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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2975/76**of 8 December 1976****fixing the import levies on cereals and on wheat or rye flour groats and meal**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1143/76⁽²⁾, and in particular
Article 13 (5) thereof,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 1882/76⁽³⁾ and subsequent amending
Regulations;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1882/76, to the

offer prices and today's quotations known to the
Commission that the levies at present in force should
be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in
Article 1 (a), (b) and (c) of Regulation (EEC) No
2727/75 are hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 9 December
1976.

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

Done at Brussels, 8 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 62.

ANNEX

to the Commission Regulation of 8 December 1976 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./metric ton)

CCT heading No	Description of goods	Levies
10.01 A	Common wheat and meslin	84.23
10.01 B	Durum wheat	139.42 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	58.84 ⁽⁶⁾
10.03	Barley	49.74
10.04	Oats	52.92
10.05 B	Maize other than hybrid maize for sowing	57.52 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	55.92 ⁽⁴⁾
10.07 C	Grain sorghum	58.93 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	129.24
11.01 B	Rye flour	93.67
11.02 A I a	Durum wheat groats and meal	226.75
11.02 A I b	Common wheat groats and meal	138.91

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽²⁾ Where maize originated in the ACP or OCT is imported into the French overseas departments, the levy is reduced by 6 u.a./metric tons as provided for in Regulation (EEC) No 706/76.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.50 u.a./metric ton.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 2754/75 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 2976/76**of 8 December 1976****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1143/76⁽²⁾, and in particular
Article 15 (6) thereof,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
1883/76⁽³⁾ and subsequent amending Regulations ;

Whereas, on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in
force, which are to be added to the levies, should be

altered as shown in the tables annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION :

Article 1

The scale of the premiums to be added, pursuant to
Article 15 of Regulation (EEC) No 2727/75, to the
import levies fixed in advance in respect of cereals
and malt is hereby fixed as shown in the tables
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 9 December
1976.

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

Done at Brussels, 8 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 64.

ANNEX

to the Commission Regulation of 8 December 1976 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.a./metric ton)

CCT heading No	Description of goods	Current 12	1st period 1	2nd period 2	3rd period 3
10.01 A	Common wheat and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	7.15
10.03	Barley	0	0	0	0
10.04	Oats	0	0.38	0.38	0.38
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0.75	0.75	0.75
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(u.a./metric ton)

CCT heading No	Description of goods	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2977/76
of 8 December 1976
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Regulation (EEC) No 2137/76 ⁽²⁾, as last amended by Regulation (EEC) No 2921/76 ⁽³⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2137/76 to the offer prices and today's quotations known to

the Commission that the levies at present in force should be altered as shown in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 are hereby fixed as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 9 December 1976.

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

Done at Brussels, 8 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 240, 1. 9. 1976, p. 5.

⁽³⁾ OJ No L 333, 2. 12. 1976, p. 11.

to the Commission Regulation of 8 December 1976 fixing the import levies on rice and broken rice

CCT heading No	Description of goods	Third countries	ACP and OCT ⁽¹⁾ ⁽²⁾
10.06	Rice :		
	A. Paddy rice ; husked rice :		
	I. Paddy rice :		
	a) Round grain	92.00	43.00
	b) Long grain	117.85	55.93
	II. Husked rice :		
	a) Round grain	115.00	54.50
	b) Long grain	147.31	70.66
	B. Semi-milled or wholly milled rice :		
	I. Semi-milled rice :		
	a) Round grain	147.18	63.69
	b) Long grain	238.29	109.28
	II. Wholly milled rice :		
	a) Round grain	156.75	68.13
	b) Long grain	255.45	117.48
	C. Broken rice :	60.22	27.61

(2) In accordance with Regulation (EEC) No 706/76 provides that the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

COMMISSION REGULATION (EEC) No 2978/76**of 8 December 1976****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organiza-
tion of the market in rice ⁽¹⁾, and in particular Article
13 (6) thereof,

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 2138/76 ⁽²⁾, as last amended by Regulation (EEC)
No 2922/76 ⁽³⁾;

Whereas, on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in

force, which are to be added to the levies, should be
altered as shown in the table annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed
in advance in respect of rice and broken rice are
hereby fixed as shown in the table annexed to this
Regulation.

Article 2

This Regulation shall enter into force on 9 December
1976.

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

Done at Brussels, 8 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 240, 1. 9. 1976, p. 8.

⁽³⁾ OJ No L 333, 2. 12. 1976, p. 13.

ANNEX

to the Commission Regulation of 8 December 1976 fixing the premiums to be added to the import levies on rice and broken rice

(u.a. / metric ton)

CCT heading No	Description of goods	Current 12	1st period 1	2nd period 2	3rd period 3
10.06	Rice :				
	A. Paddy rice ; husked rice :				
	I. Paddy rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	II. Husked rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	B. Semi-milled or wholly milled rice :				
	I. Semi-milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	II. Wholly milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	—
	C. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 2979/76**of 7 December 1976****establishing the standard average values for customs purposes of citrus fruits
and apples and pears**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Commission Regulation (EEC) No
1570/70 of 3 August 1970 establishing a system of
standard average values for citrus fruits⁽¹⁾, as last
amended by Regulation (EEC) No 1937/74 of 24 July
1974⁽²⁾, and in particular Article 2 thereof,

Having regard to Commission Regulation (EEC) No
1641/75 of 27 June 1975 establishing a system of
standard average values for the determination of the
value for customs purposes of apples and pears⁽³⁾, and
in particular Articles 2 and 8 thereof,

Whereas it follows from the application of the notes
and criteria laid down by Regulation (EEC) No
1570/70 and Regulation (EEC) No 1641/75 to the

elements communicated to the Commission in accor-
dance with Article 4 (1) of Regulation (EEC) No
1570/70 and Article 4 (1) of Regulation (EEC) No
1641/75 that the standard average values should be
fixed as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The standard average values provided for in Article 2
(1) of Regulation (EEC) No 1570/70 and in Article 2
(1) of Regulation (EEC) No 1641/75 shall be as shown
in the tables in the Annex.

Article 2

This Regulation shall enter into force on 10
December 1976.

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

Done at Brussels, 7 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 171, 4. 8. 1970, p. 10.

⁽²⁾ OJ No L 203, 25. 7. 1974, p. 25.

⁽³⁾ OJ No L 165, 28. 6. 1975, p. 45.

ANNEX

Table I: Citrus fruits

Code	Description of goods	Amount of standard average values/100 kg gross							
		Bfrs/Lfrs	Dkr	DM	FF	£ Irish	Lit	Fl	£ sterling
1.	Lemons :								
1.1	— Spain	815	130.04	53.28	110.48	13.28	19 092	55.55	13.28
1.2	— Tunisia, Morocco, Algeria	—	—	—	—	—	—	—	—
1.3	— Countries in southern Africa	1 056	168.50	69.04	143.16	17.21	24 738	71.98	17.21
1.4	— Other African countries and countries on the Mediterranean	899	143.52	58.80	121.94	14.65	21 071	61.31	14.65
1.5	— USA	1 148	183.17	75.05	155.62	18.70	26 892	78.25	18.70
1.6	— Other countries	—	—	—	—	—	—	—	—
2.	Sweet oranges :								
2.1	— Countries on the Mediterranean :								
2.1.1	— Navels (with the exception of Navel sanguines), Navelines, Navelates, Salus- tianas, Vernas, Valencia lates, Maltese blondes, Shamoutis, Ovalis, Trovita, Hamkins	819	130.78	53.58	111.12	13.35	19 201	55.87	13.35
2.1.2	— Sanguines and semi-sanguines, including Navel sanguines and Maltese sanguines . .	—	—	—	—	—	—	—	—
2.1.3	— Other	—	—	—	—	—	—	—	—
2.2	— Countries in southern Africa	874	139.52	57.16	118.54	14.25	20 483	59.60	14.25
2.3	— USA	808	128.92	52.82	109.54	13.16	18 928	55.08	13.16
2.4	— Brazil	—	—	—	—	—	—	—	—
2.5	— Other countries	875	139.66	57.22	118.66	14.26	20 504	59.66	14.26
3.	Grapefruit and pomelos :								
3.1	— Tunisia, Morocco, Algeria	—	—	—	—	—	—	—	—
3.2	— Cyprus, Israel, Gaza, Egypt, Turkey	901	143.75	58.90	122.13	14.68	21 105	61.41	14.68
3.3	— Countries in southern Africa	—	—	—	—	—	—	—	—
3.4	— USA	976	155.79	63.83	132.36	15.91	22 872	66.55	15.91
3.5	— Other American countries	938	149.75	61.35	127.23	15.29	21 986	63.97	15.29
3.6	— Other countries	754	120.33	49.30	102.23	12.29	17 666	51.40	12.29
4.	Clementines	1 364	217.66	89.18	184.93	22.23	31 956	92.99	22.23
5.	Mandarines including Wilkings	—	—	—	—	—	—	—	—
6.	Monreales and Satsumas	998	159.30	65.27	135.34	16.27	23 387	68.05	16.27
7.	Tangerines	—	—	—	—	—	—	—	—

Table II: Apples and pears

8.	Apples :								
8.1	— Countries of the southern hemisphere	—	—	—	—	—	—	—	—
8.2	— European third countries	714	—	46.69	96.81	14.83	16 729	48.68	14.83
8.3	— Countries of the northern hemisphere other than European countries	—	—	—	—	26.17	—	—	26.17
9.	Pears :								
9.1	— Countries of the southern hemisphere	—	—	—	—	—	—	—	—
9.2	— European third countries	—	—	—	—	—	—	—	—
9.3	— Countries of the northern hemisphere other than European countries	—	—	—	—	—	—	—	—

COMMISSION REGULATION (EEC) No 2980/76

of 8 December 1976

concerning the issue of an invitation to tender for the supply to Somalia, for use as food aid, of vitaminized skimmed-milk powder to be purchased on the Community market

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 559/76⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 1298/76 of 1 June 1976 laying down general rules for the supply of skimmed-milk powder, as food aid, to certain developing countries and certain international organizations under the 1976 programme⁽³⁾, as amended by Regulation (EEC) No 2017/76⁽⁴⁾, and in particular Article 6 thereof,

Whereas Council Regulation (EEC) No 2018/76 of 27 July 1976 on the additional supply of skimmed-milk powder as food aid to certain developing countries, international organizations and non-governmental organizations under the 1976 programme⁽⁵⁾ provides *inter alia* for 2 150 metric tons of skimmed-milk powder to be made available to Somalia; whereas this country has requested the supply of 1 000 metric tons of vitaminized skimmed-milk powder;

Whereas Article 2 (2) of Regulation (EEC) No 1298/76 provides that if there is enough skimmed-milk powder available in public stocks with the characteristics necessary for the particular destination where this requires, in particular, the addition of vitamins, supplies shall be obtained by purchase on the Community market;

Whereas Article 5 of Regulation (EEC) No 1298/76 provides that for the purpose of the supply and shipment of skimmed-milk powder invitations to tender are to be issued;

Whereas the procedure to be adopted for this tendering should in the main be the procedure used hitherto in similar cases;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited in accordance with Regulations (EEC) No 1298/76 and (EEC) No 2018/76 for the costs of supplying to Somalia a lot of 1 000 metric tons of vitaminized skimmed-milk powder bought on the Community market and divided into two lots of 500 metric tons.

2. Delivery shall be effected at the port of unloading of Mogadishu.

3. Loading shall take place as soon as possible and not later than 31 March 1977.

4. The skimmed-milk powder shall meet:

— as to quality, the requirements set out in the Annex to this Regulation,

— as to packing, the requirements set out in Annex I to Commission Regulation (EEC) No 1108/68 of 27 July 1968 on detailed rules of application for public storage of skimmed-milk powder⁽⁶⁾, as last amended by Regulation (EEC) No 1457/75⁽⁷⁾.

5. The successful tenderer shall deliver, as a supplement, 5 % empty bags similar to those containing the goods. He shall undertake to have these bags mentioned on the bill of loading.

6. The packing of the skimmed-milk powder shall bear a marking in letters at least one centimetre high indicating:

'Skimmed-milk powder enriched with vitamins A and D / Gift of the European Economic Community / For free distribution'.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 9.

⁽³⁾ OJ No L 146, 4. 6. 1976, p. 3.

⁽⁴⁾ OJ No L 224, 16. 8. 1976, p. 1.

⁽⁵⁾ OJ No L 224, 16. 8. 1976, p. 2.

⁽⁶⁾ OJ No L 184, 29. 7. 1968, p. 34.

⁽⁷⁾ OJ No L 145, 6. 6. 1975, p. 17.

Article 2

1. The intervention agencies shall frame a notice of invitation to tender which shall be published in the *Official Journal of the European Communities* not less than 10 days before the closing date for the submission of tenders.

2. The closing date for the submission of tenders shall be 11 January 1976 at 12 noon.

Article 3

1. Tenders, which shall be in writing, shall be submitted either by delivery by hand to an intervention agency against acknowledgement of receipt or by registered letter addressed to an intervention agency.

Intervention agencies may also authorize the use of telex.

2. A tender is only valid if it covers the total quantity of a lot offered for tender. The tenderer shall specify in his tender for how many lots it is valid.

3. The tender shall indicate *inter alia*:

- (a) the name and address of the tenderer;
- (b) the port or ports of loading, chosen from among Community ports;
- (c) the price, exclusive of taxes, expressed in the currency of the Member State in which the tender is presented, at which the tenderer undertakes to supply, in accordance with the specifications, the entire quantity which is the subject of his tender. Such price shall be inclusive of transport insurance costs of the stage referred to in Article 1 (2) for delivery.

4. A tender shall be valid only if proof is given before expiry of the period set for the submission of tenders that the security referred to in Article 4 has been provided.

5. No tender may be withdrawn.

Article 4

1. The tendering and delivery security shall be 20 units of account per metric ton of skimmed-milk powder.

2. It shall take the form, at the discretion of the Member State concerned, either of a cheque made out in favour of the intervention agency, or of a bank guarantee which satisfies the criteria fixed by the Member State.

Article 5

In the light of the tenders received and in accordance with the procedure laid down in Article 30 of Regula-

tion (EEC) No 804/68 a maximum price, expressed in units of account, shall be fixed or alternatively a decision shall be taken to make no award.

Article 6

1. A tender shall be refused if the price proposed, converted into units of account, is more than the maximum price fixed for the lot in question.

2. Subject as provided in paragraph 1, the successful tenderer shall be the one whose offer, converted into units of account, is the lowest. Where two or more valid offers specifying identical amounts, as converted into units of account, are received by a given intervention agency, the award shall be made by drawing lots. Where such offers are made to different intervention agencies, the award shall be made by the intervention agency selected in accordance with the procedure referred to in Article 5.

3. The intervention agency shall immediately inform each tenderer whether he has been awarded the contract.

4. Rights and obligations arising in connection with the invitation to tender shall not be transferable.

5. The intervention agencies shall immediately inform the Commission of the successful tenderer's name and address.

Article 7

1. The successful tenderer shall deliver a quantity of skimmed-milk powder satisfying the requirements as to quality and packaging referred to in Article 1 (4).

2. Delivery at the port of unloading shall be considered as completed when the goods are actually deposited on the quayside or on board a lighter at the port of unloading.

3. The country of destination shall bear all expenditure incurred after delivery including acceptance costs.

Article 8

Any demurrage costs at the port of unloading attributable to the recipient country shall be borne by it. The rates and other details concerning such costs shall be laid down in the contract between the successful tenderer and the carrier and must have been previously agreed upon by the successful tenderer acting as Community agent and the country of destination's agent.

Article 9

1. The intervention agency concerned shall as soon as possible notify the country of destination of the name of the vessel, the date of loading, the quantity and the quality of the goods as recorded at the time of loading and the port of unloading.

2. The successful tenderer shall inform the country of destination at least 10 clear days in advance of the expected date of arrival of the ship in the port of unloading. The successful tenderer shall have included in the terms of the charter-party a provision stipulating that the ship's captain shall inform the country of destination at least 72 hours in advance of the ship's probable date of arrival in port.

Article 10

1. The competent agency of the Member State in which the contract is awarded shall check that the skimmed-milk powder in question satisfies the requirements as to quality and packaging referred to in Article 1 (4).

2. If the goods are found to satisfy those requirements, the agency shall, before completion of the customs formalities referred to in Article 11 (1), provide the successful tenderer with a certificate to that effect.

3. On delivery the country of destination shall issue a certificate proving taking delivery of the goods, stating that delivery of that quantity of skimmed-milk powder as well as the empty bags referred to in Article 1 (5) have been taken at the stage specified in Article 1 (2).

Article 11

1. Customs export formalities shall be carried out in the Member State in which the award of contract is made.

2. If the port of loading specified in the tender is situated in a Member State other than that in which the customs export formalities are carried out, the goods shall, on completion of such formalities, be placed under customs control with the object of ensuring that they are loaded at the port specified in the tender.

Proof of loading can be furnished only by production of the control copy referred to in Article 1 of Commission Regulation (EEC) No 2315/69 of 19 November 1969 on the use of Community transit documents for the purpose of applying Community measures for verifying the use and/or destination of goods⁽¹⁾, as amended by Regulation (EEC) No 690/73⁽²⁾.

Sections 101, 103 and 104 of the control copy shall be completed.

⁽¹⁾ OJ No L 295, 24. 11. 1969, p. 14.

⁽²⁾ OJ No L 66, 13. 3. 1973, p. 23.

Section 104 shall be completed by deleting as necessary and entering against the second indent one of the following endorsements:

- 'Delivery of skimmed-milk powder as food aid (Regulation (EEC) No 2980/76) to be shipped from the port of ...',
- 'Livraison de lait écrémé en poudre à titre d'aide alimentaire (règlement (CEE) n° 2980/76) destinée à être embarquée au port de ...',
- 'Lieferung von Magermilchpulver als Nahrungsmittelhilfe (Verordnung (EWG) Nr. 2980/76) zur Verschiffung im Hafen von ... bestimmt',
- 'Fornitura di latte scremato in polvere a titolo di aiuto alimentare (regolamento (CEE) n. 2980/76) destinata ad essere imbarcata nel porto di ...',
- 'Levering van magere-melkpoeder als voedselhulp (Verordening (EEG) nr. 2980/76) bestemd om te worden verscheept in de haven van ...',
- 'Levering af skummetmælkspulver som fødevarehjælp (forordning (EØF) nr. 2980/76) bestemt til lastning i havnen i ...'.

Article 12

1. Except in cases of *force majeure*, the tendering and delivery security shall be released only if:

- (a) the tender has not been accepted;
- (b) the tenderer:
 - has not withdrawn his tender before the contract is awarded,
 - has furnished the certificates provided for in Article 10 (2) and (3).

2. Release of the security shall take place immediately.

Article 13

In cases of *force majeure*, the intervention agency shall decide on the measures to be taken having regard to the circumstances invoked.

Article 14

The amount referred to in Article 3 (3) (c) shall be paid only on production of the certificates provided for in Article 10 (2) and (3).

Article 15

Except in cases of *force majeure*, the successful tenderer shall accept all financial liability devolving upon the Community by reason of failure to load the skimmed-milk powder by the date specified in Article 1 (3).

Costs incurred by reason of failure to deliver the skimmed-milk powder as a result of *force majeure* shall be borne by the competent agency of the Member State in which the award of contract is made.

Article 16

No refund or compensatory amount (whether monetary or accession) shall be applicable in respect of

skimmed-milk powder supplied under this Regulation.

Article 17

This Regulation shall enter into force on the 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, 8 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

ANNEX

Skimmed-milk powder requirements

(a) fat content :	1.5 % maximum
(b) water content :	4.0 % maximum
(c) total acidity in lactic acid :	0.15 % maximum (18° Dornic)
(d) test for neutralization agents :	negative
(e) authorized additives :	none
(f) phosphatase test :	negative
(g) solubility :	0.5 ml maximum (99 % minimum)
(h) degree of purity :	disc B (15.0 mg minimum)
(i) germ content :	50 000 per g maximum
(k) colon bacillus titer :	negative in 0.1 g
(l) taste and smell :	clean
(m) appearance :	white or slightly yellowish colour, free from impurities or coloured particles
(n) vitamin enrichment :	
(aa) vitamin A :	5 000 i.u. per 100 g
(bb) vitamin D :	500 i.u. per 100 g

COMMISSION REGULATION (EEC) No 2981/76**of 8 December 1976****fixing the amount of the subsidy on oil seeds**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 136/
66/EEC of 22 September 1966 on the establishment
of a common organization of the market in oils and
fats⁽¹⁾, as last amended by Regulation (EEC) No
1707/73⁽²⁾, and in particular Article 27 (4) thereof,

Whereas the amount of the subsidy referred to in
Article 27 of Regulation No 136/66/EEC was fixed by
Regulation (EEC) No 1713/76⁽³⁾, as last amended by
Regulation (EEC) No 2906/76⁽⁴⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1713/76

to the information at present available to the Commis-
sion that the amount of the subsidy at present in force
should be altered as shown in the Annex to this Regu-
lation,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the subsidy referred to in Article 27 of
Regulation No 136/66/EEC is hereby fixed as shown
in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 9 December
1976.

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

Done at Brussels, 8 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 192, 16. 7. 1976, p. 17.

⁽⁴⁾ OJ No L 332, 1. 12. 1976, p. 31.

*ANNEX***to the Commission Regulation of 8 December 1976 fixing the amount of the subsidy on oil seeds**

Subsidy applicable from 9 December 1976 to colza and rape seeds (CCT heading No ex 12.01) and sunflower seeds (CCT heading No ex 12.01) (u.a./100 kg)

	Colza and rape seed	Sunflower seed
Subsidy	8.152	4.302
Subsidy in the case of advance fixing :		
— for the month of December 1976	8.152	4.302
— for the month of January 1977	8.456	4.657
— for the month of February 1977	8.760	6.006
— for the month of March 1977	9.064	6.361
— for the month of April 1977	9.384	—
— for the month of May 1977	9.384	—

COMMISSION REGULATION (EEC) No 2982/76
of 8 December 1976
determining the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1707/73⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 3477/73⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza and rape seed and repealing Regulation (EEC) No 1464/73⁽⁵⁾, as last amended by Regulation (EEC) No 632/75⁽⁶⁾, and in particular Article 9 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 9 (4) of Regulation (EEC) No 2300/73, the Commission must determine the world market price for colza and rape seed;

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 1713/76 of 15 July 1976 fixing the amount of the subsidy on

oil seeds⁽⁷⁾, as last amended by Regulation (EEC) No 2981/76⁽⁸⁾;

Whereas to enable the price system to operate normally, the world market price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2.25 %, a rate of exchange based on their effective parity;
- for other currencies an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph;

Whereas, applying all these provisions, the world market price for colza and rape seed should be fixed as shown in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The world market price referred to in Article 9 (4) of Regulation (EEC) No 2300/73 and the rates to be used for converting them into national currencies shall be as shown in the table annexed to this Regulation.

Article 2

This Regulation shall enter into force on 9 December 1976.

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

Done at Brussels, 8 December 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 66, 13. 3. 1975, p. 11.

⁽⁷⁾ OJ No L 192, 16. 7. 1976, p. 17.

⁽⁸⁾ See page 15 of this Official Journal.

ANNEX

World market price applicable from 9 December 1976 for colza and rape seed (CCT heading No ex 12.01)

	u.a./100 kg ⁽¹⁾
World market price	20·634
World market price where the subsidy is fixed in advance :	
— for the month of December 1976	20·634
— for the month of January 1977	20·634
— for the month of February 1977	20·634
— for the month of March 1977	20·634
— for the month of April 1977	20·314
— for the month of May 1977	20·314

⁽¹⁾ The conversion rates from units of account into national currency as foreseen by Article 9 (5) (a) of Regulation (EEC) No 2300/73 are the following :

1 u.a. =	DM	3·15665
1 u.a. =	Fl	3·35507
1 u.a. =	Bfr/Lfr	48·6572
1 u.a. =	FF	6·64077
1 u.a. =	Dkr	7·89407
1 u.a. =	£	0·797200
1 u.a. =	I£	0·797200
1 u.a. =	Lit	1 150·51

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 23 November 1976

on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs

(76/893/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 100 and 227 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

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

Whereas laws relating to materials and articles intended, in their finished state, to come into contact with products for human consumption should take account primarily of human health requirements but also, within the limits required for the protection of health, of economic and technological needs;

Whereas the manufacture and sale of these materials and articles are of considerable importance in the common market;

Whereas the existing differences between the national laws relating to the aforesaid materials and articles impede the free movement thereof, may create unequal conditions of competition and may thereby directly affect the establishment or functioning of the common market;

Whereas these laws must be approximated if free movement is to be achieved for the aforesaid materials and articles;

Whereas the first step should be to lay down, in a framework Directive, general principles on the basis of which legal differences may subsequently be eliminated by means of specific Directives;

Whereas covering or coating substances, all or part of which form part of foodstuffs, cannot be considered as being simply in contact with these foodstuffs; whereas, in such a case, account should be taken of possible direct consumption by consumers; whereas the rules laid down in this Directive are therefore unsuitable in such circumstances;

Whereas pending a Community definition of foodstuffs this shall continue to come within the jurisdiction of national legislation; whereas, however, it appears necessary already to specify which materials and articles in contact with water intended for human consumption are subject to the provisions of this Directive;

Whereas this Directive applies only to the behaviour of materials and articles in the presence of foodstuffs with which they come into contact and does not affect the provisions concerning possible effects resulting from direct contact with the human body; whereas, however, it should be possible if necessary to adopt, in

⁽¹⁾ OJ No C 155, 9. 12. 1974, p. 10.

⁽²⁾ OJ No C 108, 15. 5. 1975, p. 72.

specific Directives, provisions which apply to parts of certain articles which, when used, come into contact simultaneously with the mouth and with foodstuffs;

Whereas, therefore, the principle underlying this Directive should be that any material or article intended to come into contact either directly or indirectly with foodstuffs must be sufficiently stable not to transfer substances to the foodstuffs in quantities which could endanger human health or bring about an unacceptable change in the composition of the foodstuffs or a deterioration in the organoleptic characteristics thereof;

Whereas, in order to achieve this objective, it may occasionally prove necessary to list those substances (indicating purity standards and conditions of use) which may be used in the manufacture of the materials and articles concerned and to lay down overall and/or specific migration or other limits;

Whereas specific Directives should indicate those provisions referred to in the framework Directive which are most suitable for achieving the objective laid down, having regard to the technological characteristics of each group of materials and articles;

Whereas, in order that consumers may be properly informed as to their correct use, arrangements should be made for materials and articles retailed in an empty state to bear *inter alia* the indication 'for food use' or more specific particulars regarding their use or an agreed symbol; whereas Member States should, however, be permitted not to require such indication in the case of materials and articles for which neither specific Community Directives nor national provisions exist;

Whereas this Directive does not apply to the labelling of products which, by reason of their behaviour in the presence of foodstuffs, may not come into contact with them;

Whereas, in order to encourage technical progress, Member States should be allowed to permit provisionally in their territory, under official control, the use of substances not provided for in one of the specific Directives, pending a final decision at Community level;

Whereas, should the use in a material or article of a substance provided for in one of the specific Directives appear to constitute a health risk, Member States should be authorized to suspend or limit such use pending a decision at Community level;

Whereas the updating of the list of substances authorized in the manufacture of the materials and articles, and the establishment of sampling procedures and of the methods of analysis required for checking not only the substances listed, their purity standards and conditions of use but also the overall and specific migration limits which have been laid down, constitute technical implementing measures; whereas, in order to simplify and expedite the procedure, the adoption of these measures should be entrusted to the Commission as regards the said updating inasmuch as the specific Directives provide for this, and as regards the sampling procedures and the methods of analysis inasmuch as the said Directives do not provide otherwise; in the case of the updating procedure the Scientific Committee for Food, set up by Decision 74/234/EEC⁽¹⁾ should, where appropriate, be consulted;

Whereas, it is desirable that for all cases where the Council empowers the Commission to implement rules relating to materials and articles intended to come into contact with foodstuffs, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within the Standing Committee for Foodstuffs set up by Directive 69/414/EEC⁽²⁾;

Whereas, to enable the processes used in the manufacture of the materials and articles concerned to be adapted to the new requirements laid down in the following provisions, the rules should be applied in such a way as to authorize, two years after notification of this Directive, trade in materials and articles complying with the provisions of this Directive and to prohibit, three years after the notification thereof, trade in and use of materials and articles which do not comply therewith,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to materials and articles which in their finished state are intended to come into contact with foodstuffs or which are in contact with foodstuffs and are intended for that purpose. They are hereinafter referred to as 'materials and articles'.

⁽¹⁾ OJ No L 136, 20. 5. 1974, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1969, p. 9.

Covering or coating substances, such as the substances covering cheese rinds, prepared meat products or fruit, which form part of foodstuffs and may be consumed together with the food, shall not be subject to this Directive.

2. This Directive shall apply to materials and articles which are in contact with water intended for human consumption. It shall not, however, apply to fixed public or private water supply equipment.

3. Member States may derogate, wholly or partially, from this Directive as regards antiques.

Article 2

Materials and articles must be manufactured in compliance with good manufacturing practice, so that, under their normal or foreseeable conditions of use, they do not transfer their constituents to foodstuffs in quantities which could :

- endanger human health,
- bring about an unacceptable change in the composition of the foodstuffs or a deterioration in the organoleptic characteristics thereof.

Article 3

The Council shall, under the procedure provided for in Article 100 of the Treaty, adopt by means of Directives special provisions applicable to certain groups of materials and articles (specific Directives).

Such specific Directives may include :

- (a) if possible and if necessary, a list of the substances the use of which is authorized to the exclusion of all others ;
- (b) purity standards for such substances ;
- (c) special conditions of use for these substances and/or the materials and articles in which they are used ;
- (d) specific limits on the migration of certain constituents or groups of constituents into or onto foodstuffs ;
- (e) an overall limit on the migration of constituents into or onto foodstuffs ;
- (f) if necessary, provisions aimed at protecting human health against any hazards which might arise through oral contact with these materials and articles ;
- (g) other rules to ensure compliance with Article 2 ;
- (h) the basic rules necessary for checking compliance with (d), (e), (f) and (g).

Article 4

1. Notwithstanding Article 3, a Member State may, where a list of substances has been drawn up in accordance with Article 3 (a), authorize the use within its territory of a substance not included in the list, subject to the following conditions :

- (a) the authorization must be limited to a maximum period of three years ;
- (b) the Member States must carry out an official check of materials and articles manufactured from a substance of which it has authorized the use ;
- (c) materials and articles thus manufactured must bear a distinctive indication which will be defined in the authorization.

2. The Member State shall forward to the other Member States and to the Commission the text of any authorization drawn up pursuant to paragraph 1 within two months of the date of its taking effect.

3. Before the expiry of the three-year period provided for in paragraph 1, the Member State may submit to the Commission a request for the inclusion in the list referred to in Article 3 (a) of the substance given national authorization in accordance with paragraph 1. At the same time, it shall supply supporting documents setting out the grounds on which it deems such inclusion justified and shall indicate the uses for which this substance is intended.

Within 18 months of the submission of the request, a decision shall be taken on the basis of information relating to public health, after consulting the Scientific Committee for Food and in accordance with the procedure laid down in Article 10 as to whether the substance in question may be included in the list referred to in Article 3 (a) or whether the national authorization should be revoked. If provisions prove necessary pursuant to Article 3 (b), (c) and (d), these shall be adopted in accordance with the same procedure. Notwithstanding paragraph 1 (a), the national authorization shall remain in force until a decision is taken on the request for inclusion in the list.

Should it be decided pursuant to the preceding subparagraph that the national authorization should be revoked, this decision shall apply to any other national authorization in respect of the substance in question. The decision may stipulate that the ban on the use of this substance shall extend to uses other than those referred to in the request for inclusion in the list.

Article 5

Without prejudice to Article 4 (3), amendments to the Annexes of the specific Directives necessary to take account of progress in scientific and technical knowledge shall be adopted, where appropriate following consultation of the Scientific Committee for Food, in accordance with the procedure provided for in Article 10 in so far as the specific Directives provide for this procedure.

Article 6

1. Where a Member State, as a result of new information or of a reassessment of existing information made since one of the specific Directives was adopted, has detailed grounds for establishing that the use of a material or article endangers human health although it complies with the relevant specific Directive, that Member State may temporarily suspend or restrict application of the provisions in question within its territory. 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 grounds given by the Member State concerned and consult the Member States within the Standing Committee for Foodstuffs, and shall then deliver its opinion forthwith and take the appropriate measures.

3. If the Commission considers that amendments to the specific Directive are necessary in order to resolve the difficulties mentioned in paragraph 1 and to ensure the protection of human health, it shall initiate the procedure laid down in Article 10, with a view to adopting these amendments; the Member State which has adopted safeguard measures may in that event retain them until the amendments enter into force.

Article 7

1. Without prejudice to any exceptions provided for in the specific Directives, materials and articles not already in contact with foodstuffs must, when placed on the market, be accompanied by:

(a) — one or more of the following particulars, as appropriate:

- 'for food use',
- 'pour contact alimentaire' or 'convient pour aliments',
- 'til levnedsmidler',
- 'für Lebensmittel',
- 'per alimenti',
- 'voor levensmiddelen' or 'voor eet — en drinkwaren',

— 'le haghaidh bia';

— or a specific indication as to their use, such as coffee-machine, wine bottle, soup spoon;

— or a symbol, to be determined in accordance with the procedure laid down in Article 10;

(b) where appropriate, any special conditions to be observed when they are being used;

(c) — either the name or trade name and the address or registered office,

— or the registered trade mark of the manufacturer or processor, or of a seller established within the Community.

2. The particulars listed in paragraph 1 must be clearly, legibly and indelibly shown:

(a) at the retail stage:

— on the materials and articles or on the packaging,

— or on labels affixed to the materials and articles or to their packaging,

— or on a sign in the immediate vicinity of the materials and articles and clearly visible to purchasers; in the case mentioned in paragraph 1 (c), however, the latter option shall be open only if these particulars or a label bearing them can, for technical reasons, be affixed to the materials and articles neither at the manufacturing nor at the marketing stage;

(b) at the marketing stages other than the retail stage:

— on the accompanying documents,

— or on the labels or packaging,

— or on the materials and articles themselves.

However, Member States shall have the option at the retail stage of not making the particulars referred to in paragraph 1 (a) compulsory within their territory for materials and articles which by their nature are clearly intended to come into contact with foodstuffs.

3. The particulars provided for in paragraph 1 (a) and (b) shall be confined to materials and articles which comply:

(a) with the specific Directives;

(b) in the absence of specific Directives, with the criteria laid down in Article 2 and any national provisions.

4. Notwithstanding paragraph 1, Member States shall have the option of making these particulars compulsory within their territory for only those materials and articles to which specific Directives or, failing these, similar national provisions, apply.

5. In the case of materials and articles not yet subject to a specific Directive, Member States may retain the existing national provisions which require that such materials and articles be accompanied by a written declaration attesting that they comply with the rules applying to them.

6. However, a Member State may prohibit retail trade in materials and articles within its territory if the particulars required under paragraph 1 (a) and (b) are not shown on the labels, packaging, signs or accompanying documents in at least its national or official language or languages.

Member States may also provide that the particulars referred to in paragraph 1 (a) and (b) must be shown by the retailer in a language easily understood by the purchasers. Only a notice placed in the vicinity of the displayed goods may be required for this purpose.

Article 8

1. Member States shall adopt all the measures necessary to ensure that trade in and the use of materials and articles which comply with the rules laid down in this Directive or in the specific Directives cannot be impeded by the application of non-harmonized national provisions governing the composition, behaviour in the presence of foodstuffs or labelling of these materials and articles.

2. Paragraph 1 shall not be applicable to non-harmonized provisions justified on grounds of:

- protection of public health,
- prevention of frauds, unless such provisions are liable to impede the application of the rules laid down by this Directive,
- protection of industrial and commercial property, indications of source or prevention of unfair competition.

Article 9

Unless otherwise provided in the specific Directives, the sampling procedures and methods of analysis necessary for checking compliance with Article 3 (a) to (g) shall be determined in accordance with the procedure laid down in Article 10.

Article 10

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the

Standing Committee for Foodstuffs set up by Decision 69/414/EEC (hereinafter referred to as 'the Committee') by its chairman, either on his own initiative or at the request of a representative of a Member State.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on this 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 41 votes, the votes of the Member States being weighted as provided 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, within three months of the proposal having been submitted to it, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 11

Article 10 shall apply for a period of 18 months from the date on which the matter was first referred to the Committee pursuant to Article 10 (1).

Article 12

This Directive shall not apply to the materials and articles referred to in Article 1 which are intended for export outside the Community.

Article 13

1. Within 18 months of the notification of this Directive, Member States shall, if necessary, amend their laws to comply with this Directive and shall forthwith inform the Commission thereof. The laws thus amended shall be applied in such a way as to:

- authorize, two years after notification of this Directive, trade in materials and articles complying with the provisions laid down in this Directive, without prejudice to the application of national provisions, which in the absence of specific Directives, shall apply to certain groups of materials and articles,

— prohibit, three years after notification of this Directive, trade in and use of materials and articles which do not comply with the provisions laid down in this Directive.

2. Notwithstanding paragraph 1, Member States may prohibit the manufacture of materials and articles not complying with this Directive two years after its notification.

Article 14

This Directive shall also apply in the French overseas departments.

Article 15

This Directive is addressed to the Member States.

Done at Brussels, 23 November 1976.

For the Council

The President

A. P. L. M. M. van der STEE

COUNCIL DECISION
of 23 November 1976
establishing a Standing Committee on Plant Health

(76/894/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft Decision submitted by the Commission,

Whereas the measures adopted by the Council in respect of plant health provide for a procedure establishing close cooperation between Member States and the Commission in order to facilitate their implementation; whereas it is necessary for the purpose of bringing about such cooperation that a Committee be set up to carry out the functions conferred upon it by those measures;

Whereas it is desirable that such cooperation extends to all fields laid down in those measures; whereas the Committee should for this purpose be entitled to examine any matter coming within those fields,

HAS DECIDED AS FOLLOWS:

Article 1

A Standing Committee on Plant Health (hereinafter referred to as 'the Committee') shall be set up, consisting of representatives of Member States with a Commission representative in the chair.

Article 2

The Committee shall carry out the functions delegated to it by the measures adopted by the Council in respect of plant health, in the circumstances and in accordance with the terms laid down therein.

It shall further be able to examine any other matter coming within the scope of those measures, which its chairman may raise, either on his own initiative, or at the request of a Member State.

Article 3

The Committee shall draw up its own rules of procedure.

Done at Brussels, 23 November 1976.

For the Council

The President

A. P. L. M. M. van der STEE

COUNCIL DIRECTIVE
of 23 November 1976
relating to the fixing of maximum levels for pesticide residues in and on fruit
and vegetables

(76/895/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,

Having regard to the opinion of the European Parliament⁽¹⁾,

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

Whereas crop production plays an important role in the European Economic Community;

Whereas the yield from that production is continually affected by harmful organisms of either animal or vegetable origin and also by viruses;

Whereas it is absolutely essential to protect plants against these organisms, not only to prevent a reduction in yield but also to increase agricultural productivity;

Whereas one of the most important methods of protecting plants and plant products from the effect of these harmful organisms is by the use of chemical pesticides;

Whereas, however, these pesticides do not have only a favourable effect on plant production, since they are generally toxic substances or preparations with dangerous side effects;

Whereas a large number of these pesticides and of their metabolized or breakdown products may have harmful effects on consumers of plant products;

Whereas these pesticides should not be used in circumstances which could present a risk to human or animal life;

Whereas different methods exist in certain Member States for avoiding this risk; whereas some of these States have fixed different levels for the maximum content of the residues of certain pesticides in or on treated plants and plant products which must be

observed when these products are put into circulation;

Whereas the differences which exist between Member States for the maximum permissible levels for pesticide residues can help to create barriers to trade and thus hinder the free movement of goods within the Community; whereas for this reason certain maximum levels should be fixed which may be applied by the Member States;

Whereas in fixing these maximum levels the requirements of plant production and the need to protect human and animal health must be reconciled;

Whereas, initially, maximum levels should be fixed for the residues of certain pesticides in and on fruit and vegetables taking into account the fact that fruit and vegetables are generally intended for human consumption and, on occasions, for animal feed; whereas these maximum levels must represent the lowest possible levels;

Whereas the free circulation throughout the Community of products with a level of residue of certain pesticides less than or equal to the maxima fixed in Annex II should be assured; whereas at the same time Member States should be allowed to permit the circulation in their territory, without discrimination and in cases where they consider this justified, of products which have a content higher than the said maxima either by fixing or by refraining from fixing maximum levels for them;

Whereas it is not necessary to apply the provisions of this Directive to fruit and vegetables intended for export to third countries;

Whereas, nevertheless, the maximum levels fixed in Annex II could unexpectedly prove dangerous to human or animal health; whereas Member States should therefore be allowed in that case to reduce temporarily these levels;

Whereas it is appropriate in that case to establish close cooperation between the Member States and the Commission within a Standing Committee on Plant Protection;

⁽¹⁾ OJ No C 97, 28. 7. 1969, p. 35.

⁽²⁾ OJ No C 40, 25. 3. 1969, p. 4.

Whereas, where Member States fix maximum content levels for products marketed on their territory they should make certain that these levels are observed by means of official checks, consisting, at least, of sampling;

Whereas, in that case, the official checks should be made by using Community methods of sample-taking and Community methods of analysis;

Whereas the fixing of methods of sampling and analysis is a technical and scientific implementing measure; whereas in order to facilitate the adoption thereof, the rules relating to those samples and analyses should be laid down by means of a procedure establishing close cooperation between the Member States and the Commission within the Standing Committee on Plant Protection;

Whereas any amendment to the Annexes should, in view of their basically technical nature, be made easier by an accelerated procedure,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive concerns products intended for human or, in exceptional cases, animal consumption listed under the Common Customs Tariff headings set out in Annex I and in or on which are found the pesticide residues listed in Annex II.

Article 2

1. For the purposes of this Directive 'pesticide residues' means the residual traces of pesticides, as well as any of the toxic breakdown or metabolized products listed in Annex II, which are present in or on the products referred to in Article 1.

2. For the purposes of this Directive 'putting into circulation' means any handing over, whether in return for payment or free of charge, of the products referred to in Article 1, after they have been harvested.

Article 3

1. Member States may not prohibit or impede the putting on the market within their territories of the products referred to in Article 1 on the ground that they contain pesticide residues if the quantity of these residues does not exceed the maximum levels laid down in Annex II.

2. Member States may, in cases where they consider this justified, authorize the circulation within their territories of products referred to in Article 1 which contain pesticide residues higher than those laid down in Annex II.

3. Member States shall inform the other Member States and the Commission of any implementation of paragraphs 1 and 2.

Article 4

1. Where a Member State considers that a maximum level fixed in Annex II might endanger the health of humans or of animals other than harmful organisms, that Member State may temporarily reduce that level in its own territory. In that case it shall immediately notify the other Member States and the Commission of the measures taken with a statement of the reasons therefor.

2. In accordance with the products laid down in Article 8, it shall be decided whether the maximum levels laid down in Annex II are to be amended. Until such time as a decision is taken by the Council or the Commission in accordance with the abovementioned procedure, the Member State may maintain the measures which it has implemented.

Article 5

Without prejudice to Article 4, the Council, acting on a proposal from the Commission, shall adopt amendments to be made to the Annexes. In making such amendments account shall be taken of technical and scientific progress as well as of the requirements of health and agriculture.

Article 6

1. Member States shall take all necessary measures to ensure compliance with any maximum levels laid down in accordance with this Directive by carrying out random checks.

2. Member States shall take all necessary measures to ensure that, where the products referred to in Article 1 are subject to the verification provided for in paragraph 1, the sampling and qualitative and quantitative analysis carried out for the purposes of identifying and estimating the amounts of pesticide residues shall be carried out according to the processes and methods to be laid down in accordance with the procedure provided for in Article 7.

Article 7

1. Where the procedure laid down in this Article is to be followed, the matters shall be referred without delay to the Standing Committee on Plant Health set up by Decision 76/894/EEC ⁽¹⁾ (hereinafter called 'the Committee') by its chairman, either on his own initiative or at the request of a Member State.

⁽¹⁾ See page 25 of this Official Journal.

2. Within the Committee, the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within a time limit set by the chairman having regard to the urgency of the matters to be examined. Opinions shall be delivered by a majority of 41 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall adopt them and shall implement them forthwith. Where the measures are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within three months following the date on which the matter was referred to it, the Council has not adopted the measures, the Commission shall adopt the proposed measures and shall implement them immediately, except where the Council has rejected the said measures by a simple majority.

Article 8

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred without delay to the Committee by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of the Member States shall be weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on these measures within two days. Opinions shall be delivered by a majority of 41 votes.

4. Where the measures are in accordance with the opinion of the Committee, the Commission shall

adopt them and shall implement them forthwith. Where they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within 15 days of the date on which the matter was referred to it, the Council has not acted, the Commission shall adopt the proposed measures and shall implement them immediately, except where the Council has rejected the said measures by a simple majority.

Article 9

This Directive shall not apply to the products referred to in Article 1 where at least one appropriate element of proof can be brought that they are intended for export to third countries.

Article 10

This Directive shall apply without prejudice to Community provisions concerning common quality standards for fruit and vegetables.

Article 11

Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive within a period of two years following its notification and shall forthwith inform the Commission thereof.

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 23 November 1976.

For the Council

The President

A. P. L. M. M. van der STEE

ANNEX I

List of products referred to in Article 1

CCT heading No	Description
07.01 B	Cabbages, cauliflowers and Brussels sprouts, fresh or chilled
07.01 C	Spinach, fresh or chilled
07.01 D	Salad vegetables, including endive and chicory, fresh or chilled
07.01 E	Chard (or white beet) and cardoons, fresh or chilled
07.01 F	Leguminous vegetables, shelled or unshelled, fresh or chilled
07.01 G	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled
07.01 H	Onions, shallots and garlic, fresh or chilled
07.01 IJ	Leeks and other alliaceous plants, fresh or chilled
07.01 K	Asparagus, fresh or chilled
07.01 L	Artichokes, fresh or chilled
07.01 M	Tomatoes, fresh or chilled
07.01 N	Olives, fresh or chilled
07.01 O	Capers, fresh or chilled
07.01 P	Cucumbers and gherkins, fresh or chilled
07.01 Q	Mushrooms and truffles, fresh or chilled
07.01 R	Fennel, fresh or chilled
07.01 S	Sweet peppers, fresh or chilled
07.01 T	Other, fresh or chilled
ex 07.02	Vegetables, uncooked, frozen
ex 08.01	Dates, bananas, coconuts, Brazil nuts, cashew nuts ⁽¹⁾ , avocados, mangoes, guavas and mangosteens, fresh, shelled or peeled
ex 08.02	Citrus fruit, fresh ⁽¹⁾
ex 08.03	Figs, fresh ⁽¹⁾
ex 08.04	Grapes, fresh ⁽¹⁾
ex 08.05	Nuts, other than those falling within heading No 08.01, fresh ⁽¹⁾ , shelled or peeled
08.06	Apples, pears and quinces, fresh ⁽¹⁾
08.07	Stone fruit, fresh ⁽¹⁾
08.08	Berries, fresh ⁽¹⁾
08.09	Other fruit, fresh ⁽¹⁾
ex 08.10	Fruit, uncooked, preserved by freezing, not containing added sugar ⁽¹⁾

⁽¹⁾ Chilled fruit is treated in the same way as fresh fruit.

ANNEX II

List of pesticide residues and maximum residual levels

EEC No (1)	Pesticides		Maximum levels (in mg/kg (ppm))
	Common name	Chemical formula	
—	amitrole	3-amino-1 <i>H</i> -1,2,4-triazole	nil (2)
—	aramite	0-/2-(4-tert-butylphenoxy)-1-methyl-ethyl/ -0-(2-chlorethyl)-sulfite	nil (2)
—	atrazine	2-ethylamino-3-chloro-o-isopropylamino-1,3,5-triazine	1.0
15/60	azinphos-ethyl	0,0-diethyl-S-(4-oxo-3H-1,2,3-benzo-triazine-3-yl)-methyl/-dithiophosphate	singly or combined : nil (2) : root vegetables, except celeriac 0.4 : other products
15/42	azinphos-methyl	0,0-dimethyl-S-(4-oxo-3H-1,2,3-benzo-triazine-3-yl)-methyl/-dithiophosphate	
6/20	barban	(4-chloro-but-2-in-yl)-N-(3-chlorophenyl)-carbamente	0.1
609/21	binapacryl	/6-(1-methyl-propyl)-2,4-dinitrophenyl/-3,3-dimethyl-acrylate	nil (2) : carrots 0.3 : other products
—	captan	N-(trichlor-methylthio)-cyclohex-4-ene-1,2-dicarboximide	15.0
6/11	carbaryl	N-methyl-1-naphthyl-carbamate	2.5 : apricots, apples, pears, peaches, grapes, plums, salads, cabbages, cauliflowers and Brussels sprouts 1.2 : other products
620/6	chlorbenzide	(4-chloro-benzyl)-(4-chloro-phenyl)-sulphide	1.5
620/4	chlorfenson	(4-chloro-phenyl)-4-chloro-benzene-sulphonate	1.5
—	chlorbenzilate	ethyl-2-hydroxy-2,2-bis (4-chloro-phenyl)-acetate	1.5
6/22	chloroxuron	1-/4-(chlorophenoxy-phenyl)/ 3.3-dimethylurea	0.2
15/33	demeton-S-methyl	0,0-dimethyl-S-(2-ethylthioethyl)-monothiophosphate	singly or combined : nil (2) : carrots 0.4 : other products (calculated as demeton-S-methyl sulphone)
15/49	oxydementon-methyl	0,0-dimethyl-S-(2-ethylsuphiny-ethyl)-monothiophosphate	
—	demeton-S-methyl-sulfone	0,0-dimethyl and S-ethyl-sulphonyl thiophosphate	
6/19	diallate	S-(2,3-dichloro-allyl)-N,N diisopropyl-monothio-carbamate	0.05
607/24	dichlorprop	2-(2,4-dichlorophenoxy) propionic acid	0.05
15/55	dimethoate	0,0-dimethyl-S-(N-methyl-carbamoyl)-methyl-dithiophosphate	1.5 (3)
—	omethoate	dimethyl-S-(N-methyl carbamoyl methyl) phosphorothiolate	0.4
609/23	dinoseb	2,4-dinitro-6-(1-methylpropyl) phenol	0.05
—	dodine	N-dodecylguanidine acetate	1.0 : fruits nil (2) : other products
602/33	endosulphan	6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a,-hexahydro-6,9-methano-2,3,4-benzo(e)-dioxathiepin-3-oxide	0.2 : carrots 0.5 : other products

EEC No ⁽¹⁾	Pesticides		Maximum levels (in mg/kg (ppm))
	Common name	Chemical formula	
602/32	endrin	1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4- <i>endo</i> -5,8- <i>endo</i> -dimethano-naphthalene	nil ⁽²⁾
15/56	fenchlorphos	dimethyl-2,4,5-trichlorophenyl phosphorothionate	0.5
15/58	fenitrothion	dimethyl-3-methyl-4-nitrophenyl phosphorothionate	0.5
15/61	formothion	S-(<i>N</i> -formyl- <i>N</i> -methylcarbamoylmethyl) dimethyl phosphorothiolothionate	0.1
—	—	1,1-dichloro-2,2-bis(4-ethyl-phenyl) ethane	10.0
602/23	lindane	gamma-1,2,3,4,5,6-hexachlorocyclohexane	2.0 : leaf vegetables 0.1 : carrots 1.5 : other products
15/44	malathion	S/-1,2- <i>bis</i> (ethoxy-carbonyl)-ethyl/-0,0-dimethyl-dithiophosphate	} 3.0 : vegetables, except root vegetables 0.5 : other products
	<i>including</i> malaoxon	S-(-1,2- <i>bis</i> (ethoxy-carbonyl)-ethyl)-0,0-dimethyl-thiophosphate	
—	methoxychlor	1,1,1-trichloro-2,2- <i>bis</i> (4-methoxy-phenyl) ethane	10.0
15/37	parathion	0,0-diethyl-0-(4-nitro-phenyl)-monothiophosphate	} 0.5
	<i>including</i> paraaxon	0,0-diethyl-0-(4-nitro-phenyl)-phosphate	
15/36	methyl parathion	0,0-dimethyl-0-(4-nitro-phenyl)-monothiophosphate	} 0.15
	<i>including</i> methyl-paraaxon	0,0-dimethyl-0-(4-nitro-phenyl)-phosphate	
15/22	phosphamidon	2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate	0.15
607/21	folpet	N-(trichloromethylthio) phthalimide	15.0
—	propoxur	2-iso propoxy phenyl methylcarbamate	3.0
15/27	tEPP	0,0,0,0-tetraethyl-pyrophosphate	nil ⁽²⁾
6/5	thiram	bis (dimethyl-thio-carbamoyl)-disulphide	3.8 : strawberries, grapes 3.0 : other products
602/24	toxaphene	chlorinated camphenes (67 to 69 % chlorine)	0.4
15/21	trichlorfon	0,0-dimethyl-(2,2,2-trichloro-1-hydroxy-ethyl)-phosphonate	0.5

⁽¹⁾ Numbering of Annex I to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ No 196, 16. 8. 1967, p. 5), as last amended by Directive 75/409/EEC (OJ No L 183, 14. 7. 1975, p. 22).

⁽²⁾ Negligible residues below the lower limit of sensitivity under the method of determination are tolerated.

⁽³⁾ Possibly including the maximum level of 0.4 ppm fixed for omethoate.

CORRIGENDA**Corrigendum to Commission Regulation (EEC) No 2956/76 of 3 December 1976 altering the monetary compensatory amounts**

(Official Journal of the European Communities, No L 337 of 6 December 1976)

Annex I, Part 1, Cereals, page 5, CCT subheading 17.02 B II b)⁽³⁾, column 'France':

for: '166,68',

read: '166,88'.

Annex I, Part 8, Products to which Regulation (EEC) No 1059/69 relates, page 24, CCT subheading 21.07 F II d) 2, column 'Italia':

for: '8 145',

read: '8 415'.

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