

Official Journal

of the European Communities

ISSN 0378-6978

L 42

Volume 34

15 February 1991

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 355/91

of 14 February 1991

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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 322/91⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies 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 central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 13 February 1991;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 322/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

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 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 February 1991.

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

Done at Brussels, 14 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 38, 12. 2. 1991, p. 1.

ANNEX

to the Commission Regulation of 14 February 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levy
0709 90 60	142,92 ⁽²⁾ ⁽³⁾
0712 90 19	142,92 ⁽²⁾ ⁽³⁾
1001 10 10	203,29 ⁽¹⁾ ⁽⁵⁾
1001 10 90	203,29 ⁽¹⁾ ⁽⁵⁾
1001 90 91	196,10
1001 90 99	196,10
1002 00 00	160,25 ⁽⁶⁾
1003 00 10	164,49
1003 00 90	164,49
1004 00 10	150,02
1004 00 90	150,02
1005 10 90	142,92 ⁽²⁾ ⁽³⁾
1005 90 00	142,92 ⁽²⁾ ⁽³⁾
1007 00 90	152,06 ⁽⁷⁾
1008 10 00	70,11
1008 20 00	135,61 ⁽⁸⁾
1008 30 00	79,27 ⁽⁵⁾
1008 90 10	⁽⁷⁾
1008 90 90	79,27
1101 00 00	287,92 ⁽⁸⁾
1102 10 00	238,54 ⁽⁸⁾
1103 11 10	328,55 ⁽⁸⁾
1103 11 90	309,68 ⁽⁸⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽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 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

⁽⁸⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 356/91

of 14 February 1991

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3845/90 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies 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 central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 13 February 1991;

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 to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 February 1991.

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

Done at Brussels, 14 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 14 February 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	2,89
0712 90 19	0	0	0	2,89
1001 10 10	0	0	0	1,37
1001 10 90	0	0	0	1,37
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	2,89
1005 90 00	0	0	0	2,89
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 357/91

of 14 February 1991

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 3577/90⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on

the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 11 and 12 February 1991 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 15 February 1991.

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 14 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CN code	Non-member countries
1509 10 10	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Turkey : ECU 11,48 per 100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : ECU 12,69 per 100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽²⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 358/91

of 14 February 1991

opening invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 7 ⁽⁵⁾ thereof,

Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat ⁽³⁾, provides in particular for detailed rules on the invitation to tender;

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat ⁽⁴⁾ provides in particular the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation (EEC) No 3013/89 results in the opening of invitations to tender for private storage aid;

Whereas that Article provides for the application of these measures on the basis of the situation of each quotation zone; whereas it is appropriate consequently to open tenders separately for each of the zones where the conditions are fulfilled;

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

HAS ADOPTED THIS REGULATION:

Article 1

Separate invitations to tender are opened in Greece and in Portugal for aid to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Commission Regulation (EEC) No 3447/90 tenders may be made to the intervention agencies of the Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 18 February 1991 to the relevant intervention agency.

Article 3

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

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

Done at Brussels, 14 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 333, 30. 11. 1990, p. 46.

COMMISSION REGULATION (EEC) No 359/91**of 12 February 1991****amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EEC) No 4056/89⁽²⁾,

Having regard to Council Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community⁽³⁾, as last amended by Regulation (EEC) No 3539/90⁽⁴⁾, and in particular Article 3 thereof;

Whereas the German authorities have requested withdrawal from the list annexed to Regulation (EEC) No 55/87 of 20 vessels that no longer meet the requirements laid down in Article 1 (2) of that Regulation; whereas the national authorities have provided all the information in

support of the request required under Article 3 of Regulation (EEC) No 55/87; whereas scrutiny of this information shows that the requirements of the Regulation are met; whereas the vessels in question should be withdrawn from the list;

HAS ADOPTED THIS REGULATION:

Article 1

The vessels listed in the Annex to this Regulation are deleted from the Annex to Regulation (EEC) No 55/87.

Article 2

This Regulation shall enter into force on the 10th 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, 12 February 1991.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 389, 30. 12. 1989, p. 75.

⁽³⁾ OJ No L 8, 10. 1. 1987, p. 1.

⁽⁴⁾ OJ No L 344, 8. 12. 1990, p. 10.

ANNEX

External identification letters + numbers	Name of vessel	Radio call sign	Port of registry	Engine power (kW)
GERMANY				
ABH 4-N	Seehund			
CUX 30-N	Hoffnung			
CUX 31-N	Rosengarten			
CUX 33-N	Jan Cux			
CUX 34-N	Taube			
DAN 1-N	Nordstern			
DIT 16-N	Harm Looden			
EMD 4-N	Hanne			
GRO 23-N	Ingeborg			
HOO 63-N	Pegasus			
HOR 1-N	Drei Gebrüder			
HOR 2-N	Jan Gosselaar			
KAS 1	Helga I			
VAR 3-N	Iris			
VAR 7-N	Conger			
VAR 9-N	Germania			
WIL 4-N	Frauke			
WIL 5-N	Utguisu			
WIL 6-N	Seewolf			
WIL 9-N	Condor			

COMMISSION REGULATION (EEC) No 360/91**of 14 February 1991****correcting Regulation (EEC) No 3484/90 fixing the accession compensatory amounts for olive oil for 1990/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 473/86 of 25 February 1986 laying down the general rules for the system of accession compensatory amounts for olive oil⁽¹⁾, and in particular Article 7 (3) thereof,amends Commission Regulation (EEC) No 3484/90 fixing the accession compensatory amounts for olive oil for 1990/91⁽²⁾;

Whereas a check has shown that an error was made in the Annex to the Regulation (EEC) No 3484/90;

Whereas the Regulation in question should be corrected accordingly,

Article 1

The Annex I to the Regulation (EEC) No 3484/90 is hereby replaced by the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 December 1990.

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

Done at Brussels, 14 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 43.⁽²⁾ OJ No L 336, 1. 12. 1990, p. 79.

ANNEX

ANNEX I

Olive oil

(ECU/100 kg)

CN code	Table	Additional code	Notes	Accession compensatory amount to be charged (–) or granted (+) in trade as follows							
				from third countries to Spain	from the Community of Ten to Spain	from Spain to third countries or to EEC of Ten	from third countries to Portugal	from the Community of Ten to Portugal	from Portugal to third countries or to EEC of Ten	from Spain to Portugal	from Portugal to Spain
1509 10 10	1	7298		—	+ 40,75	– 40,75	—	+ 8,29	– 8,29	– 32,46	+ 32,46
	1	7299		—	+ 40,75	– 40,75	—	+ 8,29	– 8,29	– 32,46	+ 32,46
	1	7314		+ 23,50	—	—	– 4,17	—	—	—	—
1509 10 90	2	7709		—	+ 40,75	– 40,75	—	+ 8,29	– 8,29	– 32,46	+ 32,46
	2	7713		—	+ 23,50	– 23,50	—	– 4,17	+ 4,17	– 27,67	+ 27,67
	2	7714		+ 23,50	—	—	– 4,17	—	—	—	—
1509 90 00	3	7717		—	+ 42,38	– 42,38	—	+ 8,62	– 8,62	– 33,76	+ 33,76
	3	7718		—	+ 25,13	– 25,13	—	– 3,84	+ 3,84	– 28,97	+ 28,97
	3	7719		+ 25,13	—	—	– 3,84	—	—	—	—
1510 00 10	4	7724		—	+ 19,15	– 19,15	—	+ 3,90	– 3,90	– 15,25	+ 15,25
	4	7729		—	+ 19,15	– 19,15	—	+ 3,90	– 3,90	– 15,25	+ 15,25
	4	7733		+ 1,90	—	—	– 8,56	—	—	—	—
1510 00 90	5	7734		—	+ 22,98	– 22,98	—	+ 4,68	– 4,68	– 18,30	+ 18,30
	5	7737		—	+ 5,73	– 5,73	—	– 7,78	+ 7,78	– 13,51	+ 13,51
	5	7738		+ 5,73	—	—	– 7,78	—	—	—	—

COMMISSION REGULATION (EEC) No 361/91

of 14 February 1991

amending Regulation (EEC) No 2814/91 laying down detailed rules for the definition of lambs fattened as heavy carcasses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 5 ⁽⁹⁾ thereof,Having regard to Council Regulation (EEC) No 3901/89 of 12 December 1989 defining lambs fattened as heavy carcasses ⁽³⁾, and in particular Article 1 ⁽²⁾,

Whereas detailed rules for the definition of lambs fattened as heavy carcasses were adopted by Commission Regulation (EEC) No 2814/90 ⁽⁴⁾, as last amended by Regulation (EEC) No 3749/90 ⁽⁵⁾; whereas Article 1 thereof lays down the provisions applicable with regard to the fattening of lambs after weaning; whereas Article 2 lays down provisions concerning producers who wish to benefit from the derogation provided for in the second subparagraph of Article 1 (1) of Regulation (EEC) No 3901/89 with regard to the weaning of lambs; whereas it is deemed appropriate to allow certain producers who have stated their wish to benefit from the said derogation to decide on the weaning and the fattening off their holding of all or some of their lambs; whereas in respect of those latter cases the provisions of Article 1 of Regulation (EEC) No 2814/90 should apply;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2814/90 is hereby amended as follows:

1. In Article 2 (1), the following subparagraph is added:

'If producers decide, during the period laid down in paragraph 2, on the weaning and fattening off their holding of all or some of their lambs, the provisions of Article 1 shall apply in respect of the batches of lambs concerned. In that case, the duration of the period of fattening off the holding must be sufficient for the whole of the period of 75 days referred to in paragraph 2 to elapse between the particular birth period of the batch in question and the time when the lambs can be marketed with a view to slaughter.'

2. In the second subparagraph of Article 2 (4):

for the phrase 'specified in Article 1 (4)', read 'specified in Article 1 (5)'.

3. In the Annex, under I.B. (Geographical Areas, Portugal), the district of 'Portalegre' is added.

Article 2

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, 14 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 375, 23. 12. 1989, p. 4.⁽⁴⁾ OJ No L 268, 29. 9. 1990, p. 35.⁽⁵⁾ OJ No L 360, 24. 12. 1990, p. 39.

COMMISSION REGULATION (EEC) No 362/91
of 14 February 1991
fixing the import levies on milk and milk products

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 3641/90 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 3803/90 ⁽³⁾, as last amended by Regulation (EEC) No 259/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3803/90 to the prices

known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 February 1991.

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

Done at Brussels, 14 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 362, 27. 12. 1991, p. 5.

⁽²⁾ OJ No L 303, 31. 10. 1990, p. 5.

⁽³⁾ OJ No L 365, 28. 12. 1991, p. 47.

⁽⁴⁾ OJ No L 27, 1. 2. 1991, p. 81.

ANNEX

to the Commission Regulation of 14 February 1991 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0401 10 10		18,76
0401 10 90		17,55
0401 20 11		25,79
0401 20 19		24,58
0401 20 91		31,36
0401 20 99		30,15
0401 30 11		80,25
0401 30 19		79,04
0401 30 31		154,05
0401 30 39		152,84
0401 30 91		258,06
0401 30 99		256,85
0402 10 11	(*)	134,79
0402 10 19	(*)	127,54
0402 10 91	(*) (*)	1,2754/kg + 29,80
0402 10 99	(*) (*)	1,2754/kg + 22,55
0402 21 11	(*)	195,22
0402 21 17	(*)	187,97
0402 21 19	(*)	187,97
0402 21 91	(*)	228,76
0402 21 99	(*)	221,51
0402 29 11	(*) (*) (*)	1,8797/kg + 29,80
0402 29 15	(*) (*)	1,8797/kg + 29,80
0402 29 19	(*) (*)	1,8797/kg + 22,55
0402 29 91	(*) (*)	2,2151/kg + 29,80
0402 29 99	(*) (*)	2,2151/kg + 22,55
0402 91 11	(*)	30,28
0402 91 19	(*)	30,28
0402 91 31	(*)	37,85
0402 91 39	(*)	37,85
0402 91 51	(*)	154,05
0402 91 59	(*)	152,84
0402 91 91	(*)	258,06
0402 91 99	(*)	256,85
0402 99 11	(*)	49,85
0402 99 19	(*)	49,85
0402 99 31	(*) (*)	1,5042/kg + 26,18
0402 99 39	(*) (*)	1,5042/kg + 24,97
0402 99 91	(*) (*)	2,5443/kg + 26,18
0402 99 99	(*) (*)	2,5443/kg + 24,97
0403 10 02		134,79
0403 10 04		195,22

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0403 10 06		228,76
0403 10 12	(¹)	1,2754/kg + 29,80
0403 10 14	(¹)	1,8797/kg + 29,80
0403 10 16	(¹)	2,2151/kg + 29,80
0403 10 22		28,20
0403 10 24		33,77
0403 10 26		82,66
0403 10 32	(¹)	0,2216/kg + 28,59
0403 10 34	(¹)	0,2773/kg + 28,59
0403 10 36	(¹)	0,7662/kg + 28,59
0403 90 11		134,79
0403 90 13		195,22
0403 90 19		228,76
0403 90 31	(¹)	1,2754/kg + 29,80
0403 90 33	(¹)	1,8797/kg + 29,80
0403 90 39	(¹)	2,2151/kg + 29,80
0403 90 51		28,20
0403 90 53		33,77
0403 90 59		82,66
0403 90 61	(¹)	0,2216/kg + 28,59
0403 90 63	(¹)	0,2773/kg + 28,59
0403 90 69	(¹)	0,7662/kg + 28,59
0404 10 11		31,54
0404 10 19	(¹)	0,3154/kg + 22,55
0404 10 91	(²)	0,3154/kg
0404 10 99	(²)	0,3154/kg + 22,55
0404 90 11		134,79
0404 90 13		195,22
0404 90 19		228,76
0404 90 31		134,79
0404 90 33		195,22
0404 90 39		228,76
0404 90 51	(¹)	1,2754/kg + 29,80
0404 90 53	(¹) (²)	1,8797/kg + 29,80
0404 90 59	(¹)	2,2151/kg + 29,80
0404 90 91	(¹)	1,2754/kg + 29,80
0404 90 93	(¹) (²)	1,8797/kg + 29,80
0404 90 99	(¹)	2,2151/kg + 29,80
0405 00 10		266,31
0405 00 90		324,90
0406 10 10	(¹)	237,75
0406 10 90	(¹)	286,53
0406 20 10	(²) (¹)	416,34
0406 20 90	(¹)	416,34
0406 30 10	(²) (¹)	189,89
0406 30 31	(²) (¹)	177,25
0406 30 39	(²) (¹)	189,89
0406 30 90	(²) (¹)	286,61

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0406 40 00	(3) (*)	148,14
0406 90 11	(3) (*)	241,40
0406 90 13	(3) (*)	196,74
0406 90 15	(3) (*)	196,74
0406 90 17	(3) (*)	196,74
0406 90 19	(3) (*)	416,34
0406 90 21	(3) (*)	241,40
0406 90 23	(3) (*)	189,81
0406 90 25	(3) (*)	189,81
0406 90 27	(3) (*)	189,81
0406 90 29	(3) (*)	189,81
0406 90 31	(3) (*)	189,81
0406 90 33	(*)	189,81
0406 90 35	(3) (*)	189,81
0406 90 37	(3) (*)	189,81
0406 90 39	(3) (*)	189,81
0406 90 50	(3) (*)	189,81
0406 90 61	(*)	416,34
0406 90 63	(*)	416,34
0406 90 69	(*)	416,34
0406 90 71	(*)	237,75
0406 90 73	(*)	189,81
0406 90 75	(*)	189,81
0406 90 77	(*)	189,81
0406 90 79	(*)	189,81
0406 90 81	(*)	189,81
0406 90 83	(*)	189,81
0406 90 85	(*)	189,81
0406 90 89	(3) (*)	189,81
0406 90 91	(*)	237,75
0406 90 93	(*)	237,75
0406 90 97	(*)	286,53
0406 90 99	(*)	286,53
1702 10 10		36,29
1702 10 90		36,29
2106 90 51		36,29
2309 10 15		98,08
2309 10 19		127,41
2309 10 39		119,49
2309 10 59		98,82
2309 10 70		127,41
2309 90 35		98,08
2309 90 39		127,41
2309 90 49		119,49
2309 90 59		98,82
2309 90 70		127,41

-
- (¹) The levy on 100 kg of product falling within this code is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
 - (b) the other amount indicated.
- (²) The levy on 100 kg of product falling within this code is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (³) Products falling within this code imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (⁴) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
-

COMMISSION REGULATION (EEC) No 363/91

of 14 February 1991

fixing the export refunds 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas export possibilities exist for a quantity of 200 000 tonnes of common to certain destinations; whereas the procedure laid down in Article 9 (4) of Regulation (EEC) No 891/89⁽⁶⁾, as last amended by Regulation (EEC) No 3633/90⁽⁷⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas, if the refund system is to operate normally, refunds 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 central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾;
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 February 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁷⁾ OJ No L 355, 18. 12. 1990, p. 10.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 14 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 14 February 1991 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	140,00
	06	50,00
	02	0
1001 90 91 000	—	—
1001 90 99 000	04	100,00
	05	100,00
	06	119,50 (2)
	02	20,00
1002 00 00 000	03	100,00
	05	100,00
	02	20,00
1003 00 10 000	07	87,00
	02	0
1003 00 90 000	04	87,00
	06	30,00
	02	20,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	03	65,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	160,00
1101 00 00 130	01	141,00
1101 00 00 150	01	130,00
1101 00 00 170	01	121,00
1101 00 00 180	01	108,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	160,00
1102 10 00 900	—	—
1103 11 10 100	01	242,00
1103 11 10 200	01	229,00
1103 11 10 500	01	204,00
1103 11 10 900	01	193,00
1103 11 90 100	01	160,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II (b),
- 06 The Soviet Union,
- 07 Poland and Hungary.

(²) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 200 000 tonnes of common wheat.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 364/91

of 14 February 1991

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 305/91⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90⁽³⁾, as last amended by Regulation (EEC) No 337/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3608/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, if the levy system is to operate normally, levies 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 central rate, multiplied by the corrective factor provided for in

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 13 February 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 February 1991.

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

Done at Brussels, 14 February 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 37, 9. 2. 1991, p. 1.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 39, 13. 2. 1991, p. 19.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 14 February 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	42,08 ⁽¹⁾
1701 11 90	42,08 ⁽¹⁾
1701 12 10	42,08 ⁽¹⁾
1701 12 90	42,08 ⁽¹⁾
1701 91 00	46,29
1701 99 10	46,29
1701 99 90	46,29 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 16 January 1991

completing Council Directive 88/388/EEC on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production

(91/71/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production⁽¹⁾, and in particular Article 6 (4) thereof,

Whereas difference between the laws, regulations and administrative provisions of Member States on the labelling of flavourings intended for sale to the final consumer may impede the free circulation of these products and lead to unequal conditions of competition ;

Whereas the main objective of any provisions on the labelling of flavourings should be the need to inform and protect the consumer ;

Whereas in accordance with the procedure laid down in Article 10 of Council Directive 88/388/EEC, a draft of the measures to be taken was submitted to the Standing Committee for Foodstuffs which was unable to express an opinion ; whereas under the same procedure, the Commission consequently submitted to the Council a proposal relating to the measures to be taken ;

Whereas since the Council had not adopted any measures by the end of the three months it was given, the Commission must adopt the proposed measure,

HAS ADOPTED THIS DIRECTIVE :

Article 1

The following Article shall be added :

Article 9a

1. Flavourings intended for sale to the final consumer may not be marketed unless their labels indicate the following obligatory information, which should be easily visible, clearly legible and indelible :

- (a) either the word "flavouring" or a more specific name or description of the flavouring ;
- (b) either the words "for foodstuffs" or a more specific reference to the foodstuff for which the flavouring is intended ;

⁽¹⁾ OJ No L 184, 15. 7. 1988, p. 61.

- (c) the date of minimum durability in conformity with Article 3 (1) No 4 and Article 9 of Council Directive 79/112/EEC (*);
- (d) where necessary, the special conditions for storage and use;
- (e) the instructions for use if omission thereof would prevent appropriate use of the flavouring;
- (f) the net quantity expressed in units of mass or volume;
- (g) the name or business name and address of the manufacturer or packer, or of a seller established within the Community;
- (h) an indication or mark indentifying the batch in conformity with Council Directive 89/396/EEC (**);
- (i) in the case of a mixture of flavouring(s) with other substances a list in descending order of weight in the mixture of:
 - the flavouring or flavourings in question, in conformity with (a) above;
 - the names of each of the other substances or materials or, where appropriate, their E numbers.

2. the word 'natural', or any other word having substantially the same meaning, may be used only for flavourings in which the flavouring component contains exclusively flavouring substances as defined in Article 1 (2) (b) (i) and/or flavouring preparations as defined in Article 1 (2) (c). If the sales description of the flavourings contains a reference to a foodstuff or a flavouring source, the word 'natural' or any other word having substantially the same meaning, may not be used unless the flavouring component has been isolated by appropriate physical processes, enzymatic or microbiological processes or traditional food-preparation processes solely or almost solely from the foodstuff or the flavouring source concerned.

3. The particulars required in this Article shall be given in a language easily understood by the purchaser unless other measures have been taken to ensure that the purchaser is informed. This provision shall not prevent such particulars from being indicated in various languages.

(*) OJ No L 33, 8. 2. 1979, p. 1.

(**) OJ No L 186, 30. 6. 1989, p. 21.

Article 2

1. Member States shall, where necessary, amend their laws, regulations and administrative provisions in such a way as to:
- permit trade in products complying with this Directive at the latest by 30 June 1992;
 - prohibit trade in products not complying with this Directive with effect from 1 January 1994.

They shall forthwith inform the Commission thereof.

2. All such provisions adopted by the Member States shall contain a reference to this Directive or shall be accompanied by such a reference at the time of official publication. The detailed rules on this reference shall be adopted by the Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 16 January 1991.

For the Commission

Martin BANGEMANN

Vice-President

COMMISSION DIRECTIVE

of 16 January 1991

amending Council Directive 79/112/EEC in respect of the designation of flavourings in the list of ingredients on the labels of foodstuffs

(91/72/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer, ⁽¹⁾ as last amended by Directive 89/395/EEC ⁽²⁾, and in particular the third indent of Article 6 (5) (b) thereof,

Whereas differences in national laws on the manner of designating flavourings among the ingredients listed on the labels of foodstuffs may impede free trade in these products and create unequal conditions of competition;

Whereas any provisions on the labelling of foodstuffs must be geared to the requirements of consumer information and protection;

Whereas the term 'natural' or any other word having substantially the same meaning should therefore be protected;

Whereas these terms have been defined in Article 9 (2) of Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production ⁽³⁾;

Whereas it has become necessary to extend this definition to the labelling of foodstuffs;

Whereas in accordance with the procedure laid down in Article 17 of Council Directive 79/112/EEC a draft of the measures to be taken was submitted to the Standing Committee for Foodstuffs which was unable to express an opinion; whereas under the same procedure, the Commission consequently submitted to the Council a proposal relating to the measures to be taken;

Whereas since the Council had not adopted any measures by the end of the three months it was given, the Commission must adopt the proposed measures,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 79/112/EEC shall be amended as follows:

1. The third indent of Article 6 (5) (b) shall be replaced by the following:
— 'flavourings shall be designated in accordance with Annex III to this Directive.'
2. The following Annex III shall be added:

*ANNEX III***Designation of flavourings in the list of ingredients**

1. Flavourings shall be designated either by the word "flavouring(s)" or by a more specific name or description of the flavouring.

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 1.⁽²⁾ OJ No L 186, 30. 6. 1989, p. 17.⁽³⁾ OJ No L 184, 15. 7. 1988, p. 61.

2. The word "natural" or any other word having substantially the same meaning may be used only for flavourings in which the flavouring component contains exclusively flavouring substances as defined in Article 1 (2) (b) (i) and/or flavouring preparations as defined in Article 1 (2) (c) of Directive 88/388/EEC on flavourings.
3. If the name of the flavouring contains a reference to the vegetable or animal nature or origin of the incorporated substances, the word "natural" or any other word having substantially the same meaning may not be used unless the flavouring component has been isolated by appropriate physical processes, enzymatic or microbiological processes or traditional food-preparation processes solely or almost solely from the foodstuff or the flavouring source concerned.'

Article 2

1. Member States shall, where necessary, amend their laws, regulations and administrative provisions in such a way as to:

- permit trade in products complying with this Directive at the latest by 30 June 1992;
- prohibit trade in products not complying with this Directive with effect from 1 January 1994.

They shall forthwith inform the Commission thereof.

2. All such provisions adopted by the Member States shall contain a reference to this Directive or shall be accompanied by such a reference at the time of official publication. The detailed rules on this reference shall be adopted by the Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 16 January 1991.

For the Commission

Martin BANGEMANN

Vice-President
