
**Guide
to Community legislation
applicable to the industry
processing fishery
and aquaculture products**

DOCUMENT



EUROPEAN
COMMISSION

**GUIDE TO COMMUNITY LEGISLATION
APPLICABLE TO THE INDUSTRY PROCESSING
FISHERY AND AQUACULTURE PRODUCTS**

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NOTE TO READERS

This Guide is addressed to commercial operators in the industry processing fishery and aquaculture products and is intended to provide a succinct and accessible introduction to the legislative and regulatory environment in which they have to carry out their business. It contains only directly applicable Community legal instruments (Regulations) and legislation which must first be transposed into national law (Directives).

Each Regulation and Directive is presented separately, in the following way:

- Title of the instrument
- References to the Official Journal: the references of the instrument itself are given first, followed by references to any additions or amendments
- Purpose of the measure
- Summary of its contents
- Deadline for transposition into national law or date of entry into force.

The purpose of this Guide is to provide information. It does not in any way constitute legal advice.

FOREWORD

Improving the conditions under which fishery and aquaculture products are processed and marketed is a constant concern of the Commission. Aid granted under Community measures, and now included in the Structural Funds designed to strengthen economic and social cohesion in the Community, forms an integral part of the common fisheries policy with the aim of ensuring a stable supply of good quality processed products and creating the conditions for competitive development of the industry. In 1991-93 alone, this sector received about ECU 220 million for this purpose.

Because of its specific characteristics, the industry is also the subject of legal scrutiny. The approximation of legislation and standardization needed to achieve real and effective free movement of products within the Community, together with the increasing requirements as regards hygiene and quality, the environment and consumer protection, has led the Community authorities to set up a relatively constraining regulatory environment for the food industry and particularly for the industry processing fishery and aquaculture products.

In making this Guide available to companies processing and marketing seafood products, and particularly to small and medium-sized enterprises, which most businesses in the sector are, the Commission intends to give them an introduction both to the Community legislation specific to the fishery products sector and to the rules applicable to foodstuffs in general. In this way, firms will need to seek legal advice, which is often expensive, only at a later stage than that of pure information.

J. Almeida Serra

Director General for Fisheries

V

PROCESSING

**A / IMPROVEMENT OF THE CONDITIONS UNDER WHICH FISHERY AND
AQUACULTURE PRODUCTS ARE PROCESSED**

Council Regulation (EEC) No 2080/93 of 20 July 1993 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the financial instrument for fisheries guidance

OJ No L 193, 31.07.1993

Purpose

To contribute to achieving a durable balance between fishery resources and their use; to strengthen competitiveness and the development of economically viable companies in the sector; to improve supply and increase returns on fishery and aquaculture products.

Content

Regulation (EEC) No 2080/93 establishes a new financial instrument for structural assistance to fisheries. It therefore repeals Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector. It also repeals Council Regulation (EEC) No 4042/89 of 19 December 1989 on the improvement of the conditions under which fishery and aquaculture products are processed and marketed.

Date of entry into force

Regulation (EEC) No 2080/93 enters into force on 31 December 1993.

Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products.

OJ No L 346, 31.12.1993

Purpose

To implement and to specify the framework of action of the new financial instrument by laying down the procedures and conditions for contributions from the FIG to structural adjustment measures in the sector.

Content

The Regulation lays down the implementing rules of the FIG and determines the conditions of application of Community assistance in the fisheries and aquaculture sector.

It specifies the fields of assistance and the types of measures which can be financed by the FIG.

Date for transposition into national law

1 January 1994.

Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products

OJ No L 268, 24.9.1991

Purpose

To ensure identical and suitable hygiene conditions for guaranteeing the health quality of fishery products intended for human consumption on the Community market.

Content

The Directive lays down the health rules governing the production and marketing of fishery products intended for human consumption. It concerns fresh and processed products, processing on shore and on board factory ships, Community production and imports.

It specifies the conditions for placing on the market (capture, killing, handling, packaging, etc.) as well as the control measures to be implemented to ensure compliance with the rules and in connection with the approval of establishments.

The annexes define in detail:

- the conditions applicable to factory ships;
- conditions during and after landing;
- the general conditions for shore establishments ;
- the special conditions for the handling of fishery products in shore establishments;
- health inspection and the supervision of production conditions;
- packaging;
- identification;
- storage and transport.

Date for transposition into national law

1 January 1993 with, under certain conditions, the possibility of transitional measures until 1 January 1995.

Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs

OJ No L 268, 24.09.1991

Purpose

To ensure identical and suitable hygiene conditions for guaranteeing the health quality of molluscs intended for human consumption on the Community market.

Content

The Directive lays down the minimum conditions governing production and marketing of live bivalve molluscs intended for direct human consumption or processing before consumption.

Provision is made for Community production and imports from third countries.

The annexes define:

- the conditions for production areas;
- standards for the harvesting and transport of batches to a dispatch or purification centre, a relaying area or a processing establishment;
- the conditions for relaying live bivalvular molluscs;
- the conditions for approval of dispatch or purification centres;
- rules concerning live bivalve molluscs;
- public health inspections and supervision of production;
- conditioning;
- conservation and storage;
- transport from the dispatch centre;
- the marking of consignments.

Date for transposition into national law

1 January 1993 with, under certain conditions, the possibility of transitional measures until 1 January 1995.

Council Directive 92/48/EEC of 16 June 1992 laying down the minimum hygiene rules applicable to fishery products caught on board certain vessels in accordance with Article 3(1)(a)(i) of Directive 91/493/EEC

OJ No L 187, 07.07.1992

Purpose

To comply with Directive 91/493/EEC (OJ No L 268, 24 September 1991), which stipulates that hygiene rules should be fixed for fishery products caught and, where appropriate, handled. The rules cover bleeding, heading, gutting and the removal of fins, chilled or frozen, on board certain vessels;

Content

The Directive lays down hygiene conditions applicable to fishery products on board fishing vessels.

Annex I lays down the general conditions and Annex II lays down additional conditions applicable to fishing vessels which keep fishery products on board for more than twenty-four hours (not including vessels equipped for keeping fish, shellfish and molluscs alive without other means of conservation on board).

Date for transposition into national law

Before 1 January 1993.

Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products

(Amended by Directive 93/54/EEC)

OJ No L 46, 19.02.1991

OJ No L 175, 19.07.1993

Purpose

To fix at Community level the animal health conditions governing the placing on the market of aquaculture animals and products in order to ensure the rational development of the sector and to increase productivity and contribute to the completion of the internal market, avoiding the spread of infectious or contagious diseases.

Content

The Directive lays down the animal health conditions governing the placing on the market of animals and aquaculture products. It establishes the criteria and procedure for granting, maintaining, suspending, restoring and withdrawing the approval of zones or holdings (Annexes B and C). It lays down the rules applicable to imports from third countries.

The annexes contain:

- lists of diseases and sensitive species;
- the conditions for renewal of water during transportation of aquaculture animals;
- specimens of transport documents.

The amending Directive specifies the requirements relating to the certification of zones and the conditions governing the marketing of aquaculture animals not belonging to sensitive species. It also amends the list of diseases and sensitive species in Annex A.

Date for transposition into national law

Before 1 January 1993 (1 January 1994 for the amendment).

Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases

OJ No L 175, 19.07.1993

Purpose

To ensure rational development of the aquaculture sector and to contribute to the protection of animal health in the Community by establishing, at Community level, the measures to be taken to combat disease.

Content

The Directive defines the minimum Community measures to combat the fish diseases referred to in Annex A, lists I and II to Directive 91/67/EEC (OJ No L 46, 19.2.1991).

It stipulates in particular that all farms rearing or keeping fish susceptible to list I or list II diseases must be registered by the competent official service. They must also keep a record of the live fish, eggs and gametes entering and leaving the farm.

The Directive determines the measures to be taken when the presence of a disease is suspected. In particular, it provides for an epizootic investigation to prevent the spread of the disease. It also provides for vaccination, under certain conditions, when the gravity of the situation so requires.

The disease must be diagnosed by competent laboratories under the coordination of the reference laboratory designated by the Community. The details and tasks of this laboratory are set out in the Annex.

Date for transposition into national law

1 January 1994.

B/ HYGIENE OF FISHERY AND AQUACULTURE PRODUCTS

Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC

OJ No L 268, 24.09.1991

Purpose

To help safeguard supplies and ensure market stability while also harmonizing the measures necessary to protect animal health.

Content

The Directive introduces the principle that each consignment of animals from a third country must be subjected by the veterinary authority to a documentary check and an identity check at the border inspection post, irrespective of the customs destination of the animals. The official veterinarian must carry out a physical check on animals presented at the border inspection post. However, the Directive stipulates that, subject to certain conditions, the identity check and the physical check may be carried out at destination in the case of animals entering a port or airport.

The Directive defines the arrangements for these checks and lays down the principles governing the organization of and the action to be taken as a result of the physical checks carried out by the veterinary authorities. It also envisages the implementation of safeguard measures.

The Annex sets out the general conditions for the approval of border inspection posts and quarantine centres.

Date for transposition into national law

1 December 1991 for certain provisions of the Directive and 1 December 1992 for the others.

Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries

(amended by Directive 91/496/EEC)

OJ No L 373, 31.12.1990

OJ No L 268, 24.09.1991

Purpose

To fix, at Community level, the principles governing the organization of veterinary checks on products from third countries in order to safeguard supplies and ensure market stability while also harmonizing the measures necessary to ensure the protection of public and animal health.

Content

The Directive introduces the principle that all consignments of products from third countries must be subjected by the veterinary authority to a documentary check and an identity check at the border inspection post, irrespective of the customs destination of the products. However, notwithstanding the above, under certain conditions checks can be carried out at destination in the case of products entering through ports and airports. The Directive defines the arrangements for these checks and lays down the principles governing the organization of and the action to be taken as a result of the physical checks carried out by the competent veterinary authorities. It also envisages the implementation of safeguard measures.

The Annexes list the territories to which the Directive applies and lays down the minimum requirements to be met by Community inspection posts in order to receive Community approval.

The amending Directive specifies the time limit within which the Standing Veterinary Committee must be consulted and its role in the event of safeguard measures taken by the Commission or a Member State with respect to a third country.

Date for transposition into national law

31 December 1991 at the latest (postponed to 1 July 1992), with the possibility of transitional measures until 31 December 1994 (postponed to 1 July 1995) under certain conditions.

Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market

(last amended by Directive 92/118/EEC)

OJ No L 224, 18.08.1990

OJ No L 62, 15.03.1993

Purpose

To implement a system of checks to be carried out at the place of dispatch and organize those which could be carried out at the place of destination, so that such checks may be abolished at the Community's internal borders once the internal market has been completed.

Content

The Directive lays down the arrangements for veterinary and zootechnical checks to be carried out on animals and products which fall within its scope after the abolition of the internal borders of the Community. Such checks must be carried out at the place of origin. However, random checks at the place of destination are permitted provided they are conducted in a non-discriminatory fashion. The Directive also determines the measures to be taken when inspection reveals irregular consignments.

Checks on animals from third countries are subject to the rules laid down in Directive 91/496/EEC (OJ L 268, 24.9.91).

The Annexes contain:

- the references of Community veterinary and zootechnical legislation;
- the list of animals and products not subject to harmonization although trade in them will be subject to the checks provided for in the Directive;
- the list of diseases or epizootic diseases subject to mandatory emergency action, with territorial restrictions.

The amending Directive gives a consolidated version of Annexes A and B to Directive 90/425/EEC.

Date for transposition into national law

18 October 1990 for certain provisions and 31 December 1991 at the latest for the others.

Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market

(last amended by Directive 92/118/EEC)

OJ No L 395, 30.12.1989

OJ No L 62, 15.03.1993

Purpose

To organize the veterinary checks to be carried out at the place of origin and those which could be carried out at the place of destination, so that such checks may be abolished at the Community's internal borders.

Content

The Directive introduces the principle that veterinary checks on products of animal origin which fall within its scope should, upon completion of the internal market, no longer be carried out at the Community's internal borders but at the place of origin. However, random veterinary checks may be carried out at the place of origin provided they are conducted in a non-discriminatory fashion.

The Directive lays down the arrangements and procedures for the different checks. It also lays down the measures to be taken in the event of disease or other health problems likely to constitute a serious threat to public or animal health.

Checks on products from third countries are subject to the rules provided for in Directive 90/675/EEC (OJ L 373, 31.12.90).

Directive 92/118/EEC gives a consolidated version of Annexes A and B.

Date for transposition into national law

Not later than 31 December 1991 (postponed until 1 July 1992), with an additional year for Greece.

C/ ADDITIVES AND OTHER SUBSTANCES WHICH MAY BE USED IN FOODSTUFFS*

* This chapter will be the subject of a major recasting when the new rules are adopted in 1994.

Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption

OJ No L 40, 11.02.1989

Purpose

To ensure free trade in foodstuffs by approximating national laws on the authorization of the use of additives in foodstuffs.

Content

The Directive specifies its scope. It provides for the adoption of lists by the Council, fixing the additives which may be used and the foodstuffs to which such additives may be added. Only the substances included in these lists may be used as food additives in the manufacture or preparation of foodstuffs, and only under the conditions of use set out therein. Provision is made for a safeguard clause and the possibility of amendments to take account of technical progress.

The Annex lists the categories of food additives covered by the Directive and the general criteria for their use.

Date for transposition into national law

28 December 1990 at the latest to allow the marketing and use of food additives which comply with the Directive and 28 December 1991 at the latest to prohibit the marketing and use of additives which do not comply with the Directive.

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

(amended by Directive 91/71/EEC)

OJ No L 184, 15.07.1988

OJ No L 42, 15.02.1991

Purpose

To ensure the free movement of foodstuffs by approximating national laws on flavourings for use in foodstuffs.

Content

The Directive introduces the general principle that only flavourings complying with the rules laid down therein may be used or be marketed on the Community market. It lays down the rules on the use of such flavourings in foodstuffs. It also specifies the labelling rules required for the marketing of flavourings not intended for sale to the final consumer.

The Annexes lay down the maximum levels of certain substances.

The amending Directive specifies the marketing conditions for flavourings intended for sale to the final consumer, in particular with regard to labelling

Date for transposition into national law

21 June 1990 to allow the marketing and use of flavourings which comply with the Directive and 21 June 1991 to prohibit the marketing and use of flavourings which do not comply.

With regard to Directive 91/71/EEC, these dates are 30 June 1992 and 1 January 1994, respectively.

Council Directive 88/344/EEC of 13 June 1988 on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients

(amended by Directive 92/115/EEC)

OJ No L 157, 24.06.1988

OJ No L 409, 31.12.1992

Purpose

To ensure the protection of public health and the free movement of foodstuffs by approximating national laws on extraction solvents.

Content

The Directive defines its exact scope. It introduces the general principle that the use as extraction solvents of substances and materials other than those listed in the Annex is prohibited. It lays down the rules for the use as extraction solvents of such substances and materials in the manufacture of foodstuffs and establishes the purity criteria which they must meet.

The Directive specifies the labelling conditions for marketing of such substances as extraction solvents intended for use in foodstuffs.

Date for transposition into national law

13 June 1991 to permit the marketing and use of extraction solvents which comply with the Directive and to prohibit those which do not.

Council Directive 64/54/EEC of 5 November 1963 on the approximation of the laws of the Member States concerning the preservatives authorized for use in foodstuffs intended for human consumption

(last amended by Directive 85/585/EEC)

OJ No L 12, 27.01.1964

OJ No L 372, 31.12.1985

Purpose

To harmonize national laws on the use of preservatives with a view to free movement of foodstuffs..

Content

The Directive introduces the general principle that the use of preservatives other than those listed expressly in the Annex is prohibited. It lays down the rules governing the use of such preservatives and establishes the purity criteria they must meet.

The Directive specifies the labelling conditions necessary for the marketing of preservatives intended for use in foodstuffs.

The amendment concerns the Annex to Directive 64/54/EEC.

Date for transposition into national law

6 November 1981.

Council Directive of 23 October 1962 on the approximation of the rules of the Member States concerning the colouring matters authorized for use in foodstuffs intended for human consumption

(last amended by Directive 81/20/EEC)

OJ No L 115, 11.11.1962

OJ No L 43, 14.02.1981

Purpose

To harmonize national rules on the use of colouring matters with a view to free movement of foodstuffs.

Content

The Directive introduces the general principle that the use of colouring matters other than those listed expressly in the Annex is prohibited.

The Directive specifies the labelling conditions necessary for the marketing of colouring matters intended for use in foodstuffs.

The Annexes list in detail the permitted colouring matters and fix the purity criteria they must meet.

The amendment concerns the list of substances in the Annex.

Date for transposition into national law

11 November 1963 at the latest (1 July 1981 at the latest for the amending Directive).

Council Directive 70/357/EEC of 13 July 1970 on the approximation of the laws of the Member States concerning the antioxidants authorized for use in foodstuffs intended for human consumption

(last amended by Directive 87/55/EEC)

OJ No L 157, 18.07.1970, Corrigendum: OJ No L 18, 22.01.1972

OJ No L 24, 27.01.1987

Purpose

To ensure the protection of public health and the free movement of foodstuffs by approximating national laws on the use of antioxidants in foodstuffs.

Content

The Directive introduces the general principle that the use of antioxidants other than those explicitly listed in the Annexes is prohibited. It lays down the general purity criteria they must meet. It also lays down the labelling conditions for such products.

The amendment concerns an extension of the deadlines granted to the Member States for maintaining national laws allowing the use of certain listed substances in foodstuffs.

Date for transposition into national law

13 July 1972.

Council Directive 74/329/EEC of 18 June 1974 on the approximation of the laws of the Member States relating to emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs

(last amended by Directive 89/393/EEC)

OJ No L 189, 12.07.1974

OJ No L 186, 30.06.1989

Purpose

To harmonize national laws on the use of stabilizers, thickeners, emulsifiers and gelling agents with a view to the free movement of foodstuffs.

Content

The Directive defines what is meant by emulsifiers, stabilizers, thickeners and gelling agents. It introduces the general principle that the use of such agents other than those expressly mentioned in Annex I is prohibited. It lays down the rules governing the use of such agents in foodstuffs in the Community and establishes the general purity criteria which they must meet.

The Directive specifies the labelling conditions necessary for the marketing of such agents intended for use in foodstuffs.

The amending Directive extends the period during which the Member States may permit the use in foodstuffs of the substances listed in Annex II.

Date for transposition into national law

20 July 1976.

Council Directive 65/66/EEC of 26 January 1965 laying down specific criteria of purity for preservatives authorized for use in foodstuffs intended for human consumption

(last amended by Directive 86/604/EEC)

OJ No L 22, 09.02.1965

OJ No L 352, 13.12.1986

Purpose

To ensure free movement of foodstuffs by approximating national laws on purity criteria for preservatives in foodstuffs.

Content

The Directive lays down the purity criteria referred to in Directive 64/54/EEC (OJ No L 12, 27.1.64). It requires the Member States to amend their national laws accordingly.

The amendment supplements the list and the specifications of the criteria listed in the Annex to Directive 65/66.

Date for transposition into national law

1 June 1966.

Council Directive 78/663/EEC of 25 July 1978 laying down specific criteria of purity for emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs

(amended by Directives 82/504/EEC, 90/612/EEC and 92/4/EEC)

OJ No L 223, 14.08.1978 (Corrigendum OJ No L 11, 17.01.1979)

OJ No L 230, 05.08.1982

OJ No L 326, 24.11.1990

OJ No L 55, 29.02.1992

Purpose

To ensure free movement of foodstuffs by approximating national laws on the use of purity criteria for emulsifiers, stabilizers, thickeners and gelling agents in foodstuffs.

Content

The Member States are required to amend their national laws so that the emulsifiers, stabilizers, thickeners and gelling agents permitted under Directive 74/329/EEC (OJ No L 189, 12.07.74) meet the specific criteria of purity established in the Annex to this Directive.

The amending Directives supplement the list of specific criteria of purity in the Annex to Directive 78/663/EEC to take account of new production techniques.

Date for transposition into national law

29 February 1980 at the latest.

Council Directive 78/664/EEC of 25 July 1978 laying down specific criteria of purity for antioxidants which may be used in foodstuffs intended for human consumption

(amended by Directive 82/712/EEC)

OJ No L 223, 14.08.1978

OJ No L 297, 23.10.1982

Purpose

To ensure freedom of movement of food by bringing approximating laws concerning the use of the substances having antioxidant effects in the food products intended for human consumption.

Content

The Member States are required to amend their national laws so that the antioxidants permitted under Directive 70/357/EEC (OJ No L 157, 18.07.70) meet the specific criteria of purity laid down in the Annex to this Directive.

The amending Directive allows the Member States to maintain their national laws fixing specific criteria of purity for DL-tartaric acid and its salts. The Annex amends the purity criteria for lecithins.

Date for transposition into national law

14 February 1981 at the latest (30 June 1984 for the amending Directive).

First Commission Directive 81/712/EEC of 28 July 1981 laying down Community methods of analysis for verifying that certain additives used in foodstuffs satisfy criteria of purity

OJ No L 257, 10.09.1981

Purpose

To comply with the Directives of 23 October 1962 and Council Directives 64/54/EEC and 70/357/EEC (OJ No L 115, 11.11.62; OJ No L 157, 18.07.70; OJ No L 157, 18.07.70) which provide that the general and specific criteria of purity for additives are to be verified using Community methods of analysis.

Content

The Member States must take all the necessary steps to ensure that the analyses needed for the control of certain food additives are carried out according to the methods provided for in the Directive. These food additives are:

- colouring matters (Council Directive of 23.10.62);
- preservatives (Council Directive 64/54/EEC);
- antioxidants (Council Directive 70/357/EEC).

Annex I defines the scope of the Community analysis methods and Annex II describes them.

Date for transposition into national law

20 February 1983.

D/ OBJECTS AND MATERIALS DESIGNED TO BE IN CONTACT WITH FOODSTUFFS

Commission Directive 90/128/EEC of 23 February 1990 relating to plastic materials and articles intended to come into contact with foodstuffs

(amended by Directives 92/39/EEC and 93/9/EEC)

OJ No L 75, 21.03.1990

OJ No L 168, 23.06.1992

OJ No L 90, 14.04.1993

Purpose

To protect human health and prevent any change in the composition of foodstuffs. The Directive is also intended to approximate laws in the Member States on materials and articles intended to come into contact with foodstuffs with a view to ensuring the free movement thereof and achieving conditions of equal competition.

Content

The specific Directive specifies its scope and introduces the principle that only those monomers and other starting substances listed in Annex II may be used for the manufacture of plastic materials and articles subject to the conditions set out therein. It also fixes the maximum quantities of constituents which plastic materials and articles may transfer to foodstuffs.

The Directive stipulates that verification of compliance with the migration limits is to be carried out in accordance with the rules laid down in Directives 82/711/EEC (OJ No L 297, 23.10.92) and 85/572/EEC (OJ No L 372, 31.12.85) and the further provisions set out in Annex I to this Directive.

The Directive requires that at the marketing stages other than the retail stage, the plastic materials and articles which are intended to be placed in contact with foodstuffs must be accompanied by a written declaration. Directives 92/39/EEC and 93/09/EEC make a whole series of changes to Annex II to the Directive.

Date for transposition into national law

The Member States have until 1 January 1991 to permit trade in and use of plastic materials and articles which comply with the Directive (until 31 March 1994 at the latest for the first amendment and 1 April 1994 for the second amendment).

The Member States must ban trade in and use of materials and articles which do not comply with the Directive by 1 April 1995 for the items in the first amendment and by 1 April 1996 for those in the second amendment.

Council Directive 89/109/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs

(repeals and replaces Directive 76/893/EEC)

OJ No L 40, 11.02.1989

Purpose

To recast the provisions of the existing texts on materials and articles intended to come into contact with foodstuffs (Council Directive 76/893/EEC, OJ No L 340, 09.12.76, as last amended by the Act of Accession of Spain and of Portugal), with a view to ensuring their legal clarity.

To approximate the laws of the Member States on materials and articles intended to come into contact with foodstuffs in order to ensure the free movement thereof and achieve equal conditions of competition.

Content

The Directive specifies its scope. It introduces the principle that materials and articles must be manufactured in accordance with good manufacturing practices so that, under normal or foreseeable conditions of use, they do not constitute a danger to human health or cause any changes in the composition of foodstuffs. These groups of materials and articles are covered by specific Directives.

The Directive lays down the rules for the use of materials and articles which have been the subject of specific Directives and specifies the labelling conditions needed for the marketing of materials and articles which have not yet come into contact with foodstuffs.

Annexes I and II list the groups of materials and articles subject to specific Directives and lay down the health criteria to be applied during their development. Annex III gives a table of equivalence between Directive 76/893/EEC and this Directive.

Date for transposition into national law

By 10 July 1990 at the latest to permit trade in and the use of the materials and articles which comply with the Directive, and by 10 January 1992 at the latest to ban trade in and use of materials and articles which do not comply.

Council Directive 82/711/EEC of 18 October 1982 laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs

OJ No L 297, 23.10.1982

Purpose

To comply with Articles 2 and 3 of Directive 76/893/EEC (OJ No L 340, 09.12.76) by laying down in a specific Directive the basic rules necessary to test the migration of constituents of plastic materials and articles.

Content

The Directive fixes its scope very precisely.

It entrusts to the Council the responsibility of drawing up the list of substances or matter whose use is authorized to the exclusion of any others and a list of simulants to be used for each foodstuff or group of foodstuffs. The migration level of the constituents of the materials and articles must not exceed the limits laid down in the lists of substances. Verification of a migration in the simulants is to be carried out using conventional migration tests.

The Annex lays down the basic rules for the verification of the migration of simulants.

Date for transposition into national law

At the latest, at the time of entry into application of Council Directive 85/752/EEC, which lays down the list of simulants, namely:

1 April 1994 at the latest to permit trade in and use of plastic materials and articles intended to come into contact with foodstuffs which comply with the Directive .

1 April 1996 at the latest to prohibit trade in and use of plastic materials and articles intended to come into contact with foodstuffs which do not comply.

Council Directive 85/572/EEC of 19 December 1985 laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs

(amended by Directive 93/9/EEC)

OJ No L 372, 31.12.1985

OJ No L 90, 14.04.1993

Purpose

To comply with Article 2 and the Annex to Directive 82/711/EEC (OJ No L 297, 23.10.82) by indicating the appropriate simulants to carry out migration tests for plastic materials and articles intended to come into contact with foodstuffs.

Content

The Annex to the Directive fixes the list of simulants to be used for testing migration of the constituents of plastic materials and articles intended to come into contact with a single foodstuff or specific group of foodstuffs. The concentration of these simulants is also indicated in the Annex.

The Directive permits the use of migration testing procedures other than those provided in this Directive where appropriate. Directive 93/9/EEC replaces and amends the Annex to Directive 85/572/EEC.

Date for transposition into national law

1 April 1994 at the latest to permit trade in and use of plastic materials and articles intended to come into contact with foodstuffs which comply with the Directive.

1 April 1996 at the latest to prohibit trade in and use of plastic materials and articles intended to come into contact with foodstuffs which do not comply.

Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs

OJ No L 277, 20.10.1984

Purpose

To protect public health and ensure the free movement of goods by approximating national laws relating to ceramic articles intended to come into contact with foodstuffs.

Content

The specific Directive specifies its scope and introduces the principle that the quantities of lead and cadmium transferred from ceramic articles may not exceed the limits laid down in the Directive. These quantities of lead and of cadmium are determined by means of a test, the conditions of which are set out in Annex I, using the analysis method described in Annex II.

Date for transposition into national law

17 October 1987 to permit trade in ceramic articles which comply with the Directive and
17 October 1989 to prohibit the placing on the market of ceramic articles which do not comply.

Commission Directive 93/10/EEC of 15 March 1993 relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs

(repeals Directives 83/229/EEC, 86/388/EEC and 92/15/EEC)

OJ No L 93, 17.04.1993

Purpose

To approximate national laws on materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs, to ensure the free movement of foodstuffs and protect public health.

Content

The Directive fixes its scope and introduces the general principle that the use of substances or groups of substances other than those listed expressly in Annex II, under the conditions specified therein, is prohibited in the manufacture of regenerated cellulose films. However, certain exemptions are provided for.

Annex I describes regenerated cellulose film.

Date for transposition into national law

1 January 1994 to admit trade in regenerated cellulose film which complies with the Directive and 1 January 1995 to prohibit trade in regenerated cellulose film which does not comply.

Council Directive 78/142/EEC of 30 January 1978 on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs

OJ No L 44, 15.02.1978

Purpose

To protect public health and ensure the free movement of materials and articles containing vinyl chloride monomer which are intended to come into contact with foodstuffs, by approximating national laws.

Content

The specific Directive specifies its scope and introduces the principle that materials and articles must not contain vinyl chloride monomer in a quantity exceeding that laid down in Annex I. In addition, such materials and articles must not pass on to foodstuffs which are in contact or which have been brought into contact with them any vinyl chloride detectable by the method complying with the criteria laid down in Annex II. This method of analysis must be adopted in accordance with the procedure laid down in Article 10 of Directive 76/893/EEC (OJ No L 340, 9.12.1976)

Date for transposition into national law

26 November 1979 at the latest.

Commission Directive 80/766/EEC of 8 July 1980 laying down the Community method of analysis for the official control of the vinyl chloride monomer level in materials and articles which are intended to come into contact with foodstuffs

OJ No L 213, 16.08.1980

Purpose

To comply with Article 3 of Directive 78/142/EEC (OJ No L 44, 15.02.78) by establishing a Community method of analysis for the control of the vinyl chloride monomer level in materials and articles intended to come into contact with foodstuffs.

Content

The Member States must require that the analysis necessary for the official control of the vinyl chloride monomer in materials and articles intended to come into contact with foodstuffs is performed according to the method described in the Annex.

Date for transposition into national law

16 February 1982 at the latest.

Commission Directive 81/432/EEC of 29 April 1981 laying down the Community method of analysis for the official control of vinyl chloride released by materials and articles into foodstuffs

OJ No L 167, 24.06.1981

Purpose

To comply with Article 3 of Directive 78/142/EEC (OJ No L 44, 15.02.78) by laying down a Community method of analysis to determine the quantity of vinyl chloride released by materials and articles into foodstuffs.

Content

The Member States must require that the analysis necessary for the official control of the levels of vinyl chloride released by materials and articles into foodstuffs is performed according to the method described in the Annex.

Date for transposition into national law

1 October 1982 at the latest.

Commission Directive 80/590/EEC of 9 June 1980 determining the symbol that may accompany materials and articles intended to come into contact with foodstuffs

OJ No L 151, 19.06.1980

Purpose

To establish a symbol in the Community that may accompany materials and articles to replace the terms "for contact with foodstuffs" or "suitable for foodstuffs".

Content

The symbol which may accompany materials and articles intended to come into contact with foodstuffs is reproduced in the Annex to the Directive.

Date for transposition into national law

The use of the symbol must be permitted as from 1 January 1981.

E/ MISCELLANEOUS

Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs

OJ No L 175, 19.07.1993

Purpose

To harmonize the general hygiene rules for foodstuffs in order to protect human health while improving the hygiene of foodstuffs and increasing confidence in the standard of hygiene of foodstuffs in free circulation.

Content

The Directive lays down the general hygiene rules for foodstuffs and the procedures for verifying compliance with the aforesaid rules.

Food businesses must ensure the establishment, implementation, compliance with and updating of safety procedures for foodstuffs, based on the principles set out in the Directive. In addition, microbiological criteria and temperature control criteria for certain classes of foodstuffs may be adopted. Member States must encourage the development of guides to good hygiene practices to be used by food businesses.

The competent authorities of the Member States must ensure compliance with the general rules of hygiene for foodstuffs by carrying out checks on foodstuffs within the Community. The Directive specifies which measures may be taken in the event of failure to comply with these rules.

The Annex sets out the rules and regulations relating to:

- premises, with specific rules for rooms where food is prepared, treated or processed;
- movable and/or temporary premises, premises used primarily as a private dwelling house, premises used occasionally for catering purposes, and vending machines;
- the transport of foodstuffs;
- equipment;
- food waste;
- water supply;
- personal hygiene;
- foodstuffs;
- training of staff handling foodstuffs.

Date for transposition into national law

Not later than 30 months after adoption of the Directive.

Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs

OJ No L 186, 30.06.1989

Purpose

To protect public health and ensure the free movement of goods by approximating national laws on the control of the compliance of foodstuffs with legislation on food.

Content

The Directive specifies its scope and introduces general principles for the official control of foodstuffs. It indicates in particular how checks must be carried out, of what they must consist and which products are subject to inspection.

Member States are required to ensure that products intended for consignment to another Member State are inspected with the same care as those intended for marketing on their own territory. Products intended for export from the EEC must not be excluded from control.

Date for transposition into national law

20 June 1991 at the latest.

Council Directive 89/108/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption

(supplemented by Commission Directives 92/1/EEC and 92/2/EEC)

OJ No L 40, 11.02.1989

OJ No L 34, 11.02.1992 (supplements)

Purpose

To protect public health and ensure the freedom of movement of frozen foodstuffs by approximating national laws.

Content

The Directive specifies its scope and lays down a number of requirements relating to the quality of the materials used for the manufacture of frozen foodstuffs, and the process whereby such products are quick frozen. These requirements concern, in particular, the temperature of frozen food, the equipment used, prepackaging and labelling. The Directive also determines the permitted refrigeration media.

Directive 92/1/EEC lays down methods for monitoring temperatures in means of transport, warehousing and storage of quick-frozen foodstuffs.

Directive 92/2/EEC introduces the principle that Member States must take measures to ensure that the sampling procedure and the method of analysis needed for the official inspection of the temperatures of quick-frozen foods comply with the provisions described in the Annexes. However, the Directive permits the Member States to use other scientifically valid methods, under certain conditions.

Date for transposition into national law

10 July 1990 to permit trade in products which comply with the Directive and 10 January 1991 to prohibit trade in products which do not comply. 31 July 1993 for the two additional Directives. Member States may maintain their legislation on retail display cabinets until 10 January 1997.

Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption

OJ No L 372, 31.12.1985

Purpose

To ensure the establishment and the operation of the common market by harmonizing the methods of sampling and analysis for the monitoring of foodstuffs.

Content

The Commission or, if necessary the Council, must adopt, where necessary, Community methods of sampling and analysis to determine the composition, manufacturing characteristics, packaging and labelling of foodstuffs. The Directive lays down the procedure to be followed.

When a Member State finds that a measure is inappropriate, the Directive permits it to suspend temporarily implementation of the measure on its territory.

The analysis methods introduced must comply with the criteria laid down in the Annex.

Date for transposition into national law

23 December 1987.

Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses

OJ No L 186, 30.06.1989

Purpose

To recast the provisions of Council Directive 77/94/EEC of 21 December 1976 as part of the approximation of legislation of the Member States on foodstuffs intended for particular nutritional uses.

Content

The Directive defines "foodstuffs intended for particular nutritional uses" as those which are suitable for specific nutritional purposes. It determines the conditions for marketing such products.

Date for transposition into national law

16 May 1990 to permit trade in products which comply with the Directive.
16 May 1991 to prohibit trade in products which do not comply.

II/

MARKETING

A/ MARKETING OF FISHERY AND AQUACULTURE PRODUCTS

Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products

(repeals and replaces Regulation (EEC) No 3687/91)

OJ No L 388, 31.12.1992

Purpose

To establish and ensure the operation of the common organization of the market in fisheries and aquaculture, particularly through the application of common marketing standards and the creation of producers' organizations with a view to improving market stability and ensuring a fair income for producers.

Content

The Regulation establishes a common organization of the market and specifies the products covered. It determines how the marketing standards are to be defined and applied and the conditions under which producers' organizations are to be established and sets up a system of prices for withdrawals, carryovers, private storage aid and the particular situation of tuna intended for the canning industry.

The Regulation also lays down the conditions governing trade with third countries and provides for the possibility of taking specific measures in the event of market disturbances.

The Annexes indicate the headings of the Combined Nomenclature covered by the Regulation and provide a table of equivalence between Regulation (EEC) No 3687/91 and this Regulation.

Date of entry into force

1 January 1993.

Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito

OJ No L 163, 17.06.1992

Purpose

To improve the quality of preserved tuna and bonito and to facilitate trade on the basis of fair competition.

Content

The Regulation defines the standards to which the marketing of preserved tuna and bonito is subject in the Community. It specifies the marketing conditions, the criteria governing presentation, contents, covering medium and the procedure for establishing the trade description.

Date of entry into force

1 January 1993.

Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines

OJ No L 212, 22.07.1989

Purpose

To improve the quality of preserved sardines and facilitate trade on the basis of fair competition.

Content

The Regulation defines the standards to which the marketing of preserved sardines is subject in the Community. It specifies the marketing conditions, the criteria governing presentation, contents and covering medium and the procedure for establishing the trade description.

Date of entry into force

1 January 1990.

Council Regulation (EEC) No 104/76 of 19 January 1976 laying down common marketing standards for shrimps (Crangon crangon), edible crabs (Cancer pagarus) and Norway lobsters (Nephrops norvegicus)

(last amended by Regulation (EEC) No 3162/91)

OJ No L 20, 28.01.1976

OJ No L 297, 09.11.1985

OJ No L 300, 31.10.1991

Purpose

To help improve the quality of grey shrimps, edible crabs and Norway lobsters marketed for human consumption by establishing common marketing standards applicable to the first sale.

Content

Regulation (EEC) No 104/76, initially applicable only to grey shrimp (Crangon Crangon) was amended (OJ No L 297, 09.11.1985) to include edible crabs (Cancer Pagarus) and Norway lobsters (Nephrops Norvegicus).

The Regulation establishes a classification system based on the definition of categories of freshness and size. It specifies the procedure by which those in the industry are to establish this classification and the indications which must accompany the product. Shrimps, crabs and Norway lobsters from third countries are also covered by the Regulation and are subject to special labelling requirements.

The most recent amending Regulation provides for the possibility of exceptions to the minimum sizes to ensure the local or regional supply of shrimp and crab in certain coastal areas of the Community.

Date of entry into force

1 January 1976 (1 January 1992 for the amending Regulation).

Council Regulation (EEC) No 103/76 of 19 January 1976 laying down common marketing standards for certain fresh or chilled fish

(last amended by Regulation (EEC) No 33/89)

OJ No L 20, 28.01.1976

OJ No L 5, 07.01.1989

Purpose

To help improve the quality of fish marketed for human consumption by establishing common marketing standards applicable to first sale.

Content

The Regulation lays down marketing standards for a number of specific species, defining freshness and size categories. It specifies the procedure by which those in the industry are to establish this classification and the indications which must accompany the product. It also lays down the conditions for marketing fish imported from third countries.

The Annexes contain the freshness rating and size scale.

The amendment extends the scope of the Regulation to other species of fish and replaces the arithmetic rating method by minimum criteria, introduces the application of a sampling system for pelagic species other than mackerel and herring and lays down certain minimum freshness criteria for all sea fish marketed for human consumption.

Date for transposition into national law

1 February 1976 (7 January 1989 for the amending Regulation).

Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish

(amended by Commission Regulation (EEC) No 3506/89)

OJ No L 351, 28.12.1985

OJ No L 342, 24.11.1989

Purpose

To help improve the quality of fish marketed for human consumption by establishing common marketing standards applicable to first sale.

Content

The Regulation lays down detailed rules for the control of the conformity with the common marketing standards laid down by Regulation (EEC) No 103/76 for the grading and the weighing of certain fish. It also lays down the procedure for grading herring and mackerel on the basis of a sampling system.

The amending Regulation stipulates that grading and labelling of certain chilled fish must be carried out within a reasonable time before first sale. The Regulation also extends the sampling system to pelagic fish other than herring or mackerel and lays down detailed rules for the application of this system to the new species.

Date of entry into force

31 December 1985 (27 November 1989 for the amendment).

B/ LABELLING OF FOODSTUFFS AND CONSUMER PROTECTION

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

(in the process of amendment)

OJ No L 33, 08.02.1979

Purpose

To ensure, inside the Community, the information and protection of the ultimate consumer as well as the free movement of foodstuffs, under equal conditions of competition.

Content

The Directive lays down rules for the labelling and presentation of foodstuffs. In particular, it lays down compulsory indications and exemptions, arrangements concerning the indication of ingredients, quantities and durability as well as the presentation of instructions for use.

The current draft amendment concerns the quantitative indication of certain ingredients, the establishment of a list of ingredients for alcoholic beverages and a revision of the provisions on trade names.

Date for transposition into national law

22 December 1989 at the latest to permit trade in products which comply with the Directive.

Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs

OJ No L 276, 06.10.1990

Purpose

To provide consumers with the information necessary to choose the appropriate diet and to determine an exclusive standardized form of nutrition labelling so as to avoid possible technical barriers to trade.

Content

The Directive defines the information to be given on nutrition labelling and lays down requirements as to the presentation of this information. Such nutrition labelling is compulsory only where a nutrition claim appears on labelling, in presentation or in advertising, with the exclusion of generic advertising.

The Annex contains a list of vitamins and minerals to which nutrition labelling may apply.

Date for transposition into national law

Not later than 1 April 1992 to permit trade in products which comply with the Directive and not later than 1 October 1993 to prohibit trade in products which do not comply.

Council Directive 89/396/EEC of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs

(amended by Directive 92/11/EEC)

OJ No L 186, 30.06.1989

OJ No L 65, 11.03.1992

Purpose

To ensure better information on the identity of products and provide a useful source of information when foodstuffs are the subject of dispute or constitute a health hazard for consumers.

Content

The Directive concerns the indication of the lot to which foodstuffs belong. It prohibits the marketing of foodstuffs not accompanied by such an indication and lays down the conditions for affixing the latter.

The amending Directive defers the deadline for the prohibition of trade in products which do not comply with the rules.

Date for transposition into national law

20 June 1990 to permit trade in products which comply with the Directive and 1 July 1992 to prohibit trade in products which do not comply.

Council Directive 88/315/EEC of 7 June 1988 amending Directive 79/581/EEC on consumer protection in the indication of the prices of foodstuffs

OJ No L 142, 09.06.1988

Purpose

To ensure, inside the Community, the information and protection of the ultimate consumer and to standardize the indication of the prices of foodstuffs, with a view to the completion of the single market. The unit prices of prepackaged foodstuffs must be indicated for standard units of measurement. In this way, the consumer is better informed about prices and can compare them at the place of sale.

Content

Directive 88/315/EEC reiterates the principle introduced by Directive 79/581/EEC that foodstuffs must be given a unit price. However, it provides for certain exemptions from this obligation. Where the Community rules are inappropriate, Directive 88/315/EEC provides for a limited number of exemptions. In addition, it gives Member States the option of waiving the obligation to indicate the unit price in the case of products where such indication would not be suitable.

Date for transposition into national law

The Directive enters into force on 7 June 1990.

Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising

OJ No L 250, 19.09.1984

Purpose

The Directive is intended to protect consumers inside the Community as well as all those who carry on a trade, business, craft or profession. This Directive is also intended to combat misleading advertising in so far as this can have a direct effect on the establishment and operation of the single market and can distort competition within the common market.

Content

The Directive defines what constitutes misleading advertising. It invites the Member States to ensure that means exist for the control of misleading advertising, in particular by recourse to legal means. In this connection, the Member States may introduce legal provisions granting recourse to national courts for persons or organizations having a legitimate interest in prohibiting misleading advertising.

Date for transposition into national law

By 1 October 1986.

III/

QUALITY

Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

OJ No L 208, 24.07.1992

Purpose

To establish a framework of Community rules to protect geographical indications and designations of origin and enable them to develop under equal conditions of competition.

Content

The Regulation lays down rules on the protection of designations of origin and geographical indications of agricultural products intended for human consumption referred to in Annex II to the Treaty of Rome and of the foodstuffs referred to in Annex I and the agricultural products listed in Annex II to the Regulation.

In particular, it specifies its scope and introduces the general principle that names which have become generic may not be registered. It stipulates that to be eligible to use a protected designation of origin or a protected geographical indication an agricultural product or foodstuff must comply with a specification.

Inspection structures must be set up to ensure that agricultural products and foodstuffs bearing a protected name meet the requirements laid down in the specifications.

Date of entry into force

24 July 1993.

Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs

OJ No L 208, 24.07.1992

Purpose

To provide economic operators with instruments which enable them to enhance the market value of their products while protecting consumers against improper practices.

To ensure the improvement of product quality by introducing a Community system of certificates of specific character for agricultural products and foodstuffs.

Content

The Regulation stipulates that the Commission is to set up and administer a register of certificates of specific character which will list the names of agricultural products and foodstuffs of which the specific character has been recognized at Community level.

The Regulation lays down rules on obtaining Community certificates of specific character for the agricultural products referred to in Annex II to the Treaty of Rome and intended for human consumption and the foodstuffs referred to in the Annex to this Regulation. It specifies the minimum information which must appear in the specifications needed for the certificate and procedures for registering the certificate.

Date of entry into force

24 July 1993.

THE ENVIRONMENT

Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment

OJ No L 175, 05.07.1985

ENVIRONMENTAL PROTECTION

Purpose

To protect the environment and the quality of life and to ensure equal conditions of competition by approximating national laws relating to the assessment of the environmental effects of certain public and private projects.

Content

The Directive requires all projects belonging to the classes listed in Annex I to be made subject to an assessment. Projects belonging to the classes listed in Annex II are subject to such assessment only where the Member States consider that their characteristics so require.

Where projects must be the subject of an environmental impact assessment, the developer can, in certain cases, be required to provide the information specified in Annex III.

The Directive stipulates that it must be possible to inform or consult the authorities likely to be concerned with the various projects and the public on applications for authorization.

In exceptional cases, Member States may exempt a specific project from all or part of the provisions laid down in the Directive.

Date for transposition into national law

3 July 1988.

Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants

OJ No L 188, 16.07.1984

Purpose

To provide for additional measures and procedures designed to prevent and reduce air pollution from industrial plants within the Community.

Content

The Directive introduces the principle that the operation or substantial modification of industrial plants belonging to the categories listed in Annex I require prior authorization. Such authorization may be given by the competent authority only when the conditions laid down by the Directive are met. Member States may make other categories of plants subject to authorization or prior notification.

The Directive permits Member States to take stricter measures than those that it lays down and to make specific provisions for particularly polluted areas and areas to be specially protected.

Annex II gives the list of the major pollutants.

Date for transposition into national law

30 June 1987.

Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances

OJ No L 20, 26.01.1980

Purpose

To ensure the protection of groundwater against pollution and achieve equal conditions of competition by approximating national laws on the discharge of certain dangerous substances into groundwater.

Content

The Directive specifies its scope. The Annex contains two lists of families and groups of substances (lists I and II). The Member States must take the measures necessary to prohibit the discharge into groundwater of the substances in list I and to limit the introduction into groundwater of the substances in list II.

The Directive distinguishes between direct and indirect discharge. All discharge must be subject to an authorization procedure (except for direct discharges of substances in list I, which are prohibited). Authorization may not be granted until the receiving groundwater has been surveyed.

Provision is made for derogations from the prohibition of discharges of the substances in list I.

Date for transposition into national law

26 January 1982 (26 January 1984 for Greece). In the case of discharges already occurring at the time of the notification of the Directive, Member States have until 26 January 1986 (26 January 1988 for Greece) to ensure that such discharges comply with the Directive.

Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption

OJ No L 229, 30.08.1980

Purpose

To protect public health and ensure equal conditions of competition by approximating national laws on the quality of water intended for human consumption.

Content

The Directive specifies its scope. It lays down the requirements which the quality of the water intended for human consumption must satisfy.

Member States are permitted to derogate from the Directive to take account of individual situations. They may also take stricter measures than those provided for by the Directive.

The Directive stipulates that the quality of the water intended for human consumption must be monitored regularly.

Annex I contains the list of parameters. Annex II fixes the models and frequency of the standard analyses and Annex III lays down the analytical reference methods.

Date for transposition into national law

30 August 1985.

Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters

OJ No L 281, 10.11.1979

Purpose

To achieve equal conditions of competition by approximating national laws on the quality of shellfish waters and to lay down certain specific provisions to help protect the environment and improve the quality of life.

Content

Member States must designate the waters to which the Directive applies (coastal and brackish waters needing protection or improvement in order to support shellfish life and growth and thus to contribute to the high quality of shellfish products directly edible by man) and fix the parameters designated in the Annex. The Directive provides for sampling operations with a minimum frequency as designated in the Annex, to ensure that designated waters conform to the values set by the Member States.

The Member States may set more stringent values for designated waters than those laid down in the Directive and derogate from the latter in the event of exceptional weather or geographical conditions.

Date for transposition into national law

Two years after the Member States have been notified.

Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community

OJ No L 129, 18.05.1976

Purpose

To protect the aquatic environment against pollution and achieve equal conditions of competition by approximating national laws on the discharge of certain dangerous substances into that environment.

Content

The Directive specifies its scope and the Annex contains two lists of families and groups of substances (list I and list II). The Member States must take steps to eliminate water pollution by the substances in list I and to reduce water pollution by the substances in list II.

All discharges into the waters covered by the Directive which are liable to contain one of the substances in list I or list II require prior authorization by the authority responsible for setting emission standards.

The Council is to lay down the limit values which are not to be exceeded by the emission standards for the substances included in list I and quality objectives for those substances. For the substances in list II, Member States must establish programmes including quality objectives for water. Emission standards will be calculated on the basis of these quality objectives.

The Member States may take more stringent measures than those laid down by the Directive.

Date for transposition into national law

15 September 1978 for the prior authorization arrangements.

15 September 1986 for implementation of the programmes for the substances in list II.

Council Directive 75/442/EEC of 15 July 1975 on waste

OJ No L 194, 25.07.1975

Purpose

To protect the environment and human health and to ensure equal conditions of competition by approximating national laws on waste disposal.

Content

The Directive specifies the waste excluded from its scope.

It provides for the adoption of authorization arrangements for undertakings treating, storing or tipping waste on behalf of third parties. Such undertakings must be checked periodically by the competent authority. Undertakings which eliminate their own waste are subject to monitoring by the competent authority.

The Directive stipulates that the part of the costs not covered by the treatment of waste must be borne in accordance with the "polluter pays" principle.

Date for transposition into national law

25 July 1977.

Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States

OJ No L 194, 25.07.1975

Purpose

To protect public health and achieve equal conditions of competition by approximating national laws on the quality required of surface waters intended for the abstraction of drinking water.

Content

The Directive concerns the quality requirements to be met by surface fresh water used or intended for use in the abstraction of drinking water after application of appropriate treatment.

Member States may determine more stringent values for surface water than those laid down by the Directive.

Express provision is made for exemptions from the Directive.

Annex I defines the standard methods of treatment for turning surface water into drinking water. Annex II indicates the physical, chemical and microbiological characteristics of the different qualities of surface water.

Date for transposition into national law

25 July 1977.

VI

STATE AIDS

GUIDELINES FOR THE EXAMINATION OF STATE AIDS IN THE FISHERIES AND AQUACULTURE SECTOR

(92/C 152/02)

OJ No C 152, 17.06.1992

In principle, State aids are incompatible with the common market (Article 92(1) of the EEC Treaty). However, provision is made for exceptions to this principle (Article 92(2) and (3) of the Treaty). The Commission is responsible for administering these exceptions.

The guidelines apply to the entire fisheries sector. They encompass all living resources of the sea and fresh waters, the products of the farming of such resources, the factors of production and the processing and marketing of the resultant products, but not non-commercial recreation and sports.

The guidelines relate to all measures entailing a financial advantage for one or more undertakings, in any form whatsoever, directly or indirectly funded from the budgets of public authorities (national, regional, provincial, departmental or local).

Aids must provide incentives for development and adaptation which cannot be undertaken under normal market circumstances. They must yield lasting improvements so that the industry can continue to develop solely on the basis of market earnings. Their duration must therefore be limited to the time needed to achieve the desired improvements and adaptations.

The guidelines fix the compatibility criteria for the different types of aids, particularly in the veterinary and health fields and aid to processing and marketing in the fisheries sector, in particular:

- aid to cessation of enterprises' activities;
- aid to port infrastructures;
- other aid to investment;
- aid relating to product quality;
- aid to producers' associations.

European Commission

Guide to Community legislation applicable to the industry processing fishery and aquaculture products

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