 1997.

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

Done at Brussels, 18 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 18 February 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 15	052	54,1
	204	50,8
	212	113,6
	624	250,0
	999	117,1
0707 00 10	052	94,2
	053	180,2
	068	74,2
	999	116,2
0709 10 10	220	140,5
	999	140,5
0709 90 73	052	126,5
	204	102,7
	628	141,9
	999	123,7
0805 10 01, 0805 10 05, 0805 10 09	052	43,4
	204	38,2
	212	52,3
	220	30,6
	448	26,6
	464	50,5
	600	58,0
	624	55,5
	999	44,4
	204	67,9
0805 20 11	204	67,9
	999	67,9
0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	25,0
	204	85,4
	220	55,1
	400	79,3
	464	78,5
	600	109,3
	624	81,2
	999	73,4
	052	71,3
	400	72,0
0805 30 20	600	69,4
	999	70,9
	039	97,7
	052	59,3
0808 10 51, 0808 10 53, 0808 10 59	060	64,5
	064	56,3
	400	86,1
	404	84,4
	512	107,7
	999	79,4
	064	77,0
	388	76,7
	400	110,0
	512	63,6
0808 20 31	528	71,1
	624	77,1
	999	79,2

(¹) Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

DECISION No 292/97/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 19 December 1996

on the maintenance of national laws prohibiting the use of certain additives in the production of certain specific foodstuffs

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption ⁽¹⁾, and in particular Article 3a thereof,

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

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

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽⁴⁾,

Whereas the rules on additives harmonization should not affect the application of provisions in force in the Member States on 1 January 1992 which prohibit the use of certain additives in certain specific foodstuffs considered as traditional and produced on their territory;

Whereas the list of foodstuffs considered as traditional must be drawn up on the basis of notifications sent by the Member States to the Commission before 1 July 1994; whereas, however, notifications sent by the new Member States after that date must be considered;

Whereas, however, the general purpose of this Decision is not to define the traditional character of foodstuffs; whereas, in particular, traditional character is not determined simply by a prohibition on the use of additives in such products;

Whereas, nevertheless, account must be taken of how significant the national legal prohibition in force on 1 January 1992 on the use of certain categories of additives is in foodstuff production practices as a whole; whereas

the particular features of certain production methods should be retained; whereas account should be taken of fair practice in commercial transactions involving these products and of consumers' interests before authorization can be given to maintain the prohibition on the use of certain categories of additives;

Whereas designation of a product as a traditional product for which a Member State might maintain its national legislation must be without prejudice to the provisions of Regulations (EEC) No 2081/92 ⁽⁵⁾ and (EEC) No 2082/92 ⁽⁶⁾ on designation of origin and certificates of specific character respectively;

Whereas Directive 89/107/EEC and the specific directives authorize only additives which do not harm human health; whereas protection of public health cannot therefore be a criterion warranting prohibition of the use of certain additives in certain specific foodstuffs considered as traditional;

Whereas, in principle, prohibition of the use of certain additives must not lead to discrimination with regard to other additives belonging to the same category as referred to in Annex I to Directive 89/107/EEC and so must not affect Community harmonization;

Whereas, in the interests of transparency, bans on the use of certain categories of additive in certain categories of foodstuff which Member States may maintain in derogation from the provisions of Directive 89/107/EEC and the specific Directives 94/35/EC ⁽⁷⁾, 94/36/EC ⁽⁸⁾ and 95/2/EC ⁽⁹⁾ should be identified;

Whereas freedom of establishment and the free movement of goods must not be jeopardized either by the authorization to maintain national laws or by any regulations on labelling to distinguish these products from similar foodstuffs; whereas the free movement, placing on the market manufacture in all Member States of similar foodstuffs considered as traditional or non-traditional must therefore be maintained, in accordance with the provisions of the Treaty,

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27. Directive as amended by Directive 94/34/EC (OJ No L 237, 10. 9. 1994, p. 1).

⁽²⁾ OJ No C 134, 1. 6. 1995, p. 20 and OJ No C 186, 26. 6. 1996, p. 7.

⁽³⁾ OJ No C 301, 13. 11. 1995, p. 43.

⁽⁴⁾ Opinion of the European Parliament of 16 January 1996 (OJ No C 32, 5. 2. 1996, p. 21.) common position of the Council of 18 June 1996 (OJ No C 315, 24. 10. 1996, p. 4) and Decision of the European Parliament of 23 October 1996 (OJ No C 347, 18. 11. 1996). Council Decision of 9 December 1996.

⁽⁵⁾ OJ No L 208, 24. 7. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽⁶⁾ OJ No L 208, 24. 7. 1992, p. 9. Regulation as amended by the 1994 Act of Accession.

⁽⁷⁾ OJ No L 237, 10. 9. 1994, p. 3.

⁽⁸⁾ OJ No L 237, 10. 9. 1994, p. 13.

⁽⁹⁾ OJ No L 61, 18. 3. 1995, p. 1.

HAVE ADOPTED THIS DECISION:

Article 2

Article 1

Pursuant to Article 3a of Directive 89/107/EEC and in accordance with the conditions specified therein, the Member States listed in the Annex are hereby authorized to maintain in their legislation the prohibition on the use of certain categories of additives in the production of the foodstuffs listed in that Annex.

This Decision shall be applied without prejudice to Regulations (EEC) No 2081/92 and (EEC) No 2082/92.

This Decision is addressed to the Member States.

Done at Brussels, 19 December 1996.

For the European Parliament

The President

K. HÄNSCH

For the Council

The President

S. BARRETT

ANNEX

PRODUCTS FOR WHICH THE MEMBER STATES CONCERNED MAY MAINTAIN THE PROHIBITION OF CERTAIN CATEGORIES OF ADDITIVES

Member State	Foodstuffs	Categories of additives which may continue to be banned
Germany	Traditional German beer ('Bier nach deutschem Reinheitsgebot gebraut')	All except propellant gases
Greece	'Feta'	All
France	Traditional French bread	All
France	Traditional French preserved truffles	All
France	Traditional French preserved snails	All
France	Traditional French goose and duck preserves ('confit')	All
Austria	Traditional Austrian 'Bergkäse'	All except preservatives
Finland	Traditional Finnish 'Mämmi'	All except preservatives
Sweden Finland	Traditional Swedish and Finnish fruit syrups	Colours
Denmark	Traditional Danish 'Kødboller'	Preservatives and colours
Denmark	Traditional Danish 'Leverpostej'	Preservatives (other than sorbic acid) and colours
Spain	Traditional Spanish 'Lomo embuchado'	All except preservatives and antioxidants
Italy	Traditional Italian 'Salame cacciatore'	All except preservatives, antioxidants, flavour enhancers and packaging gas
Italy	Traditional Italian 'Mortadella'	All except preservatives, antioxidants, pH-adjusting agents, flavour enhancers, stabilizers and packaging gas
Italy	Traditional Italian 'Cotechino e zampone'	All except preservatives, antioxidants, pH-adjusting agents, flavour enhancers, stabilizers and packaging gas

DIRECTIVE 96/83/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 19 December 1996

amending Directive 94/35/EC on sweeteners for use in foodstuffs

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption ⁽¹⁾, and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾,

Whereas since the adoption of Directive 94/35/EC ⁽⁴⁾ there have been many technical developments in the field of sweeteners;

Whereas the Directive should be adapted to take account of these developments;

Whereas the Scientific Committee for Food set up by Commission Decision 95/273/EC ⁽⁵⁾ was consulted before the adoption of provisions liable to have an effect on public health,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 94/35/EC is hereby amended as follows:

1. the following paragraph shall be added to Article 1:

'5. This Directive shall also apply to the corresponding foodstuffs intended for particular nutritional uses within the meaning of Directive 89/398/EEC.'

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27. Directive as last amended by Directive 94/34/EC (OJ No L 237, 10. 9. 1994, p. 1).

⁽²⁾ OJ No C 174, 17. 6. 1996, p. 1.

⁽³⁾ Opinion of the European Parliament of 12 March 1996 (OJ No C 96, 1. 4. 1996, p. 24). Council Common Position of 25 June 1996 (OJ No C 315, 24. 10. 1996, p. 12) and Decision of the European Parliament of 23 October 1996 (OJ No C 347, 18. 11. 1996). Council Decision of 9 December 1996.

⁽⁴⁾ OJ No L 237, 10. 9. 1994, p. 3.

⁽⁵⁾ OJ No L 167, 18. 7. 1995, p. 22.

2. Article 2 shall be amended as follows:

(a) paragraph 3 shall be replaced by the following:

'3. Sweeteners may not be used in food for infants and young children as referred to in Directive 89/398/EEC, including food for infants and young children who are not in good health, unless otherwise laid down in specific provisions.'

(b) the following paragraph shall be added:

'5. In the Annex "*quantum satis*" means that no maximum level is specified. However, sweeteners shall be used in accordance with good manufacturing practice, at a dose level not higher than is necessary to achieve the intended purpose and provided the consumer is not misled.'

3. the following Article shall be added:

Article 2a

Without prejudice to other Community provisions, the presence of a sweetener in a foodstuff is permissible:

- in compound foodstuffs with no added sugar or energy-reduced, in compound dietary foodstuffs intended for a low-calorie diet and in compound foodstuffs with a long shelf-life, other than those mentioned in Article 2 (3), insofar as the sweetener is permitted in one of the ingredients of the compound foodstuff, or
- if the foodstuff is intended to be used solely in the preparation of a compound foodstuff which conforms to this Directive.'

4. the category 'Vitamins and dietary preparations' in the Annex shall be renamed 'Food supplements/diet integrators based on vitamins and/or mineral elements, syrup-type or chewable';

5. the table in the Annex shall be supplemented by the table in the Annex to this Directive.

Article 2

Member States shall, where necessary, amend their laws, regulations or administrative provisions in order to:

- authorize trade in products conforming to this Directive, by 19 December 1997 at the latest;
- prohibit trade in products not conforming to this Directive from 19 June 1998. However, products placed on the market or labelled before that date which do not comply with this Directive may be marketed until stocks are exhausted.

They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods for making such reference shall be laid down by the Member States.

Article 3

This Decision shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1996.

For the European Parliament

The President

K. HÄNSCH

For the Council

The President

S. BARRETT

ANNEX

Note:

1. For the substance E 952, cyclamic acid and its Na and Ca salts, maximum usable doses are expressed in free acid.
2. For the substance E 954, saccharin and its Na, K and Ca salts, maximum usable doses are expressed in free imide.

E-No	Name	Foodstuffs	Maximum usable dose
E 950	Acesulfame K	<ul style="list-style-type: none"> — breakfast cereals with a fibre content of more than 15 %, and containing at least 20 % bran, energy-reduced or with no added sugar — energy-reduced soups — breath-freshening micro-sweets, with no added sugar — energy-reduced beer — drinks consisting of a mixture of a non-alcoholic drink and beer, cider, perry, spirits or wine — spirit drinks containing less than 15 % alcohol by volume — cornets and wafers, for ice-cream, with no added sugar — energy-reduced tablet-form confectionery — <i>Feinkostsalat</i> — <i>Eßoblaten</i> 	<ul style="list-style-type: none"> 1 200 mg/kg 110 mg/l 2 500 mg/kg 25 mg/l 350 mg/l 350 mg/kg 2 000 mg/kg 500 mg/kg 350 mg/kg 2 000 mg/kg
E 951	Aspartame	<ul style="list-style-type: none"> — breakfast cereals with a fibre content of more than 15 %, and containing at least 20 % bran, energy-reduced or with no added sugar — energy-reduced soups — breath-freshening micro-sweets, with no added sugar — strongly flavoured freshening throat pastilles with no added sugar — energy-reduced beer — drinks consisting of a mixture of a non-alcoholic drink and beer, cider, perry, spirits or wine — spirit drinks containing less than 15 % alcohol by volume — <i>Feinkostsalat</i> 	<ul style="list-style-type: none"> 1 000 mg/kg 110 mg/l 6 000 mg/kg 2 000 mg/kg 25 mg/l 600 mg/l 600 mg/kg 350 mg/kg
E 952	Cyclamic acid and its Na and Ca salts	<ul style="list-style-type: none"> — drinks consisting of a mixture of a non-alcoholic drink and beer, cider, perry, spirits or wine — breath-freshening micro-sweets, with no added sugar — food supplements/diet integrators based on vitamins and/or mineral elements, syrup-type or chewable 	<ul style="list-style-type: none"> 250 mg/l 2 500 mg/kg 1 250 mg/kg

E-No	Name	Foodstuffs	Maximum usable dose
E 954	Saccharin and its Na, K and Ca salts	<ul style="list-style-type: none"> — breakfast cereals with a fibre content of more than 15 %, and containing at least 20 % bran, energy-reduced or with no added sugar — energy-reduced soups — breath-freshening micro-sweets, with no added sugar — drinks consisting of a mixture of a non-alcoholic drink and beer, cider, perry, spirits or wine — spirit drinks containing less than 15 % alcohol by volume — cornets and wafers, for ice-cream, with no added sugar — <i>Feinkostsalat</i> 	<ul style="list-style-type: none"> 100 mg/kg 110 mg/l 3 000 mg/kg 80 mg/l 80 mg/kg 800 mg/kg 160 mg/kg
E 957	Thaumatococin	<ul style="list-style-type: none"> — edible ices, energy-reduced or with no added sugar 	50 mg/kg
E 959	Neohesperidine DC	<ul style="list-style-type: none"> — breakfast cereals with a fibre content of more than 15 %, and containing at least 20 % bran, energy-reduced or with no added sugar — energy-reduced soups — breath-freshening micro-sweets, with no added sugar — food supplements/diet integrators based on vitamins and/or mineral elements, syrup-type or chewable — drinks consisting of a mixture of a non-alcoholic drink and beer, cider, perry, spirits or wine — spirit drinks containing less than 15 % alcohol by volume — cornets and wafers, for ice-cream, with no added sugar — <i>Feinkostsalat</i> — energy reduced beer — complete formulae and nutritional supplements for use under medical supervision — 'snacks': certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts 	<ul style="list-style-type: none"> 50 mg/kg 50 mg/l 400 mg/kg 400 mg/kg 30 mg/l 30 mg/kg 50 mg/kg 50 mg/kg 10 mg/kg 100 mg/kg 50 mg/kg

DIRECTIVE 96/84/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 19 December 1996

amending Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾,

Whereas Article 4 of Council Directive 89/398/EEC ⁽⁴⁾ provides that specific provisions applicable to the groups of foodstuffs appearing in Annex I thereto must be laid down by means of specific Commission directives;

Whereas a *modus vivende* was concluded on 20 December 1994 between the European Parliament, the Council and the Commission on the measures for implementing acts adopted in accordance with the procedure referred to in Article 189b of the Treaty ⁽⁵⁾;

Whereas the specific directives reflect the state of knowledge at the time of their adoption; whereas, therefore, any amendment to authorize innovations based on scientific and technical progress must, after consultation of the Scientific Committee for Food set up by Decision 95/273/EC ⁽⁶⁾, be approved in accordance with the procedure laid down in Article 13 of Directive 89/398/EEC;

Whereas a procedure must be laid down which allows the foodstuffs resulting from these technological innovations to be placed on the market on a temporary basis in order that proper benefit may be derived from the fruits of

industry research pending the amendment of the specific directive concerned;

Whereas, however, on the grounds of consumer health protection, marketing authorization may be granted only after consultation of the Scientific Committee for Food;

Whereas authorization may be granted only if the product poses no danger to human health,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

In Article 4 of Directive 89/398/EEC, the following paragraph shall be added:

'1a. To enable foodstuff intended for particular nutritional uses and resulting from scientific and technological progress to be placed on the market rapidly, the Commission may, after consulting the Scientific Committee for Food and in accordance with the procedure laid down in Article 13, authorize for a two-year period the placing on the market of foodstuffs which do not comply with the rules as to composition laid down by the specific directives referred to in Annex I.

If necessary, the Commission may add in the authorization decision labelling rules relating to the change in composition.'

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 1997. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such reference shall be laid down by the Member States.

Article 3

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No C 389, 31. 12. 1994, p. 21 and OJ No C 41, 13. 2. 1996, p. 13.

⁽²⁾ OJ No C 256, 2. 10. 1995, p. 1.

⁽³⁾ Opinion delivered on 11 October 1995 (OJ No C 287, 30. 10. 1995, p. 108). Council Common Position of 18 June 1996 (OJ No C 315, 24. 10. 1996, p. 1) and Decision of the European Parliament of 23 October 1996 (OJ No C 347, 18. 11. 1996). Council Decision of 9 December 1996.

⁽⁴⁾ OJ No L 186, 30. 6. 1989, p. 27.

⁽⁵⁾ OJ No C 102, 4. 4. 1996, p. 1.

⁽⁶⁾ OJ No L 167, 18. 7. 1995, p. 22.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1996.

For the European Parliament

The President

K. HÄNSCH

For the Council

The President

S. BARRETT

COMMISSION DIRECTIVE 97/8/EC
of 7 February 1997
amending Council Directive 74/63/EEC on undesirable substances and products
in animal nutrition
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 74/63/EEC of 17 December 1973 on undesirable substances and products in animal nutrition⁽¹⁾, as last amended by Directive 96/25/EC⁽²⁾, and in particular Article 6 thereof,

Whereas Directive 74/63/EEC provides for regular updating of its Annexes to take account of advances in scientific and technical knowledge;

Whereas, in the light of experience and to improve clarity, the Articles to which the Annexes to Directive 74/63/EEC relate should be listed in the title of the Annexes to Directive 74/63/EEC;

Whereas feed materials containing levels of undesirable substances and products in excess of those indicated for those feed materials in Annex I to Directive 74/63/EEC may only be supplied to compound feed manufacturers approved in accordance with the provisions of Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector⁽³⁾; whereas those undesirable substances and products, as already announced in Directive 96/25/EC on the circulation of feed materials, where they are not already listed in respect of certain feed materials in Part A of Annex II to Directive 74/63/EEC, should be included in the list in Part B of Annex II to Directive 74/63/EEC opposite the corresponding feed materials;

Whereas Directive 96/25/EC has replaced the terms 'straight feedingstuffs' and 'raw materials' with 'feed materials', it would seem sensible to adapt the Annexes to this new terminology;

Whereas Directive 74/63/EEC provides for a consolidated version of the Annexes to be adopted at regular intervals in order to incorporate the amendments made on account of advances in scientific and technical knowledge; whereas, since the adoption of the Directive, the Annexes have been amended a number of times; whereas, by reason of their number, complexity and dispersal among numerous Official Journals, the texts are difficult to use

and thus lack the clarity which should be an essential feature of all legislation; whereas this opportunity should therefore be taken to consolidate them;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and II to Directive 74/63/EEC are replaced by the Annexes to this Directive.

Article 2

1. Member States shall adopt the laws, regulations or administrative provisions required for compliance with this Directive by 30 June 1998 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for making such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive shall enter into force on the twentieth day following its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 7 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 38, 11. 2. 1974, p. 31.

⁽²⁾ OJ No L 125, 23. 5. 1996, p. 35.

⁽³⁾ OJ No L 332, 30. 12. 1995, p. 15.

ANNEX I

(Article 2a (2), Article 3, Article 3a (2) and (3), Article 4, Article 8 (2a))

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
A. Substances (ions or elements)		
1. Arsenic	Feed materials with the exception of: — meal made from grass, from dried lucerne and from dried clover, and dried sugar beet pulp and dried molasses sugar beet pulp — phosphates and feedingstuffs obtained from the processing of fish or other marine animals Complete feedingstuffs with the exception of: — complete feedingstuffs for fish Complementary feedingstuffs with the exception of: — Mineral feedingstuffs	2 4 10 2 4 4 12
2. Lead	Feed materials with the exception of: — green fodder — phosphates — yeasts Complete feedingstuffs Complementary feedingstuffs with the exception of: — Mineral feedingstuffs	10 40 30 5 5 10 30
3. Fluorine	Feed materials with the exception of: — feedingstuffs of animal origin — phosphates Complete feedingstuffs with the exception of: — complete feedingstuffs for cattle, sheep and goats — in milk — other — complete feedingstuffs for pigs — complete feedingstuffs for poultry — complete feedingstuffs for chicks Mineral mixtures for cattle, sheep and goats Other complementary feedingstuffs	150 500 2 000 150 30 50 100 350 250 2 000 ⁽¹⁾ 125 ⁽²⁾
4. Mercury	Feed materials with the exception of: — feedingstuffs produced by the processing of fish or other marine animals	0,1 0,5

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
5. Nitrites	Complete feedingstuffs with the exception of:	0,1
	— complete feedingstuffs for dogs and cats	0,4
	Complementary feedingstuffs except:	0,2
	— complementary feedingstuffs for dogs and cats	
6. Cadmium	Fish meal	60 (expressed as sodium nitrite)
	Complete feedingstuffs excluding: — feedingstuffs intended for pets except birds and aquarium fish	15 (expressed as sodium nitrite)
6. Cadmium	Feed materials of vegetable origin	1
	Feed materials of animal origin except: — feedingstuffs for pets	2
	Phosphates	10 ⁽³⁾
	Complete feedingstuffs for cattle, sheep and goats except: — complete feedingstuffs for calves, lambs and kids	1
	Other complete feedingstuffs except: — feedingstuffs for pets	0,5
	Mineral feedingstuffs	5 ⁽⁴⁾
	Other complementary feedingstuffs for cattle, sheep and goats	0,5
B. Products		
1. Aflatoxin B ₁	Feed materials with the exception of:	0,05
	— Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof	0,02
	Complete feedingstuffs for cattle, sheep and goats with the exception of:	0,05
	— dairy cattle	0,005
	— calves and lambs	0,01
	Complete feedingstuffs for pigs and poultry (except young animals)	0,02
	Other complete feedingstuffs	0,01
	Complementary feedingstuffs for cattle, sheep and goats (except complementary feedingstuffs for dairy animals, calves and lambs)	0,05

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
	Complementary feedingstuffs for pigs and poultry (except young animals)	0,03
	Other complementary feedingstuffs	0,005
2. Hydrocyanic acid	Feed materials with the exception of: — linseed — linseed cakes — manioc products and almond cakes	50 250 350 100
3. Free Gossypol	Complete feedingstuffs with the exception of: — complete feedingstuffs for chicks Feed materials with the exception of: — cotton-seed cakes Complete feedingstuffs with the exception of: — complete feedingstuffs for cattle, sheep and goats — complete feedingstuffs for poultry (except laying hens) and calves — complete feedingstuffs for rabbits and pigs (except piglets)	50 10 20 1 200 20 500 100 60
4. Theobromine	Complete feedingstuffs with the exception of: — complete feedingstuffs for adult cattle	300 700
5. Volatile mustard oil	Feed materials with the exception of: — rape-seed cakes Complete feedingstuffs with the exception of: — complete feedingstuffs for cattle, sheep and goats (except young animals) — complete feedingstuffs for pigs (except piglets) and poultry	100 4 000 (expressed as allyl isothiocyanate) 150 (expressed as allyl isothiocyanate) 1 000 (expressed as allyl isothiocyanate) 500 (expressed as allyl isothiocyanate)
6. Vinyl thioxazolidone (Vinyloxazolidine thione)	Complete feedingstuffs for poultry with the exception of: — complete feedingstuffs for laying hens	1 000 500
7. Rye Ergot (<i>Claviceps purpurea</i>)	All feedingstuffs containing unground cereals	1 000

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
8. Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances separately or in combination including (a) <i>Lolium temulentum</i> L., (b) <i>Lolium remotum</i> Schrank, (c) <i>Datura stramonium</i> L.	All feedingstuffs	3 000
9. Castor oil plant — <i>Ricinus communis</i> L.	All feedingstuffs	10 (expressed in terms of castor-oil plant husks)
10. <i>Crotalaria</i> spp.	All feedingstuffs	100
11. Aldrin } } singly or } combined 12. Dieldrin } expressed as } dieldrin	} All feedingstuffs with the exception of: } — fats	} 0,01 } 0,2
13. Camphchlor (Toxaphene)	All feedingstuffs	0,1
14. Chlordane (sum of cis- and trans-isomers and of oxychlordane, expressed as chlordane)	All feedingstuffs with the exception of: — fats	0,02 0,05
15. DDT (sum of DDT- TDE and DDE-isomers, expressed as DDT)	All feedingstuffs with the exception of: — fats	0,05 0,5
16. Endosulfan (sum of alpha- and beta-isomers and of endosulfansulphate expressed as endosulfan)	All feedingstuffs with the exception of: — maize — oilseeds — complete feedingstuffs for fish	0,1 0,2 0,5 0,005
17. Endrin (sum of endrin and delta-ketoi-endrin, expressed as endrin)	All feedingstuffs with the exception of: — fats	0,01 0,05
18. Heptachlor (sum of heptachlor and of heptachlor-epoxide, expressed as heptachlor)	All feedingstuffs with the exception of: — fats	0,01 0,2
19. Hexachlorobenzene (HCB)	All feedingstuffs with the exception of: — fats	0,01 0,2
20. Hexachlorocyclo-hexane (HCH)		
20.1. alpha-isomers	All feedingstuffs with the exception of: — fats	0,02 0,2
20.2. beta-isomers	Compound feedingstuffs with the exception of: — feedingstuffs for dairy cattle Feed materials with the exception of: — fats	0,01 0,005 0,01 0,1
20.3. gamma-isomers	All feedingstuffs with the exception of: — fats	0,2 2,0

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) relative to a feedingstuff with a moisture content of 12 %
(1)	(2)	(3)
<p>C. Botanical impurities</p> <ol style="list-style-type: none"> 1. Apricots — <i>Prunus armeniaca</i> L. 2. Bitter almond — <i>Prunus dulcis</i> (Mill.) D. A. Webb var. <i>amara</i> (DC.) Focke (= <i>Prunus amygdalus</i> Batsch var. <i>amara</i> (DC.) Focke) 3. Unhusked beech mast — <i>Fagus silvatica</i> (L.) 4. Camelina — <i>Camelina sativa</i> (L.) Crantz 5. Mowrah, Bassia, Madhuca — <i>Madhuca longifolia</i> (L.) Macbr. (= <i>Bassia longifolia</i> L. = <i>Illipe malabrorum</i> Engl.) <i>Madhuca indica</i> Gmelin (= <i>Bassia latifolia</i> (Roxb.) F. Mueller) 6. Purghera — <i>Jatropha curcas</i> L. 7. Croton — <i>Croton tiglium</i> L. 8. Indian mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>integrifolia</i> (West.) Thell. 9. Sareptian mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>juncea</i> 10. Chinese mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>juncea</i> var. <i>lutea</i> Batalin 11. Black mustard — <i>Brassica nigra</i> (L.) Koch 12. Ethiopian mustard — <i>Brassica carinata</i> A. Braun 	All feedingstuffs	Seeds and fruit of the plant species listed opposite as well their processed derivatives may only be present in feedingstuffs in trace amounts not quantitatively determinable

(¹) Member States may also prescribe a maximum fluorine content of 1,25 % of the phosphate content.

(²) Fluorine content per 1 % phosphorus.

(³) Member States may also prescribe a maximum cadmium content of 0,5 mg per 1 % phosphorus.

(⁴) Member States may also prescribe a maximum cadmium content of 0,75 mg per 1 % phosphorus.

ANNEX II

PART A

(Article 2a (2), Article 3a, Article 3c)

Substances, products	Feed materials	Maximum content in mg/kg (ppm) relative to feed materials with a moisture content of 12 %
(1)	(2)	(3)
1. Aflatoxin B ₁	Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof	0,2
2. Cadmium	Phosphates	10 (1)
3. Arsenic	Phosphates	20

(1) Member States may also prescribe a maximum cadmium content of 0,5 mg per 1 % phosphorus.

PART B

(Article 3a (3))

Substances, products	Feed materials
(1)	(2)
A. Substances (ions or elements)	
1. Arsenic	All feed materials with the exception of: — phosphates
2. Lead	All feed materials
3. Fluorine	All feed materials
4. Mercury	All feed materials
5. Nitrites	Fish meal
6. Cadmium	All feed materials of vegetable origin All feed materials of animal origin with the exception of: — feed materials for pets
B. Products	
1. Aflatoxin B ₁	All feed materials with the exception of: — Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof
2. Hydrocyanic acid	All feed materials

Substances, products	Feed materials
(1)	(2)
3. Free Gossypol	All feed materials
4. Volatile mustard oil	All feed materials
5. Rye Ergot (<i>Claviceps purpurea</i>)	Unground cereals
6. Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances separately or in combination including (a) <i>Lolium temulentum</i> L., (b) <i>Lolium remotum</i> Schrank, (c) <i>Datura stramonium</i> L.	All feed materials
7. Castor oil plant — <i>Rizinus communis</i> L.	All feed materials
8. <i>Crotalaria</i> spp.	All feed materials
9. Aldrin } 10. Dieldrin } singly or combined expressed as dieldrin	} All feed materials
11. Camphechlor (Toxaphene)	All feed materials
12. Chlordane (sum of cis- and trans-isomers and oxychlordane, expressed as chlordane)	All feed materials
13. DDT (sum of DDT-, TDE- and DDE-isomers, expressed as DDT)	All feed materials
14. Endosulfan (sum of alpha- and beta-isomers and endosulfan sulphate expressed as endosulfan)	All feed materials
15. Endrin (sum of endrin and of delta-ketoendrin, expressed as endrin)	All feed materials
16. Heptachlor (sum of heptachlor and of heptachlor-epoxide, expressed as heptachlor)	All feed materials
17. Hexachlorobenzene (HCB)	All feed materials
18. Hexachlorocyclohexane (HCH)	
18.1. alpha-isomer	All feed materials
18.2. beta-isomer	All feed materials
18.3. gamma-isomer	All feed materials
C. Botanical impurities	
1. Apricots — <i>Prunus armeniaca</i> L.	All feed materials
2. Bitter almond — <i>Prunus dulcis</i> (Mill.) D. A. Webb var. <i>amara</i> (DC.) Focke (= <i>Prunus amygdalus</i> Batsch var. <i>amara</i> (DC.) Focke)	All feed materials
3. Unhusked beech mast — <i>Fagus silvatica</i> (L.)	All feed materials
4. Camelina — <i>Camelina sativa</i> (L.) Crantz	All feed materials

Substances, products	Feed materials
(1)	(2)
5. <i>Mowrah, Bassia, Madhuca</i> — <i>Madhuca longifolia</i> (L.) Macbr. (= <i>Bassia longifolia</i> L. = <i>Illipe malabrorum</i> Engl.) <i>Madhuca indica</i> Gmelin (= <i>Bassia latifolia</i> (Roscb.) = <i>Illipe latifolia</i> (Roscb.) F. Mueller)	All feed materials
6. <i>Purghera</i> — <i>Jatropha curcas</i> L.	All feed materials
7. <i>Croton</i> — <i>Croton tiglium</i> L.	All feed materials
8. Indian mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>integrifolia</i> (West.) Thell.	All feed materials
9. Sareptian mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>juncea</i>	All feed materials
10. Chinese mustard — <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. <i>juncea</i> var. <i>lutea</i> Batalin	All feed materials
11. Black mustard — <i>Brassica nigra</i> (L.) Koch	All feed materials
12. Ethiopian mustard — <i>Brassica carinata</i> A. Braun	All feed materials

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 July 1996

concerning State aid to Werkstoff-Union GmbH, Lippendorf (Saxony)

(Only the German text is authentic)

(97/124/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 4 (c) thereof,

Having regard to Commission Decision No 3855/91/ECSC of 27 November 1991 establishing Community rules for aid to the steel industry⁽¹⁾, and in particular Articles 1, 5 and 6 thereof,

Having given notice, in accordance with Article 6 (4) of that Decision, to the other Member States and the parties concerned to submit their comments,

Whereas:

I

On 17 January 1995 the Commission decided to initiate the procedure pursuant to Article 6 (4) of Decision No 3855/91/ECSC (hereinafter referred to as 'the SAC') with respect to an investment subsidy of DM 46 million, a fiscal concession of DM 17,13 million, deficiency guarantees of 62 % of DM 178,3 million and of 62 % of DM 7 million for investments, as well as deficiency guarantees of 65 % of DM 25 million and of 65 % of DM 20 million for operating materials. Those financial measures

were taken in respect of an investment of DM 285 million.

Germany was informed of that decision by letter of 2 February 1995, which was published in the *Official Journal of the European Communities*⁽²⁾.

Germany reacted by letter of 14 March 1995, claiming that:

- the technical and business orientation of Werkstoff-Union GmbH is the production of non-ferrous metal products made of nickel, nickel alloys and special alloys, and not to the production of ECSC products,
- it is expected that in the years 1995 to 1998 ECSC special steel will have to be produced in diminishing quantities. After five years this output will account for less than 1 % of turnover and 5 % of total quantities produced, i.e. approximately 2 000 tonnes,
- the capital goods, especially those used for smelting, are intended for the production of non-ferrous materials of the highest quality, yielding proceeds of DM 20 000 per tonne,
- a vacuum arc furnace, a vacuum multiple-chambered furnace and two installations for the resmelting of electroslag of 1,2 to 7-tonne charge feed are not suitable for the economical production of special steel,
- the plant for shaping by hydraulic forging press and rolling mill, and the machinery for tempering, descaling and polishing, match the needs of the highly specialized producers of non-ferrous metals.

⁽¹⁾ OJ No L 362, 31. 12. 1991, p. 57.

⁽²⁾ OJ No C 283, 27. 10. 1995, p. 5.

Only after satisfying itself that the investment was destined for a production plant for high-quality non-ferrous metal did the *Land* of Saxony agree to the aids, and this is why Germany did not notify them pursuant to the SAC.

The company puts forward the following arguments to justify the need for a temporary, proportionate production of quality steels:

- the company has no experience in the production of non-ferrous metals and therefore needs an introductory phase,
- the technical installations also need a running-in period,
- the plant and its products have to be certified.

Because the company intends to produce non-ferrous goods of the highest quality for the international market, Germany is of the opinion that the aids are not subject to the SAC. The fact that in the first four years of business ECSC special steel is to be produced in small quantities does not make Werkstoff-Union GmbH into a steel company, nor does it lead to the application of the SAC.

The Commission received the following observations from third parties:

- on 27 November 1995 a letter from a steel company, stating that Werkstoff-Union GmbH is producing ECSC products and that the technical configuration allows the company to do so. Furthermore, the aid should have been notified before 30 June 1994, but was not. Lastly, the regional aids allowed pursuant to Article 5 of the SAC are permissible only for the modernization of existing companies and not for the creation of new ones,
- on 27 November 1995 a letter from another steel company, claiming that Werkstoff-Union GmbH would produce mainly ECSC products, namely stainless steel and special steels, for which the Community market is less than 300 kt/year. The capacity of Werkstoff-Union GmbH would suffice to meet 17 to 20 % of Community consumption, and this might make it the leading producer in Europe. Furthermore, it recalls that no notification was effected before 30 June 1994 and that regional investment aid could be deemed compatible only prior to 31 December 1994,
- on 9 November 1995 a letter from an association of steel producers, arguing that the aids were contrary to Article 4 (c) of the ECSC Treaty and that Werkstoff-Union GmbH was in competition with members of the association,

- on 22 November 1995 a letter from a producer of nickel alloys, claiming that the capacity available to Werkstoff-Union GmbH was sufficient to dominate nickel-alloy bar production in Europe, and that the relatively small market (5 000 to 10 000 tonnes per year) was already experiencing a surplus of capacity,
- on 24 November 1995 a letter from another association of steel producers, contending that, on its own admission, Werkstoff-Union GmbH planned to produce and sell semi-finished products, stainless steel bars and steel alloys, in other words, ECSC products. Furthermore, it points out that Article 5, third indent, sought to facilitate the restructuring of the steel industry in the new *Länder* but not to promote the construction of new plant. Aids already paid out should be reclaimed and all guarantees constitute aid,
- on 28 November 1995 a letter from the Permanent Representation of a Member State at the European Union, stating that the products of Werkstoff-Union GmbH fell within the ambit of the ECSC Treaty and that new capacity had been created with the help of aid,
- on 30 November 1995 a letter from a steel company arguing that Werkstoff-Union GmbH could obtain a 10 % market share in nickel products and that for that purpose it would need a capacity of 3 300 t/y. Since the capacity of the electric arc furnace was 48 000 t/y, the annual capacity for the production of ECSC products would stand at 44 700 t/y,
- a letter from a competitor, which was only recorded on 5 December 1995 and therefore fell outside the deadline for submissions.

Those observations were sent to the German authorities by letter of 15 January 1996, but no formal reply has been given. By letters of 9 and 29 February and 30 March 1996, Germany asked for an extension of the deadline to reply to the observations of the third parties. The reason for the request was that Werkstoff-Union GmbH's premises had been occupied by the workers. By telefax of 19 June 1996 Germany was informed that the Commission was awaiting observations within five working days and that the Commission would take a final decision even if no formal statement was received.

By letter of 16 July 1996, registered on 17 July 1996, Germany informed the Commission of the application by Werkstoff-Union GmbH on 5 March 1996 for the opening of bankruptcy proceedings (*Gesamtvollstreckung*) and of the order of the Court of Leipzig of the same day to effect sequestration. The Commission was also informed that Werkstoff-Union GmbH had ceased production on 5 March 1996.

For the information of the Commission, Germany attached to its telefax of 16 July 1996 a position paper from Werkstoff-Union GmbH, which contained, *inter alia*, the information that the bankruptcy proceedings had commenced on 1 May 1996.

Germany was either unable or unwilling to submit the paper as its own official comment to the Commission. It merely transmitted to the Commission the company's letter for information purposes, without adopting as its own, expressly or implicitly, the views expressed therein. Consequently, for the purposes of these proceedings, the document cannot be regarded as representing the position taken by Germany.

The decision to open the procedure is addressed to the Member State in question. The beneficiary of the aid — Werkstoff-Union GmbH in this case — is an interested third party, entitled to submit its observations within one month of the date of publication of the decision in the *Official Journal of the European Communities*. As was stated above, the decision was published on 27 November 1995. The position paper from Werkstoff-Union GmbH reached the Commission only on 17 July 1996, which is clearly too late. Accordingly, the position paper from Werkstoff-Union GmbH, transmitted to the Commission, has to be disregarded.

II

The investments made by Werkstoff-Union GmbH serve to create capacity to produce products that fall under the ECSC Treaty. This capacity includes the smelting of steel, the continuous casting of semi-finished products and the rolling of bars.

Apart from the fact that Werkstoff-Union GmbH has acquired ECSC production capacity as a result of State-induced investments, Germany's letter of 14 March 1995 reveals that it was expected that Werkstoff-Union GmbH would produce ECSC special steel between 1995 and 1998, albeit at a modest level. The Commission does not agree with Germany about the scale of that production. By letter of 14 December 1994 Germany informed the Commission of the projections of the company as to production from 1995 to 1999. In 1995 it expected to produce 12 000 t, in 1996 20 000 t, in 1997 19 000 t, in 1998 14 000 t, and in 1999 2 000 t of special steel. The proportion of non-ECSC special steel in these figures could not be accurately estimated. On the basis of the figures and the mere possibility that non-ECSC special steel might be produced, the Commission regards the expected production levels of ECSC steel as significant.

In its customer brochure Werkstoff-Union GmbH lists in its range of products, continuous cast billets, ingots, slabs, rolled long products in sizes from 40 to 140 mm and sheet bars, that is to say, products listed in Annex I to the ECSC Treaty.

Werkstoff-Union GmbH declares its production of ECSC products to the Commission on a quarterly basis and pays levies pursuant to Article 49 of the ECSC Treaty.

As a consequence of the above it must be concluded that Werkstoff-Union GmbH is an ECSC undertaking within the meaning of Article 80 of the ECSC Treaty and that the aid granted by Germany is caught by the general prohibition of aid laid down in Article 4 (c) thereof.

On the basis of the SAC certain aid measures may be deemed compatible with the common market for steel. Articles 2, 3 and 4 of the SAC cannot be considered, since the aid is not intended to finance R&D, environmental protection or closures.

Article 5 of the SAC provides that aid granted to steel undertakings for investment under general regional aid schemes may until 31 December 1994 be deemed compatible with the common market, provided that the aided undertaking is located in the territory of the former German Democratic Republic, and that the aid is accompanied by a reduction in the overall production capacity of that territory.

Article 5 of the SAC has to be read in conjunction with Section II of its preamble. In the fourth paragraph of Section II it is declared that regional investment aids are exceptional in nature and that there would be no justification in maintaining them beyond the appropriate period for the modernization of steel plants, which is set at three years. The application of Article 5 was limited in time because the aim it should facilitate, namely the modernization of existing steel plants, would not take more than a certain period of time. It is therefore clear that aid for investment within the meaning of Article 5 must mean aid for modernizing existing steel plants and not for the creation of new ECSC production capacity.

Furthermore, after 31 December 1994, Articles 1 (1) and 5 of the SAC allow no further possibility for declaring regional investment aid for steel undertakings in Germany compatible with the common market for steel, regardless of whether the aid would have been authorizable had it been notified in time.

The aid for investment has been given in the form of an investment subsidy of DM 46 million, a fiscal concession of DM 17,13 million, one deficiency guarantee amounting to 62 % of a sum of DM 178,3 million and another deficiency guarantee amounting to 62 % of DM 7 million. The investment subsidy and the tax concession both constitute State aid as they involve a distribution of State resources to the recipient and an undertaking by the State not to collect taxes up to the amount of the concession. The deficiency guarantees contains State aid. In its letter SG(89) D/4328 of 5 April 1989 the Commission informed the Member States that it regarded all guarantees given by the State direct or granted on the State's delegation via

financial institutions as falling within the scope of Article 92 (1) of the EC Treaty. There is no valid reason to take a different attitude when applying the ECSC Treaty and law derived from it. Germany has not produced any evidence to show that those guarantees do not actually include State aid or that they would qualify for exemption under the SAC.

Since the investment was aimed at the creation of new capacity and not at modernizing an existing plant, those aids are not protected by Article 5 of the SAC from the application of Article 4 (c) of the ECSC Treaty. Furthermore, even if Article 5 of the SAC did sanction the aids, the Commission cannot declare the aids to be compatible with the common market because Articles 1 and 5 of the SAC do not admit of such compatibility after 31 December 1994.

Consequently the investment aids are caught by the prohibition of Article 4 (c) of the ECSC Treaty.

The deficiency guarantees amounting to 65 % of DM 25 million and 65 % of DM 20 million for operating equipment (*Betriebsmittel*) contain State aid. No argument has been presented by Germany that could point to any other conclusion. This aid is caught by the prohibition of Article 4 (c) of the ECSC Treaty since the SAC does not allow aid for operating purposes.

III

The aid described above has been granted without the requisite prior authorization of the Commission; as a consequence, it has to be deemed illegal. The aid is incompatible with the orderly functioning of the common market according to Article 1 (1) of the SAC and is prohibited by Article 4 (c) of the ECSC Treaty. It therefore has to be recovered,

HAS ADOPTED THIS DECISION:

Article 1

The investment subsidy of DM 46 million, the fiscal concession of DM 17,13 million and the aid-element

contained in the deficiency guarantees of, respectively, 62 % of a sum of DM 178,3 million and 62 % of a sum of DM 7 million, and also in the deficiency guarantees, respectively, of 65 % of a sum of DM 25 million and 65 % of a sum of DM 20 million, granted illegally by the *Land* of Saxony to the ECSC steel undertaking Werkstoff-Union GmbH, constitute State aid incompatible with the common market and prohibited under the ECSC Treaty and Decision No 3855/91/ECSC.

Article 2

Germany shall recover the aid from the recipient company. Repayment shall be made in accordance with the procedures and provisions of German law, with interest, based on the interest rate used as reference rate in the assessment of regional aid schemes, starting to run from the date on which the aid was granted.

Article 3

Germany shall inform the Commission, within two months of being notified of this Decision, of the measures taken to comply therewith.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 30 July 1996.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

COMMISSION DECISION

of 24 January 1997

authorizing the indelible printing of prescribed information on packages of seed of oil and fibre plants and amending Decision 87/309/EEC authorizing the indelible printing of prescribed information on packages of certain fodder plant species

(97/125/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Directive 46/72/EC⁽²⁾, and in particular Article 10 (1) (a) thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants⁽³⁾, as last amended by Directive 96/72/EC, and in particular Article 10 (1) (a) thereof,

Whereas fodder plant seed and seed of oil and fibre plants may not normally be placed on the market unless the packages are labelled with an official label in accordance with the provisions laid down in Directive 66/401/EEC and in Directive 69/208/EEC respectively;

Whereas, however, the indelible printing of the required information on the package itself, on the basis of the model laid down for the label, may be authorized;

Whereas the Commission has already granted such an authorization by Decision 80/755/EEC⁽⁴⁾, as amended by Decision 81/109/EEC⁽⁵⁾, in the case of cereal seed and Decision 87/309/EEC⁽⁶⁾, as amended by Decision 88/493/EEC⁽⁷⁾, in the case of seed of certain fodder plant species;

Whereas under those Decisions the authorizations were granted, under certain conditions which ensure that responsibility remained with the certification authority;

Whereas that system has proved to be useful;

Whereas it is now desirable to grant a similar authorization in respect of seed of oil and fibre plants;

Whereas it is also desirable in the case of fodder plant species to extend the authorization to all species covered by Directive 66/401/EEC;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorized, under the conditions laid down in paragraph 2, to provide for the printing under official supervision of the prescribed information on packages of oil and fibre plants of 'basic seed' and 'certified seed' of all categories.
2. The following conditions shall apply in respect of the authorization granted in paragraph 1:
 - (a) the prescribed information shall be printed or stamped indelibly on the package;
 - (b) the layout and the colour of printing or the stamp shall be in accordance with the model for the label used in the Member State concerned;
 - (c) of the prescribed information, at least that required under Annex IV Part A (a) (3) and (4) to Directive 69/208/EEC shall be printed or stamped when samples are taken pursuant to Article 7 (2) of the Directive, the printing or stamping being done officially or under official supervision;
 - (d) in addition to the prescribed information, each package shall have an officially attributed individual serial number which shall have been printed or stamped indelibly on it by the package printing firm; that firm shall inform the certification authority of the quantities of packages issued, including their serial numbers;
 - (e) the certification authority shall keep records of the quantities of seed thus marked, including the number and contents of the packages of each lot, as well as the serial numbers referred to under (d);
 - (f) producers' records shall be subject to supervision by the certification authority.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 304, 27. 11. 1996, p. 10.

⁽³⁾ OJ No L 169, 10. 7. 1969, p. 3.

⁽⁴⁾ OJ No L 207, 9. 8. 1980, p. 37.

⁽⁵⁾ OJ No L 64, 11. 3. 1981, p. 13.

⁽⁶⁾ OJ No L 155, 16. 6. 1987, p. 26.

⁽⁷⁾ OJ No L 261, 21. 9. 1988, p. 27.

Article 2

Decision 87/309/EEC is hereby amended as follows:

in Article 1 (1), 'seed of field pea and field bean' is replaced by 'seed of fodder plant species'.

Article 3

The Member States shall notify the Commission of the conditions under which they make use of the authoriza-

tion granted in Article 1. The Commission shall inform the other Member States thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 24 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission
