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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.

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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 24 July 1979

amending Directives 66/401/EEC, 66/402/EEC, 70/458/EEC and 70/457/EEC on the marketing of fodder plant seed, cereal seed and vegetable seed and on the common catalogue of varieties of agricultural plant species

(79/692/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

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

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

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

Whereas, for the reasons given below, certain Directives on the marketing of seeds and propagating material should be amended;

Whereas, in the case of fodder plant seed, certain conditions concerning seed testing should be relaxed for those regions of the Community in which very favourable ecological conditions ensure compliance with the relevant Community standards laid down;

Whereas, in the case of seed of rye used for fodder purposes, a temporary relaxation of the Community standards applicable to rye seed should be permitted in order to overcome the temporary difficulties which exist in certain Community regions for these products;

Whereas, in the case of cereal seed, recently experimented methods for reducing the effects of attack by certain harmful organisms appear to justify the acceptance of mixtures of seed of different varieties of cereals, provided that precautions are taken to guarantee that the quality of the seed or of the final product is not affected;

Whereas, in order to improve the functioning of the systems of the common catalogue of varieties of agricultural plant species, certain provisions relating to the acceptance of varieties at national level, to the names of varieties, and to the exchange of information between the Member States should be adapted to internationally established rules and the rules concerning the free marketing, as regards variety, of seeds belonging to the varieties accepted in the various Member States should be strengthened, in the case of certain species at least;

Whereas the provisions on the marketing of vegetable seed and the provisions on the common catalogue of varieties of agricultural plant species provide that, after 1 July 1977, the equivalence of measures taken in third countries concerning varieties can no longer be

⁽¹⁾ OJ No C 174, 21. 7. 1978, p. 8.

⁽²⁾ OJ No C 239, 9. 10. 1978, p. 54.

⁽³⁾ OJ No C 114, 7. 4. 1979, p. 26.

established at national level; whereas certain equivalence decisions taken at Community level only took effect as from 1 July 1978; whereas the period provided for the establishment of equivalence at national level should therefore be extended by one year in order to cover traditional trade patterns which were maintained after 1 July 1977 pending Community decisions,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following paragraph shall be added to Article 2 of Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, as last amended by Directive 79/641/EEC ⁽²⁾:

'1c. Member States may be authorized, in accordance with the procedure laid down in Article 21, not to apply in respect of the production of a given Member State the condition contained in Annex II, section I, point 2, paragraph B (1) for one or more of the species concerned, if it can be assumed from ecological conditions and previous experience that the standards laid down in Annex II, section I, point 2, column 13 of the table are being complied with.'

Article 2

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽³⁾, as last amended by Directive 79/641/EEC is hereby amended as follows:

1. The following paragraph shall be added to Article 2:

'1c. Until 30 June 1982, Member States may be authorized, in accordance with the procedure laid down in Article 21, to permit the marketing of seed of specific varieties of rye, chiefly intended for use as fodder, which do not satisfy the conditions laid down:

- in Annex II as regards germination,
- and in Annex II (2), table A, column 6, as regards basic seed.'

2. The following first paragraph shall be added to Article 13:

'1. Member States may permit seed of a species of cereal to be marketed in the form of specific mixtures of seeds of various varieties provided that scientific or technical knowledge indicates that these mixtures are such as to be particularly effective against the propagation of certain harmful organisms and provided also that the components of the mixture comply, before mixing, with the marketing rules applicable to them.'

3. In Article 13, paragraph 1 shall become paragraph 2 and paragraph 2 shall become paragraph 3.

4. The following number shall be added to Annex IV, A (b):

'8. "Marketing permitted exclusively in"
(Member State concerned).'

Article 3

Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species ⁽⁴⁾, as last amended by Directive 78/55/EEC ⁽⁵⁾, is hereby amended as follows:

1. Article 5 (1) shall be replaced by the following:

'1. A variety shall be regarded as distinct if, whatever the origin, artificial or natural, of the initial variation from which it has resulted, it is clearly distinguishable on one or more important characteristics from any other variety known in the Community.

The characteristics of a variety must be capable of precise recognition and precise definition.

A variety known in the Community shall be any variety which, at the time when the application for the acceptance of the variety to be assessed is duly made, is:

- either listed in the common catalogue of varieties of agricultural plant species or the catalogue of varieties of vegetable species,
- or, without being listed in one of those catalogues, has been accepted or submitted for acceptance in the Member State in question or in another Member State, either for certification and marketing, or for certification for other countries,

unless the aforementioned conditions are no longer fulfilled in all the Member States concerned before the decision on the application for acceptance of the variety to be assessed is taken.'

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

⁽²⁾ OJ No L 183, 19. 7. 1979, p. 13.

⁽³⁾ OJ No 125, 11. 7. 1966, p. 2309/66.

⁽⁴⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽⁵⁾ OJ No L 16, 20. 1. 1978, p. 23.

2. The following shall be added to Article 7 (1):

'In order to establish distinctness, the growing trials shall include at least the available comparable varieties which are varieties known in the Community within the meaning of Article 5 (1). For the purpose of applying Article 9, other available comparable varieties shall be included.'

3. Article 9 (3) shall be replaced by the following:

'3. In taking into account the information available, Member States shall also ensure that a variety which is not clearly distinguishable:

— from a variety previously accepted in the Member State in question or in another Member State, or

— from another variety which has been assessed with regard to distinctness, stability and uniformity in accordance with rules corresponding to those of this Directive, without, however, being a variety known in the Community within the meaning of Article 5 (1),

bears the name of that variety. This provision shall not apply if this name is likely to mislead or cause confusion concerning the variety in question, or if, pursuant to all the provisions of the Member State concerned governing the names of varieties, other facts prevent its utilization, or if the rights of third parties impede the free use of that name in connection with the variety in question.'

4. Paragraph 3 of Article 9 shall become paragraph 4.

5. Article 10 (1) shall be replaced by the following:

'1. Any application or withdrawal of an application for acceptance of a variety, any entry in a catalogue of varieties as well as any amendment thereto shall be notified forthwith to the other Member States and the Commission.'

6. The following Article shall be added after Article 12:

'Article 12a

1. Member States shall ensure that any doubts which arise after the acceptance of a variety concerning the appraisal of its distinctness or of its name at the time of acceptance are clarified.

2. Where, after acceptance of a variety, it is established that the condition concerning distinctness within the meaning of Article 5 was not fulfilled at the time of acceptance, acceptance shall be replaced by another decision or, where appropriate, a revocation, which conforms with this Directive.

By this other decision, the variety shall, with effect from the date of its initial acceptance, no longer be

regarded as a variety known in the Community within the meaning of Article 5 (1).

3. Where, after acceptance of a variety, it is established that its name within the meaning of Article 9 was not acceptable when the variety was accepted, the name shall be adapted in such a way that it conforms with this Directive. Member States may permit the previous name to be used temporarily as an additional name. The detailed arrangements in accordance with which the previous name may be used as an additional name may be laid down in accordance with the procedure provided for in Article 23.'

7. The following shall be added to Article 15 (2):

'Only applications submitted four months before the end of the abovementioned period shall be taken into consideration.'

8. The following shall be added to Article 15 (5):

'In the case of *Beta vulgaris* L. and *Solanum tuberosum* L. this condition shall be considered fulfilled on 31 December each year in respect of varieties for which the communications provided for in Article 10 (1) and (2) were made four months before that date, unless a Member State informs the Commission or makes a declaration to the Standing Committee on Seeds and Propagating Material to the effect that it does not intend to dispense with making an application pursuant to paragraph 2. Acting on a proposal from the Commission, the Council shall decide whether these provisions will also be applied to other species.'

9. In Article 21 (2), the words '30 June 1977' shall be replaced by '30 June 1978'.

Article 4

In Article 32 (2) of Council Directive 70/458/EEC of 29 September 1970 on the marketing of vegetable seed ⁽¹⁾, as last amended by Directive 79/641/EEC, the words '30 June 1977' shall be replaced by '30 June 1978'.

Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply:

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 7.

— with Articles 1 and 2 with effect from 1 January 1980,

Article 6

This Directive is addressed to the Member States.

— with Articles 3 (9) and 4 with effect from 1 July 1977,

Done at Brussels, 24 July 1979.

— with the other provisions of this Directive on 1 July 1982.

For the Council

The President

J. GIBBONS

COUNCIL DIRECTIVE

of 24 July 1979

on the approximation of the laws of the Member States relating to fruit jams, jellies and marmalades and chestnut purée

(79/693/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 the legislation and administrative provisions in force in the Member States define the composition and characteristics of the manufacture of fruit jams, jellies and marmalades and chestnut purée, reserve such designations for the products that meet these standards and lay down the rules regarding labelling and presentation;

Whereas the differences in national legislation are likely to impede the free movement of these products and lead to conditions of unfair competition;

Whereas it is consequently necessary to establish common rules, the observance of which will make it possible to market the products in question freely throughout the Community;

Whereas the labelling of fruit jams, jellies and marmalades and chestnut purée is subject to the general rules laid down by Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽³⁾; whereas the present Directive may therefore merely set out the additions and derogations which should be made with regard to those general rules;

Whereas a new type of product with a low sugar content has recently appeared on some markets but its industrial development is not yet complete; whereas as a consequence in the initial stage it is advisable to allow Member States the possibility of including such products under the designation fruit jams, jellies and marmalades and chestnut purée; whereas Community arrangements applicable to these products will have to be worked out subsequently;

Whereas, with the aim of simplifying and speeding up the procedure, the adoption of technical implementing measures should be entrusted to the Commission;

Whereas, in all cases where the Council delegates powers to the Commission to implement rules established in respect of foodstuffs, it is advisable to make provision for a procedure ensuring close cooperation between the Member States and the Commission through the Standing Committee for Foodstuffs set up by Decision 69/414/EEC ⁽⁴⁾;

Whereas the implementation of certain rules provided for in this Directive cannot be envisaged at present because of the technical difficulties this would entail;

Whereas recourse must consequently be had to national laws, but the situation should be reviewed at a later stage in order gradually to eliminate the differences which still exist,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to:

1. extra jam;
2. jam;
3. extra jelly;

⁽¹⁾ OJ No C 7, 12. 1. 1976, p. 38.

⁽²⁾ OJ No C 131, 12. 6. 1976, p. 23.

⁽³⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽⁴⁾ OJ No L 291, 29. 11. 1969, p. 9.

4. jelly;
5. marmalade;
6. chestnut purée;

as these products are defined in Annex I.

Article 2

Member States shall take all the necessary steps to ensure that the products defined in Annex I may be marketed only if they conform to the definitions and rules laid down in this Directive.

Article 3

1. The names listed in Annex I shall be used exclusively to denote the products defined therein and in so far as their soluble dry matter content is not less than 60 % as determined by refractometer.

2. Member States may also allow the use in their territory of the names listed in Annex I for products with a soluble dry matter content of less than 60 % which comply with the other provisions of this Directive with the exception of those prescribed in Annex III (B).

Not later than five years after notification of this Directive, the Council, acting on a proposal from the Commission, shall decide on the Community arrangements applicable to the products referred to in the first subparagraph.

3. The names listed in Annex I (A) (2) and (4) may also be used to designate the products defined in paragraphs 1 and 3 of that section.

4. This Article shall not affect the provisions by which the name 'jelly' may, in accordance with custom, also be used to designate other products which cannot be confused with those defined in Annex I.

Article 4

Only raw materials corresponding to the definitions given in Annex II may be used in the manufacture of the products defined in Annex I.

Article 5

Only the substances listed in Annex III may be added, and only in the manner prescribed therein, to the products defined in Annex I.

Article 6

1. Products defined in Annex I may not contain any substance in such quantity as to endanger human health.

2. Products defined in Annex I may not, in particular, contain sulphur dioxide in amounts exceeding the limits fixed in Annex IV.

Article 7

1. (a) The name under which a product defined in Annex I is sold shall be the same as that used by virtue of Article 3.

(b) This name shall be supplemented by:

(i) an indication of the type or types of fruit used in descending order of importance by weight of the raw materials used; however, for products made from three or more types of fruit, the indication of the types of fruit used may be replaced by the words 'mixed fruit' or by an indication of the number of types of fruit used;

(ii) an indication of the ingredients given in Annex III (A) (2).

2. (a) Where apricots intended for the manufacture of the product defined in Annex I (A) (2) have been dried by a process other than freeze-drying, the words 'dried apricots' shall appear on the list of ingredients.

(b) Where red beetroot juice has been added to the products defined in Annex I (A) (2) and (4) which have been obtained from one or more of the following: strawberries, raspberries, gooseberries, redcurrants or plums, the words 'red beetroot juice to reinforce the colour' shall appear in the list of ingredients.

(c) In the case of products made from three or more types of fruit, Member States may allow the naming in the list of ingredients of the types of fruit used to be replaced by the single word 'fruit'.

(d) Where the residual sulphur dioxide content is more than 10 mg/kg, Member States may require that the words 'residual sulphur dioxide' appear in the list of ingredients. Five years after the notification of this Directive, the Commission shall review this derogation and propose any necessary changes to the Council.

3. The labelling of the products defined in Annex I shall also bear the following obligatory information:

- (a) the words 'prepared with ... g of fruit per 100 g', the figure shown representing the quantities per 100 g of finished product for which the following have been used:
 - pulp, purée, juice and aqueous extracts in the manufacture of the products defined in Annex I (A) (1), (2), (3), (4) and (6), if applicable, after deduction of the weight of water used in preparing the aqueous extracts,
 - citrus fruit used in the manufacture of the product defined in Annex I (A) (5);
- (b) the words 'total sugar content: ... g per 100 g', the figure shown representing the value determined by refractometer at 20 °C for the finished product, subject to a tolerance of $\pm 3\%$ between the actual refractometric value and the value shown;
- (c) for products having a soluble dry matter content of less than 63% the words 'keep in a cool place once opened'; this indication shall not, however, be compulsory for products in small containers, the content of which is normally consumed at one time and for products to which preservatives have been added;
- (d) in the case of the product defined in Annex I (A) (5):
 - containing peel, an indication of the style of cut of that peel,
 - not containing peel, an indication of the absence of peel.

4. The particulars referred to in paragraph 3 must appear within the same field of vision as those referred to in Article 11 (3) (a) of Directive 79/112/EEC.

5. The addition of L-ascorbic acid by virtue of Article 5 and Annex III (B) shall not authorize reference to be made to vitamin C.

Article 8

Without prejudice to the provisions to be adopted by the Community in this field, Member States shall be free to determine the rules governing the labelling of the products which are defined in Annex I and which are not intended for supply as such to the final consumer.

Article 9

1. Member States may not prohibit trade in products defined in Annex I which comply with the definitions and rules laid down in this Directive, in particular by the application of non-harmonized national provisions governing the composition, manufacturing specifications, packaging or labelling of these products or of foodstuffs in general.

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

- protection of public health,
- prevention of fraud, unless such provisions are liable to impede the application of the definitions and rules laid down by this Directive,
- protection of industrial and commercial property rights, indications of source, registered designation of origin and prevention of unfair competition.

Article 10

1. Where a Member State, as a result of new information or of a re-assessment of existing information made since this Directive was adopted, has detailed grounds for establishing that the use, in the products defined in Annex I, of one of the substances listed in Annex III (A) (2) (b), second indent, (2) (c) and (B) and Annex IV or where the maximum level which may be employed endangers human health although it complies with this Directive, that Member State may temporarily suspend or restrict application of the provisions in question in 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 this 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 13, 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 11

The Council, acting unanimously on a proposal from the Commission, shall determine, as far as is necessary, the identity and purity criteria for the products and substances given in Annexes II and III.

Article 12

Detailed rules concerning methods of sampling and analysis to check the composition of and manufacturing specifications for products defined in Annex I shall be determined in accordance with the procedure laid down in Article 13.

Article 13

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Standing Committee for Foodstuffs (hereinafter called 'the Committee') by its chairman, either on his own initiative or at the request of a representative of a Member State.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall give its opinion on that draft within a time limit set by the chairman having regard to the urgency of the matter. Opinions shall be delivered by a majority of 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 the Council has not acted within three months of the proposal being submitted to it, the proposed measures shall be adopted by the Commission.

Article 14

Article 13 shall apply for 18 months from the date on which the matter was first referred to the Committee pursuant to Article 13 (1).

Article 15

1. This Directive shall not affect national provisions whereby the following may be authorized for the manufacture of the products defined in Annex I:

(a) the addition of the following substances:

(i) malic acid and its sodium and calcium salts according to proper manufacturing practice;

(ii) — calcium carbonate, calcium chloride and calcium gluconate, used either separately or in combination at not more than 200 mg/kg expressed as calcium,
— sodium carbonate, sodium bicarbonate and sodium hydroxide,
— phosphoric acid;

(iii) — preservatives, where the soluble dry matter content is less than 65%,

— colouring matters; in the case of the products defined in Annex I (A) (1) and (3) this authorization may however be given only where the products are manufactured from one or more of the following types: strawberries, raspberries, gooseberries, red-currants and plums,

— alginate and carrageenan at not more than 10 g/kg (separately or in combination) and carob meal at not more than 20 g/kg,

— dimethylpolysiloxane at not more than 10 mg/kg,

— sorbitan monolaurate at not more than 25 mg/kg in the product referred to in the third subparagraph of Annex I (A) (5);

(b) the total or partial replacement of the sugars given in Annex II (A) (6) by honey, cane molasses or brown sugar.

2. The derogation provided for:

(i) in paragraph 1 (a) (i) shall cease to apply at a date to be fixed by the Council by 1 July 1984 according to the procedure provided for in Article 100 of the Treaty, and in any event on implementation of Community rules on the use of alimentary acids in foodstuffs;

(ii) in paragraph 1 (a) (ii) shall cease to apply at a date to be fixed by the Council by 1 July 1984 according to the procedure provided for in Article 100 of the Treaty.

3. Before 1 July 1984 the Commission shall re-examine the derogations provided for in paragraph 1 (a) (iii) and shall propose any necessary amendments to the Council.

Article 16

This Directive:

- (a) shall not apply to products intended for export to countries outside the Community;
- (b) shall not affect national provisions relating to dietetic products, without prejudice to any Community provisions on the matter;
- (c) shall not apply to products intended for the manufacture of fine bakers' wares, pastries and biscuits.

Article 17

1. Member States shall make such amendments to their laws as may be necessary to comply with this Directive and shall forthwith inform the Commission thereof. The amended legislation shall:

- permit trade in products complying with this Directive not later than two years after its notification,

— prohibit trade in products not complying with this Directive three years after its notification.

2. By way of derogation from the second indent of paragraph 1, the period after which trade in products which are not labelled in accordance with Article 7 is forbidden shall be that referred to in the second indent of Article 22 (1) of Directive 79/112/EEC.

3. This Article shall not affect application of Article 22 (2) (b) and (c) and the first indent of Article 23 (1) (b) of Directive 79/112/EEC.

Article 18

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1979.

For the Council

The President

J. GIBBONS

ANNEX I

FINISHED PRODUCTS — DEFINITIONS

A. For the purpose of this Directive the following definitions shall apply:

1. **Extra jam:**

a mixture, brought to a suitable gelled consistency, of sugars and the pulp of:

- one type of fruit, or
- two or more types of fruit, excluding apples, pears, clingstone plums, melons, water-melons, grapes, pumpkins, cucumbers and tomatoes.

The quantity of fruit pulp used for the manufacture of 1 000 g of finished product shall not be less than:

- 450 g as a general rule,
- 350 g for blackcurrants, rosehips, quinces,
- 250 g for ginger,
- 230 g for cashew apples,
- 80 g for passion fruit.

2. **Jam:**

a mixture, brought to a suitable gelled consistency, of sugars and the pulp and/or purée of:

- one type of fruit, or
- two or more types of fruit.

The quantity of fruit pulp and/or purée used for the manufacture of 1 000 g of finished product shall not be less than:

- 350 g as a general rule,
- 250 g for blackcurrants, rosehips, quinces,
- 150 g for ginger,
- 160 g for cashew apples,
- 60 g for passion fruit.

However, for a period of five years from notification of this Directive, Member States may make provision for a quantity of 300 g in 1 000 g of finished product in the case of raspberries and gooseberries.

3. **Extra jelly:**

an appropriately gelled mixture of sugars and the juice and/or aqueous extracts of:

- one type of fruit, or
- two or more types of fruit, excluding apples, pears, clingstone plums, melons, water-melons, grapes, pumpkins, cucumbers and tomatoes.

The quantity of juice and/or aqueous extracts used in the manufacture of 1 000 g of finished product shall not be less than:

- 450 g as a general rule,
- 350 g for blackcurrants, rosehips, quinces,
- 250 g for ginger,
- 230 g for cashew apples,
- 80 g for passion fruit.

These quantities are calculated after deduction of the weight of water used in preparing the aqueous extracts.

4. **Jelly:**

an appropriately gelled mixture of sugars and the juice and/or aqueous extracts of:

- one type of fruit, or
- two or more types of fruit.

The quantity of juice and/or aqueous extracts used in the manufacture of 1 000 g of finished product shall not be less than:

- 350 g as a general rule,
- 250 g for blackcurrants, rosehips, quinces,

- 150 g for ginger,
- 160 g for cashew apples,
- 60 g for passion fruit.

These quantities are calculated after deduction of the weight of water used in preparing the aqueous extracts.

5. Marmalade:

a mixture, brought to a suitable gelled consistency, of sugars and one or more of the following products obtained from citrus fruit: pulp, purée, juice, aqueous extracts and peel.

The quantity of citrus fruit used in the preparation of 1 000 g of finished product shall not be less than 200 g of which 75 g or more shall be obtained from the endocarp.

Member States may authorize in their own territory the name 'jelly marmalade' where the product contains no insoluble matter with the exception, optionally, of small quantities of finely sliced peel.

6. Chestnut purée:

a mixture, brought to a suitable consistency of sugars and puréed chestnuts.

The quantity of puréed chestnuts used in the manufacture of 1 000 g of finished product shall not be less than 380 g.

- B. In the case of mixtures, the minimum content of a given fruit as laid down in section A shall be reduced in proportion to the percentage of such fruit used.
-

ANNEX II

A. RAW MATERIALS — DEFINITIONS

1. Fruit:

- fresh, sound fruit, free from deterioration, containing all its essential constituents and sufficiently ripe for use in the manufacture of products as defined in Annex I, after cleaning, removal of blemishes, topping and tailing,
- for the purposes of this Directive, tomatoes and the edible parts of rhubarb stalks are considered as fruit,
- the term 'chestnut' means the fruit of the sweet chestnut tree (*Castanea sativa*),
- 'ginger' means the edible root of the ginger plant preserved in syrup after being drained and peeled.

2. Fruit pulp (pulp):

the edible part of the whole fruit — if appropriate, less the peel, skin, seeds, pips and the like — which may have been sliced or crushed but which has not been reduced to a purée.

3. Fruit purée (purée):

the edible part of the whole fruit — less the peel, skin, seeds, pips and the like — which has been reduced to a purée by sieving or a similar process.

4. Fruit juice (juice):

a product which, subject to treatment in accordance with section B, conforms to the definitions of Council Directive 75/726/EEC of 17 November 1975 on the approximation of the laws of the Member States concerning fruit juices and certain similar products ⁽¹⁾, as amended by Directive 79/168/EEC ⁽²⁾.

5. Aqueous extracts of fruit (aqueous extracts):

the aqueous extracts of fruit which, subject to the losses necessarily occurring in proper manufacturing, contain all the water-soluble constituents of the fruit used.

6. Sugars:

any of the following:

- semi-white sugar,
- sugar (white sugar),
- extra white sugar,
- sugar solution,
- invert sugar solution,
- invert sugar syrup,
- dextrose monohydrate,
- dextrose anhydrous,
- glucose syrup,
- dried glucose syrup,
- fructose,
- the aqueous solution of sucrose with the following characteristics:
 - (a) dry matter: not less than 62% by weight;
 - (b) invert sugar content (ratio of fructose to dextrose: 1.0 ± 0.2): not more than 3% by weight of dry matter;
 - (c) conductivity ash: not more than 0.3% by weight of dry matter,
 - (d) colour in solution: not more than 75 ICUMSA units,
 - (e) residual sulphur dioxide content: not more than 15 mg/kg of dry matter.

⁽¹⁾ OJ No L 311, 1. 12. 1975, p. 40.

⁽²⁾ OJ No L 37, 13. 2. 1979, p. 27.

B. RAW MATERIALS — AUTHORIZED TREATMENT

1. The products defined in section A (1) to (5) may, in all cases, be treated in the following ways:
 - heated, chilled or frozen,
 - freeze-dried,
 - concentrated, to the extent that it is technically possible.
 2. If the abovementioned products are intended for the manufacture of products defined in Annex I (A) (2), (4) and (5), sulphur dioxide (E 220) or the salts thereof (E 221, E 222, E 223, E 224, E 226, E 227) may be added to them.
 3. Apricots for the manufacture of the product defined in Annex I (A) (2) may be treated by other dehydration processes apart from freeze-drying.
 4. Chestnuts for use in the manufacture of the product defined in Annex I (A) (6) may be soaked beforehand for a short time in an aqueous solution of sulphur dioxide (E 220).
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ANNEX III

SUBSTANCES WHICH MAY BE ADDED TO THE PRODUCTS DEFINED IN ANNEX I

A. EDIBLE INGREDIENTS, AROMATICS AND AROMATIC SUBSTANCES

1. Ingredients which need not be specified in the sales description of the finished products

Name	Conditions of use
— Water suitable for food manufacture	In all the products defined in Annex I
— Fruit juices	In all the products defined in Annex I (A) (2)
— Red fruit juices	In the product defined in Annex I (A) (1) where it is obtained from one or more of the following species: strawberries, raspberries, gooseberries, redcurrants, plums
— Red beetroot juice	In the products defined in Annex I (A) (2) and (4) where they are obtained from one or more of the following species: strawberries, raspberries, gooseberries, redcurrants, plums
— Essential oils of citrus fruits	In the product defined in Annex I (A) (5)
— Edible oils and fats	As anti-foaming agents in all the products defined in Annex I
— Liquid pectin (products containing pectin and derived from dried apple pomace or dried peel of citrus fruits, or from a mixture of both, by the action of dilute acid followed by partial neutralization with sodium or potassium salts)	In all the products defined in Annex I

2. Ingredients which must be specified in the sales description of the finished products

Name	Conditions of use
(a) Edible ingredients in sufficient quantity to modify flavour:	
— Citrus fruit juice in products obtained from other types of fruit	In the products defined in Annex I (A) (1) and (2)
— Spirits	In all the products defined in Annex I
— Wine and liqueur wine	
— Walnuts, hazelnuts, almonds	
— Honey	
— Herbs	
— Spices	
— Others	Subject to national laws
(b) — Citrus peel	
— Leaves of Pelargonium odoratissimum	In the products defined in Annex I (A) (1) to (4) where they are obtained from quince
(c) — Vanilla	
— Vanilla extract	In the products defined in Annex I (A) (1) to (4) where they are obtained from apples, quinces or rosehips and in the product defined in Annex I (A) (6)
— Vanillin	
— Ethyl vanillin	

B. ADDITIVES

Name	Conditions of use
Pectin (E 440a) and amidated pectin (E 440b)	All the products defined in Annex I, the pectin content of the finished product not exceeding 1% of which not more than 0.5% is amidated pectin (E 440b)
Lactic acid (E 270)	All the products defined in Annex I in the quantities necessary for normalizing the pH
Sodium lactate (E 325)	
Citric acid (E 330)	
Sodium citrates (E 331)	
Calcium citrates (E 333)	
Tartaric acid (E 334)	
Sodium tartrates (E 335)	
Calcium lactate (E 327)	All the products defined in Annex I in accordance with proper manufacturing practice
L-ascorbic acid (E 300)	All the products defined in Annex I in the quantities necessary for anti-oxidant effect
Mono- and diglycerides of fatty acids (E 471)	All the products defined in Annex I

ANNEX IV

MAXIMUM SULPHUR DIOXIDE CONTENT OF PRODUCTS DEFINED IN ANNEX I

The sulphur dioxide content of the products defined must not exceed the following values:

1. 10 mg/kg for products defined in Annex I (A) (1), (3) and (6);
2. 50 mg/kg for all other products defined in Annex I;
3. however, for the products defined in Annex I (A) (2) and (5), Member States may retain any national laws permitting a sulphur dioxide content greater than 50 mg/kg but less than 100 mg/kg.

At the end of a period of five years from the notification of this Directive, the Commission will re-examine this derogation and will propose to the Council, if appropriate, the amendment or abolition of this provision.

COUNCIL DIRECTIVE

of 24 July 1979

amending Directive 74/150/EEC on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors

(79/694/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

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

Whereas certain systems or parts of tractors which form a separate technical unit are already marketed both separately and after being fitted to a tractor; whereas, in so far as it is possible to check such systems or parts before they are fitted to a tractor, their free movement may be facilitated by the introduction of EEC type-approval also for these separate technical units;

Whereas it is therefore desirable that Council Directive 74/150/EEC of 4 March 1974 on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors ⁽³⁾ should be supplemented without delay by provisions introducing such type-approval;

Whereas the EEC type-approval of separate technical units to be fitted to tractors simplifies the tractor type-approval procedure by avoiding the repetition of certain checks during type-approval; whereas it must be possible, when granting EEC type-approval for separate technical units, to lay down restrictions for their use and/or conditions for their fitting;

Whereas it must always remain possible to adapt the separate Directives to technical progress in the production of separate technical units; whereas the procedure laid down in Article 13 of Council Directive 74/150/EEC is appropriate for this purpose;

Whereas the technical requirements relating to the driver's operating space and windows of tractors differ from one Member State to another; whereas it is therefore necessary that all Member States adopt the same requirements without delay either in addition to or in place of their existing rules;

Whereas checks on compliance with these requirements should be made under the EEC type-approval procedure for each tractor type provided for in Directive 74/150/EEC; whereas it is therefore necessary to supplement this Directive by incorporating the necessary references in Annex I (Model information document) and Annex II (Model EEC type-approval certificate),

HAS ADOPTED THIS DIRECTIVE:

Article 1

Council Directive 74/150/EEC is amended as follows:

(a) The following Article shall be added after Article 9:

Article 9a

1. Where the separate Directives make express provision for so doing, EEC type-approval may also be granted for types of systems or parts of tractors which form a separate technical unit.

2. Where the separate technical unit to be approved fulfils its function or offers a specific feature only in conjunction with other components of the tractor and for this reason compliance with one or more requirements can be verified only when the separate technical unit to be approved operates in conjunction with other tractor components, whether real or simulated, the scope of the EEC type-approval of the separate technical unit must be restricted accordingly. The EEC type-approval certificate for a separate technical unit shall then include any restrictions on its use and shall indicate any conditions for fitting it. Observance of these restrictions and conditions shall be verified at the time of EEC type-approval of the tractor.

(1) OJ No C 127, 21. 5. 1979, p. 80.

(2) Opinion delivered on 22 and 23 May 1979 (not yet published in the Official Journal).

(3) OJ No L 84, 28. 3. 1974, p. 10.

3. Articles 3 to 9 and 14 shall apply by analogy.

However, the holder of the EEC type-approval for a separate technical unit granted in accordance with this Article shall be obliged not only to complete the certificate provided for in Article 5 (2), but also to affix to each unit manufactured in conformity with the approved type the trade name or mark, the type and, if the separate Directive so provides, the type-approval number.'

(b) The following paragraph shall be added to Article 11:

'This procedure shall also apply for the purpose of introducing the provisions relating to EEC type-approval for separate technical units into the separate Directives.'

(c) The following sections shall be added to Annex I (Model information document):

- '8.4.4. Driver's operating space',
- '8.4.5. Windows'.

(d) The following sections shall be added to Annex II (Model EEC type-approval certificate):

- '7.4.4. Drivers operating space SD',
- '7.4.5. Windows SD'.

Article 2

1. Member States shall bring into force the provisions necessary in order to comply with this Directive within 18 months of its notification and shall forthwith inform the Commission thereof.

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1979.

For the Council

The President

M. O'KENNEDY

COUNCIL DIRECTIVE

of 24 July 1979

on the harmonization of procedures for the release of goods for free circulation

(79/695/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

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

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

Whereas the Community is based upon a customs union;

Whereas, without prejudice to the transitional measures laid down in Title I, Chapter 1 of Part Four of the Act of Accession, the establishment of this customs union is governed in the main by Title I, Chapter 1 of Part Two of the Treaty; whereas that Chapter contains a series of specific provisions, dealing in particular with the elimination of customs duties between Member States, the establishment and progressive introduction of the Common Customs Tariff and the autonomous alteration or suspension of the duties of the latter;

Whereas, while Article 27 of the Treaty provides that Member States shall, before the end of the first stage in so far as may be necessary, take steps to approximate their provisions laid down by law, regulation or administrative action relating to customs matters, that Article does not empower institutions of the Community to issue binding provisions in that field; whereas, however, a thorough examination undertaken jointly with Member States has shown the need in certain fields for decision, by binding acts of the Community, upon measures essential for the introduction of customs arrangements which will ensure uniform application of the Common Customs Tariff and of the various charges laid down within the framework of the common agricultural policy;

Whereas, for that purpose, the Council has already adopted *inter alia* Directive 68/312/EEC of 30 July

1968 on harmonization of the provisions laid down by law, regulation or administrative action relating to customs treatment of goods entering the customs territory of the Community and temporary storage of such goods ⁽⁴⁾, as well as Directive 78/453/EEC of 22 May 1978 on the harmonization of provisions laid down by law, regulation or administrative action concerning deferred payment of import duties or export duties ⁽⁵⁾;

Whereas the release for free circulation, within the meaning of Article 10 (1) of the Treaty, of goods imported from a third country into a Member State has effect throughout the Community; whereas it therefore assumes a specifically Community character and, in this respect, differs from the release for home use of these same goods, which requires moreover the application of different national provisions, particularly of a fiscal nature, and can therefore take place only in the Member State in which such goods are actually consumed;

Whereas the Member States' laws, regulations or administrative provisions determine the rules of procedure which, in most cases, are devised exclusively for the release of goods for home use; whereas, as a result, the release for free circulation of goods, particularly with a view to their subsequent release for home use in another Member State most often cannot take place in isolation;

Whereas these provisions also show considerable disparities which result in the application, under differing conditions, not only of the Common Customs Tariff duties, charges having equivalent effect and agricultural levies or other charges laid down within the framework of the common agricultural policy, but also of any other Community provisions governing the release of goods for free circulation; whereas the resulting distortions of treatment for Community importers, depending on the Member State in which the customs clearance formalities are carried out, may lead to deflection of trade and artificial movement of activities;

Whereas the said provisions of the Member States directly affect the establishment and operation of the common market;

⁽¹⁾ OJ No C 14, 15. 2. 1974, p. 45.

⁽²⁾ OJ No C 85, 18. 7. 1974, p. 24.

⁽³⁾ OJ No C 125, 16. 10. 1974, p. 10.

⁽⁴⁾ OJ No L 194, 6. 8. 1968, p. 13.

⁽⁵⁾ OJ No L 146, 2. 6. 1978, p. 19.

Whereas, taking into account the progress made in creating the customs union, it is necessary to fix common rules of procedure for the release of goods for free circulation, in the form of a Directive at least; whereas the same rules may also be followed for the release for home use of goods in the Member State of importation;

Whereas these common rules must make it possible to ensure the correct application not only of customs duties, charges having equivalent effect, agricultural levies or other charges laid down within the framework of the common agricultural policy, but also of any other Community provisions governing the release of goods for free circulation; whereas, however, such rules must dispense with all unnecessary formalities; whereas, moreover, they must be sufficiently flexible to be adaptable to differing circumstances and to take into account progress in administration techniques, particularly with regard to informatics;

Whereas it is important to ensure uniform application of these common rules and to provide for this purpose a Community procedure which will allow the measures for implementing them to be adopted within appropriate time limits,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Without prejudice to any special provisions which have been or will be adopted under specific customs arrangements, this Directive determines the rules which must be laid down in the laws, regulations and administrative provisions of the Member States in respect of the release for free circulation, within the meaning of Article 10 (1) of the Treaty, of goods which:

— have been produced to customs and which may have been placed in temporary storage, in accordance with the conditions laid down in Directive 68/312/EEC, or

— are under another customs procedure.

2. For the purposes of this Directive, 'import duties' means customs duties and charges having equivalent effect, as well as agricultural levies and other import charges laid down within the framework of the common agricultural policy or of the specific arrangements applicable, pursuant to Article 235 of the Treaty, to certain goods resulting from the processing of agricultural products.

TITLE I

GENERAL PROCEDURE

Article 2

The release for free circulation of the goods referred to in Article 1 shall be conditional upon the lodging at a customs office, in accordance with the conditions laid down by this Directive, of an entry form for release for free circulation, hereinafter referred to as 'the entry'.

The natural or legal person who makes the entry shall hereinafter be referred to as 'the declarant'.

Article 3

1. The entry shall be made in writing on a form corresponding to the appropriate official model determined by the competent authorities. It shall be signed and contain the particulars necessary for the identification of the goods and for the application of the import duties and any other provisions governing the release of the goods for free circulation.

2. The entry shall be accompanied by all the documents required for the correct application of the import duties and any other provisions governing the release of the goods for free circulation.

Article 4

For the purpose of making entry, the customs authority shall, under conditions which it shall specify, authorize the prior examination of goods and the taking of samples.

Article 5

1. The entry may be lodged at any customs office in the Community which is competent, in accordance with national provisions, to release for free circulation the goods to which the entry relates, on presentation of the goods at that office.

However, the customs authority may authorize the entry to be lodged before the declarant is in a position to present the goods. In this case, the customs authority may set a time limit, to be determined according to the circumstances, for presentation of the goods. If the goods have not been presented within this time limit, the entry shall be deemed not to have been lodged.

2. For the purpose of applying paragraph 1, goods shall be deemed to have been presented at a customs

office when their arrival at the customs office, or at another place designated by the competent authorities, has been notified to the latter in the manner required to enable them to control or to inspect them.

3. The entry shall be lodged in the competent customs office during the days and hours appointed for opening.

However, the customs authority may, at the request of the declarant and at his expense, authorize the entry to be lodged outside the appointed days and hours.

4. Any entry lodged with the officials of a customs office in any other place duly designated for that purpose by agreement between the competent authorities and the person concerned shall be regarded as having been lodged in the aforementioned office.

Article 6

1. Only entries which comply with the conditions laid down in Article 3 may be accepted by the customs authority.

2. However, at the declarant's request and for reasons deemed valid by the customs authority, the latter may accept an entry which does not contain certain of the particulars referred to in Article 3 (1) or to which some of the documents referred to in Article 3 (2) are not attached; it shall then set a time limit for the communication of the particulars or the production of the said documents. In this case, the release of the goods for free circulation, referred to in Article 13, may be made conditional on the provision of security.

The entry shall, in any case, contain the particulars necessary for the identification of the goods to which it relates.

3. An incomplete entry accepted under the conditions set out in paragraph 2 may be either completed by the declarant or, by agreement with the customs authority, replaced by another entry which complies with the conditions laid down in Article 3. In the latter case, the operative date for the fixing of the import duties and the application of any other provisions governing the release of goods for free circulation shall be the date of acceptance of the incomplete entry.

Article 7

1. Entries which comply with the conditions laid down in Article 3 and those which are accorded the facilities provided for in Article 6 (2) shall be accepted by the customs authority immediately, in accordance with the procedures laid down in each Member State.

However where, pursuant to the second subparagraph of Article 5 (1), an entry has been lodged before the goods to which it relates have arrived at the customs office or at another place designated by the customs authority, the entry may be accepted only after the goods in question have been presented to the competent authorities, within the meaning of Article 5 (2).

2. The date of acceptance of the entry shall be noted on that document for the purpose of determining the operative date for the application of Article 11 (1).

Article 8

1. The declarant shall, at his request, be authorized to correct entries accepted by the customs authority under the conditions laid down in Article 7, as regards one or more of the particulars referred to in Article 3 (1), subject to the following:

- (a) the correction shall be requested before the goods are released for free circulation;
- (b) the correction may no longer be allowed where the request is made after the customs authority has informed the declarant that it intends to examine the goods or that it has itself established that the particulars in question are incorrect;
- (c) the correction shall not result in the entry applying to goods other than those to which it originally related.

The customs authority may allow or require that the corrections referred to in the preceding subparagraph be made by the lodging of a new entry intended to replace the original entry. In that event, the date for determination of the import duties and for the application of any other provisions governing the release of goods for free circulation shall be that of the acceptance of the original entry.

2. Where the declarant provides proof, to the satisfaction of the competent authorities, that goods have been entered for free circulation by mistake or that, as a result of special circumstances, the release of the goods for free circulation is no longer justified, the customs authority shall authorize cancellation or invalidation of the entry relating to them. Such authorization may be given as long as the customs authority has not released the goods.

Article 9

1. Without prejudice to any other means of control at its disposal, the customs authority may examine all or part of the goods entered.

2. The goods shall be examined in the places designated and during the hours appointed for that purpose.

However, the customs authority may, at the request of the declarant, authorize the examination of goods in places or during hours other than those referred to above. Any costs involved shall be borne by the declarant.

3. Transport of goods to the places where they are to be examined, unpacking, repacking and all other operations necessitated by such examination shall be carried out by the declarant or on his responsibility. In all cases, any costs involved shall be borne by the declarant.

4. The declarant shall be entitled to be present at the examination of the goods or to be represented at it. If the customs authority sees fit, it may require the declarant to be present at the examination of the goods or to be represented at it in order to assist with the examination, as necessary.

5. When examining the goods, the customs authority may take samples for analysis or for more detailed examination. The costs arising from such analysis or more detailed examination shall be borne by the administrative authority.

Article 10

1. The results of the examination of the entry and the documents attached to it, whether or not combined with examination of the goods, shall be used for calculating the import duties and for applying any other provisions governing the release of goods for free circulation. Where neither the entry and the documents attached to it, nor the goods themselves are examined, such duties shall be calculated and such provisions shall be applied on the basis of the particulars contained in the entry.

2. Paragraph 1 shall be without prejudice to either any subsequent verification by the competent authorities of the Member State in which the goods have been released for free circulation or the possible consequences of applying the provisions in force, particularly as regards any change in the amount of import duty charged on these goods.

Article 11

1. Without prejudice to special rules applicable under general or specific Community legislation, and subject to paragraph 2, import duties shall be levied in accordance with the rates and amounts in force at the date of acceptance of the entry. Without prejudice to the said special rules, that same date shall be the operative date for determining other particulars

material to the calculation of duty on the goods and for applying any other provisions governing the release of goods for free circulation.

2. In as much as the import duty payable on goods is a customs duty, where the rate of this customs duty is reduced after the date of acceptance of the entry but before the release of the goods for free circulation has been authorized by the customs authority, the declarant may claim the application of the most favourable rate.

The preceding subparagraph shall not apply to goods which the customs authority has been unable to release for free circulation for reasons attributable solely to the declarant.

Article 12

Without prejudice to any changes which may occur pursuant to Article 10 (2), the amount of the import duties determined by the competent authorities shall be entered in the accounts by the latter under the procedure laid down for that purpose and shall be communicated to the declarant.

Article 13

1. Without prejudice to any prohibitive or restrictive measures provided for in respect of the goods, the customs authority may release the goods for free circulation only when the import duties have been paid or guaranteed or payment of them has been deferred under the conditions laid down in Directive 78/453/EEC.

2. The customs authority itself shall determine the form in which it releases goods, taking due account of the place in which the said goods are located and of the special procedures for their control.

3. Until released for free circulation, goods may not be moved from where they are, or handled in any way whatsoever, without the authorization of the customs authority.

Article 14

1. The declarant may be authorized by the customs authority, before the goods have been released for free circulation:

- either to surrender the goods free of charge to the Exchequer, if such a possibility is provided for under national regulations,
- or to destroy them under the supervision of the customs authority; any costs incurred by such destruction shall be borne by the declarant.

2. Where goods are surrendered to the Exchequer or destroyed under the supervision of the customs authority, the declarant shall not be required to pay the import duties.

3. The release for free circulation of any waste or scrap resulting from the destruction of the goods shall be effected on the basis of the import duty and other particulars material to the calculation of duty applicable to it, as recognized or accepted by the customs authority on the date of destruction.

Article 15

1. The customs authority shall take any measures necessary, including the sale of goods, to deal with goods which have not been released:

- (a) either because it has not been possible to undertake or continue the examination within the required time limits for reasons attributable to the declarant;
- (b) or because the documents which must be submitted before their release for free circulation have not been produced;
- (c) or because the import duties have not been paid or guaranteed within the required time limits.

2. If necessary, the customs authority may arrange for goods in the situations referred to in paragraph 1 to be destroyed.

The release for free circulation of any waste or scrap resulting from the destruction of such goods shall be effected on the basis of the import duty and other particulars material to the calculation of duty applicable to it, as recognized or accepted by the customs authority on the date of destruction.

3. If the customs authority arranges for the goods to be sold, this shall be done in accordance with the procedures in force in the Member States. The conditions under which goods sold are released for free circulation shall be defined under the procedure laid down in Article 26 (2) and (3).

TITLE II

SPECIAL PROCEDURES

Article 16

1. From 1 January 1984 at the latest, Member States shall no longer apply special procedures other than those laid down in Articles 17 to 22.

They shall apply from that date all such special procedures laid down in Articles 17 to 22 in so far as their administrative organization allows it.

2. The conditions to be fulfilled by the person concerned in order to obtain authorization to use one or other of the special procedures laid down in Articles 17

to 22, and the practice for the operation of these procedures, shall be determined by the competent authorities.

The said authorization may be limited to certain goods. It may be granted on an occasional or a permanent basis. It may be revoked.

3. Save as otherwise provided in Articles 17 to 22, Title I shall apply to the special procedures laid down in these Articles.

A. Exemption from written entries

Article 17

Without prejudice to the special provisions laid down in respect of consignments sent by parcel or letter post, the competent authorities may specify that:

- (a) lodging of entry referred to in Article 2 is not required for the release for free circulation of goods previously introduced under the inward processing arrangements;
- (b) a written entry is unnecessary for goods imported for non-commercial purposes, and goods of low value, including those contained in travellers' personal luggage.

B. Drawing up of general, periodic or recapitulative entries

Article 18

1. Without prejudice to Article 21, the competent authorities may authorize the declarant to furnish or to insert at a later date certain particulars of the entry in the form of supplementary entries of a general, periodic or recapitulative nature.

2. Statements made in supplementary entries, together with statements made in the entries to which they refer, shall be deemed to constitute a single, indivisible instrument taking effect at the date on which the corresponding initial entry was accepted.

3. The competent authorities may make the granting of the facilities provided for in this Article conditional upon the lodging of security, the nature and amount of which it shall determine.

4. The initial entries relating to each batch of goods must in all cases contain the particulars necessary for the identification of the goods in question.

C. Release of goods before lodging of entry

Article 20

Article 19

1. Where the circumstances so justify, the competent authorities may authorize release of goods as soon as they have been produced, within the meaning of Article 5 (2), at the customs office designated for that purpose and without the entry referred to in Article 3 having been lodged.

2. The release of goods shall be conditional on the presentation at the competent customs office of a commercial or administrative document, at the discretion of that office, containing the particulars necessary for the identification of the goods and accompanied by a request, signed by the person concerned, for release for free circulation.

Where the release of a particular type of goods for free circulation is subject to the presentation of any other document, that document shall accompany the said commercial or administrative document.

Acceptance by the customs office of that commercial or administrative document shall have the same force in law as acceptance of the entry referred to in Article 3.

3. The customs authority may, if it considers it necessary, make release of the goods conditional on their examination based on the particulars contained in the commercial or administrative document referred to in paragraph 2.

4. The entry relating to goods covered by the authorization referred to in paragraph 1 shall be lodged at the competent customs office within the time limits laid down by the competent authorities.

For the purpose of applying Article 11 (1), this entry shall take effect on the date on which the customs authority accepts the commercial or administrative document referred to in paragraph 2.

5. Without prejudice to Article 21, the customs authority may allow the lodging of general, periodic or recapitulative entries for the goods. Such entries shall take effect on the date on which that authority accepted the commercial or administrative document referred to in paragraph 2.

6. This Article shall not preclude the exercise by the customs authority of any controls which it considers necessary in order to ensure that the procedures are correctly carried out.

7. The competent authorities may make the granting of the facilities provided for in this Article subject to the lodging of security, the nature and amount of which they shall determine.

1. The competent authorities may authorize natural or legal persons who frequently present goods for release for free circulation to receive the goods directly after they have been conveyed to a customs office, within the meaning of Article 2 of Directive 68/312/EEC, into a place designated for that purpose so as to obtain their release without first lodging an entry referred to in Article 3 in the competent customs office.

2. Upon arrival of the goods at the place designated for that purpose, the authorized person referred to in paragraph 1 shall:

(a) duly notify the competent authorities of this arrival in the form and manner laid down by them for the purpose of obtaining release of the goods;

(b) enter the said goods in his records. This shall be done in the form and manner laid down by the competent authorities. This entry shall include the date of entry in the records and the particulars necessary for identification of the goods;

(c) make available to the competent authorities all documents, the production of which may be required for the application of the Community provisions governing the release of goods for free circulation.

Completion of the formalities referred to in subparagraphs (a) and (b) shall have the same force in law as acceptance of the entry referred to in Article 3.

3. Provided that checking on the regularity of transactions is not thereby affected, the competent authorities may:

(a) instead of requiring the authorized person to wait for the actual arrival of the goods before notifying the competent customs office thereof, permit him to inform that office of their arrival as soon as it becomes imminent;

(b) in certain special circumstances justified by the nature of the goods in question and the increased rate of importations, exempt the authorized person from the obligation to notify the competent customs office of each arrival of goods, on condition that he provides that office with all the information which it deems necessary to enable it to exercise, where appropriate, its right to examine the goods. In that case, entry of the goods in the records of the person concerned shall be equivalent to their release.

4. Where the competent customs office decides to examine the goods, such examination shall take place on the basis of the particulars contained in the records of the person concerned.

5. The entry relating to the goods which are the subject of the authorization referred to in paragraph 1 shall be lodged at the competent customs office within the time limits fixed by the competent authorities.

For the purpose of applying Article 11 (1), this entry shall take effect on the date on which the goods are entered in the records of the person concerned.

6. Article 19 (5), (6) and (7) shall also apply where the provisions of this Article are invoked.

7. The entry of the goods in the records of the person concerned, as provided for in paragraph 2 (b), may be replaced by any other formality offering similar guarantees which may be laid down by the competent authorities.

D. Replacement of all or part of the particulars of the entry by codified data

Article 21

1. The competent authorities may authorize the declarant to replace all or part of the particulars of the written entry referred to in Article 3 by sending to the customs office designated for that purpose, with a view to their processing by computer, codified data, or data made out in any other form specified by those authorities, corresponding to the particulars required for written entries.

2. The competent authorities shall determine the conditions under which the data referred to in paragraph 1 are to be sent.

3. This Article shall not preclude the exercise by the customs authority of any controls which it considers necessary in order to ensure that the procedures are correctly carried out.

E. Assessment of composite consignments

Article 22

1. Where a single consignment is made up of goods coming under several tariff headings, and where dealing with each type of goods would involve a burden of work and expense disproportionate to the import duty chargeable thereon, the competent authorities may, at the request of the declarant, agree that the whole consignment be assessed at the rate applicable to whichever type of goods is subject to the highest rate of import duty.

2. The granting of the facility provided for in paragraph 1 shall in no way affect the obligations of the declarant as regards the compiling of statistics under the conditions provided for in Council Regulation (EEC) No 1736/75 of 24 June 1975 on the external trade statistics of the Community and statistics of trade between Member States ⁽¹⁾ and the application of the other provisions governing the release of goods for free circulation.

3. The facility provided for in paragraph 1 may be granted as a general authorization to a declarant for consignments made up of the same type of goods which he enters on a regular basis for release for free circulation.

4. The particulars to be included in the entry relating to the goods to which this Article applies shall be defined in accordance with the procedure referred to in Article 26 (2) and (3).

TITLE III

FINAL PROVISIONS

Article 23

Where goods entered for free circulation are not simultaneously entered for home use in a Member State, the competent authorities of that Member State shall take all measures necessary to ensure free circulation of the goods within the Community.

To this end, goods which are in free circulation may be placed under a customs procedure ensuring observance of the national provisions governing the release of goods for home use. Where they are intended to be transported immediately to another Member State, they shall be placed under a customs procedure which ensures their free circulation within the Community.

Article 24

1. A Committee on General Customs Rules, hereinafter referred to as 'the Committee', is hereby set up. It shall be composed of representatives of the Member States, with a representative of the Commission as chairman.

2. The Committee shall adopt its rules of procedure.

Article 25

The Committee may examine any question concerning the application of this Directive which is raised by its

⁽¹⁾ OJ No L 183, 14. 7. 1975, p. 3.

chairman either on his own initiative or at the request of a representative of a Member State.

Article 26

1. The provisions required for applying Articles 3, 4, 6 and 8, Article 9 (1), (4) and (5), Article 10 (1), Article 11 (2), Articles 13 and 14, Article 15 (1) and Articles 18 to 22 shall be adopted in accordance with the procedure laid down in paragraphs 2 and 3.

2. The representative of the Commission shall submit to the Committee a draft of the provisions to be adopted. The Committee shall deliver its opinion on the 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 in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

3. Where the provisions envisaged are in accordance with the opinion of the Committee, the Commission shall adopt them.

Where the provisions 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 provisions to be adopted. The Council shall act by a qualified majority.

If within three months of submission of the proposal the Council has not acted, the proposed provisions shall be adopted by the Commission.

Article 27

1. Member States shall take the measures necessary to comply with this Directive not later than six months after the date of publication in the *Official Journal of the European Communities* of the Regulation laying down the conditions under which a person is permitted to make a customs entry.

However, if the said date of publication is prior to 1 January 1981, Member States may postpone the implementation of the said measures until 1 July 1981.

Member States may postpone the effective implementation of Articles 17 to 22 until 1 January 1984.

2. Each Member State shall inform the Commission of the measures which it takes for the implementation of this Directive. The Commission shall communicate this information to the other Member States.

Article 28

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1979.

For the Council

The President

M. O'KENNEDY

COUNCIL DECISION

of 24 July 1979

on the conclusion of the Agreement between the European Economic Community and the Hellenic Republic on a concerted action project in the field of registration of congenital abnormalities (medical and public health research)

(79/696/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Decision 78/167/EEC of 13 February 1978 adopting a European Economic Community concerted action project in the field of registration of congenital abnormalities (medical and public health research) ⁽¹⁾, and in particular Article 6 (1) thereof,

The Agreement between the European Economic Community and the Hellenic Republic on a concerted action project in the field of registration of congenital abnormalities (medical and public health research) is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Decision.

Having regard to the draft Decision submitted by the Commission,

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Whereas, pursuant to Article 6 (2) of Decision 78/167/EEC, the Commission has negotiated an Agreement with the Hellenic Republic with a view to extending the coordination which is the subject of the abovementioned Decision to research undertaken in that State,

Done at Brussels, 24 July 1979.

Whereas that Agreement should be approved,

*For the Council**The President*

M. O'KENNEDY

⁽¹⁾ OJ No L 52, 23. 2. 1978, p. 20.

AGREEMENT

between the European Economic Community and the Hellenic Republic on a concerted action project in the field of registration of congenital abnormalities (medical and public health research)

THE EUROPEAN ECONOMIC COMMUNITY,
and

THE HELLENIC REPUBLIC,

Whereas a European concerted research action project in the field of registration of congenital abnormalities is likely to contribute effectively to ensuring an optimum level of health of individuals and of society;

Whereas, by its Decision of 13 February 1978, the Council of the European Communities adopted a Community concerted action project in the field of registration of congenital abnormalities (medical and public health research);

Whereas the Member States of the Community and the Hellenic Republic, hereinafter referred to as 'the States', intend subject to the rules and procedures applicable to their national programmes to carry out the research described in Annex A and are prepared to integrate such research into a process of coordination which they consider will be of mutual benefit;

Whereas the implementation of the research covered by the concerted action project will require a financial contribution of approximately 900 000 European units of account from the States,

HAVE AGREED AS FOLLOWS:

Article 1

The Community and the Hellenic Republic, hereinafter referred to as 'the contracting parties', shall participate for a period extending until 31 December 1980 in a concerted action project in the field of registration of congenital abnormalities (medical and public health research).

This project shall consist in coordinating the Community concerted action programme with the corresponding programme of the Hellenic Republic. The programmes covered by this Agreement are listed in Annex A.

The States shall remain entirely responsible for the research executed by their national institutions or bodies.

Article 2

The Commission of the European Communities, shall be responsible for the coordination.

It shall be assisted in this task by a project leader.

Article 3

In order to facilitate the execution of the project, the Concerted Action Committee on the Registration of Congenital Abnormalities, hereinafter referred to as 'the Committee', set up by the Decision of the Council of the European Communities of 13 February 1978, shall be enlarged to include the Hellenic Republic.

The secretariat of the Committee shall be provided by the Commission.

The terms of reference and the composition of the Committee shall be as set out in Annex B.

Article 4

The maximum financial contribution by the contracting parties to the coordination costs shall be:

- 330 000 European units of account from the Community for a three-year period beginning on 1 January 1978,
- 22 000 European units of account from the Hellenic Republic for the period referred to in the first paragraph of Article 1.

The European unit of account shall be that defined in the Financial Regulation applicable to the general budget of the European Communities and in the financial provisions adopted pursuant to that Regulation.

The rules governing the financing of the Agreement are set out in Annex C.

Article 5

1. In accordance with the procedure laid down by the Commission in agreement with the Committee, the States shall exchange regularly all relevant information concerning the execution of the research covered by the concerted action project, and shall forward to the Commission all information which will assist coordination. They shall also endeavour to provide the Commission with information on research in the field in question planned or carried out by bodies not subject to their authority. Any information shall be treated as confidential if the State which provides it so requests.

2. The Commission shall prepare yearly progress reports on the basis of the information supplied and shall forward them to the States.

3. At the end of the period of the concerted action project, the Commission shall forward to the States a general report on its execution and on the results obtained. This report shall be published by the Commission six months after forwarding, unless a State objects. In that case, the report shall be regarded as confidential and, with the agreement of the Committee, shall be forwarded solely to the institutions and undertakings which so request and the research or production activities of which justify access to the results of the research covered by the concerted action project.

Article 6

1. As soon as possible after signing this Agreement, each of the contracting parties shall notify the Secretary-General of the Council of the European Communities of the completion of the procedures necessary under its internal provisions for the implementation of this Agreement.

2. This Agreement shall enter into force on the first day of the month following that in which the second of the contracting parties forwards this notification.

Prior to the entry into force of this Agreement and for a maximum period of nine months after it is signed, the Hellenic Republic may take part without voting rights in the work of the Committee.

3. For a period of six months following its entry into force, this Agreement shall be open for accession by other European States which took part in the Ministerial Conference held in Brussels on 22 and 23 November 1971. The instruments of accession shall be deposited with the General Secretariat of the Council of the European Communities.

A State which accedes to this Agreement shall become a contracting party within the meaning of Article 1 on the date on which the instrument of accession is deposited. It shall contribute to the coordination costs under the conditions laid down in Article 4 concerning the Hellenic Republic.

4. The Secretary-General of the Council of the European Communities shall notify each of the contracting parties of the lodging of the notifications referred to in paragraph 1, of the date of entry into force of this Agreement and of the deposit of the instruments of accession referred to in paragraph 3.

Article 7

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek and Italian languages, each text being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the contracting parties.

ANNEX A

PROGRAMMES COVERED BY THE AGREEMENT

1. Registration of congenital malformations as well as of inherited biochemical and chromosome abnormalities in selected regions of the contracting parties. Registration will progressively extend to abnormalities of the nervous system (anencephaly, spina bifida, etc.), Down's syndrome, gross abnormalities of the limbs, multiple abnormalities, phenylketonuria and coeliac disease.
2. Registration of twin and multiple pregnancies in selected regions of the contracting parties.
3. Relevant methodological studies to obtain optimum coordination of existing national registers and registration procedures.

The coordination will include the following regional registers in the States:

Belgium	Bruges and Hainaut
Denmark	Odense
France	Paris
Germany	Hessen
Greece	Athens
Ireland	Dublin and Galway
Italy	Florence and Rome
Luxembourg	Luxembourg
Netherlands	Leidschendam
United Kingdom	Belfast, Glasgow and Liverpool

These States will contribute research under the three topics mentioned above.

ANNEX B

TERMS OF REFERENCE AND COMPOSITION OF THE CONCERTED ACTION COMMITTEE
ON THE REGISTRATION OF CONGENITAL ABNORMALITIES

1. The Committee shall:
 - 1.1. contribute to the optimum execution of the project by giving its opinion on all aspects of its execution;
 - 1.2. evaluate the results and draw conclusions as to their application;
 - 1.3. be responsible for the exchange of information referred to in Article 5 (1) of the Agreement;
 - 1.4. keep abreast of national research being done in the fields covered by the concerted project and more especially of scientific and technical developments likely to affect the execution of the project;
 - 1.5. suggest guidelines to the project leader.
2. The Committee's reports and opinions shall be forwarded to the Commission and to the States. The Commission shall forward these opinions to Crest.

3. The Committee shall be composed of persons responsible for coordinating the national contributions to the programme, and the project leader. Each member may be accompanied by experts.

ANNEX C

FINANCING RULES

- I. These provisions lay down the financing rules referred to in Article 4 of the Agreement.
- II. At the beginning of each financial year, a call for funds shall be issued by the Commission to the Hellenic Republic. Such calls for funds shall express the contribution of the latter both in European units of account and in the currency of that State, the value of the European unit of account being as defined in the Financial Regulation applicable to the general budget of the European Communities and determined on the date of the call for funds.

The Hellenic Republic shall pay its contribution to the Agreement at the beginning of each year, and by 31 March at the latest. The total contribution shall amount to a maximum of 22 000 European units of account.

On any sum unpaid by that date, interest shall be charged to the Hellenic Republic at a rate equal to the highest discount rate in the States in force on the due date. This rate shall be increased by 0.25 of a point per month of the payment being overdue. The rate thus increased shall apply to the entire period of overdue payment.
- III. The funds accruing from the contribution of the Hellenic Republic shall be credited to the concerted action project by being entered in the statement of revenue of the budget of the Commission as receipts within the meaning of the second subparagraph of Article 90 (4) of the Financial Regulation applicable to the general budget of the European Communities.
- IV. The provisional timetable for the coordination costs referred to in Article 4 of the Agreement is set out in the table below.
- V. The Financial Regulation applicable to the general budget of the European Communities shall apply to the management of the appropriations; furthermore, the Commission shall ensure that such appropriations are managed in conformity with the rules for the implementation of the budget.
- VI. At the end of each financial year, a statement of appropriations for the concerted action project shall be prepared and transmitted to the Hellenic Republic for information.

PROVISIONAL TIMETABLE
FOR THE COORDINATION COSTS OF THE CONCERTED ACTION PROJECT ON REGISTRATION OF CONGENITAL ABNORMALITIES

Budget item 3371 'Implementation of concerted action projects'

	1978		1979 -		1980		TOTAL	
	Commitments	Payments	Commitments	Payments	Commitments	Payments	Commitments	Payments
I. Initial estimate of overall requirements (figures appearing in the timetable of commitments and payments, and in the table of equivalence shown in Annex II to the Commission budget)								
- Staff	110 000	110 000	2 000	2 000	110 000	110 000	330 000	330 000
- Administrative operating expenditure			13 000	13 000				
- Contracts			95 000	95 000				
Total (to be covered by appropriations under Item 3371)	110 000	110 000	110 000	110 000	110 000	110 000	330 000	330 000
II. Revised estimate of expenditure taking into account additional requirements arising from the accession of the Hellenic Republic								
- Staff			2 000	2 000	110 000 + 11 000	110 000 + 11 000	330 000 + 22 000	330 000 + 22 000
- Administrative operating expenditure			13 000 + 5 000	13 000 + 5 000				
- Contracts			95 000 + 6 000	95 000 + 6 000				
New total			110 000 + 11 000	110 000 + 11 000	110 000 + 11 000	110 000 + 11 000	330 000 + 22 000	330 000 + 22 000
III. Difference between I and II to be covered by contributions from the Hellenic Republic			11 000	11 000	11 000	11 000	22 000	22 000

(EUA)