COMMISSION OF THE EUROPEAN COMMUNITIES

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95/0298 (CNS)
95/0299 (CNS)
95/0300 (CNS)

Proposal for a

COUNCIL DIRECTIVE

introducing Community measures for the control of classical swine fever

(consolidated version)

Proposal for a

COUNCIL DIRECTIVE

on the undesirable substances and products in animal nutrition

(consolidated version)

Proposal for a

COUNCIL REGULATION (EC)

on the common organisation of the market in milk and milk products

(consolidated version)

(presented by the Commission)

Proposal for a

COUNCIL DIRECTIVE

introducing Community measures for the control of classical swine fever

(consolidated version)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

   This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

   For this reason a consolidation of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided to instruct its staff that all legislative measures should be consolidated after no more than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to consolidate at even shorter intervals the texts for which they were responsible, to ensure that the Community rules were clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this, stressing the importance of official codification as it offers certainty as to the law applicable to a given matter at a given time. It must be undertaken in full compliance with the normal Community legislative procedure. Given that no changes of substance may be made to the instruments affected by official codification, Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal [1] for consolidation of ***Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever*** is to undertake official codification of this type. The new directive will supersede the various directives incorporated in it; [2] their content is fully preserved, and they are brought together with only such formal amendments as are required by the codification exercise itself.

5. This *consolidation* proposal was drawn up on the basis of a *preliminary consolidation*, in all the official languages, of Directive 80/217/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of *data-processing system* referred to in the conclusions of the European Council meeting at Edinburgh. Although the articles have been given new numbers, the former number is printed alongside in each case for the reader's convenience; the correlation between the old and new numbers is shown in a table contained in Annex VIII to the consolidated Directive.

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(1) Entered in the legislative programme for 1995.
(2) See part A of Annex VII.

Proposal for a

COUNCIL DIRECTIVE

of

85/0288(CNS)

introducing Community measures for the control of classical swine fever

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

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

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

1)	Whereas Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever (3) has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated;		
2)	Whereas swine is listed in Annex II of the Treaty; whereas the marketing of swine constitutes an important source of revenue for the agricultural population;	1.	92/40/EEC (adapted)
3)	Whereas, in the event of outbreak of classical swine fever, it is necessary to establish at Community level control measures to eradicate the disease in order to ensure the development of the swine sector and contribute to the protection of animal health in the Community;	2.	(adapted)
4)	Whereas an outbreak of classical swine fever can take on epizootic proportions, causing mortality and disturbances on a scale which threatens in particular he profitability of pig farming as a whole;	3.	80/217/EEC
5)	Whereas provisions must be adopted as soon as the presence of the disease is suspected so that immediate and effective action can be taken as soon as its presence is confirmed;	4.	

(1) OJ No C
(2) OJ No C
(3) OJ No L 47, 21. 2. 1980, p. 11; as last amended by the Act of Accession of Austria, Finland and Sweden.

6)	Whereas it is necessary to prevent any spread of the disease if an outbreak occurs, by carefully monitoring movements of animals and the use of products liable to be contaminated, and by vaccination;	5.	
7)	Whereas the completion of the internal market must include measures for the cleaning and disinfection of infected farms, the use of crisis units, movement controls in protection and surveillance zones, emergency vaccination and diagnostic procedures; whereas special measures should also be laid down for the eradication of the disease in wild boar;	3. + 4.	91/685/EEC (adapted)
8)	Whereas in order to ensure the continuity of the coordination of the diagnostic work carried out under the auspices of the competent national laboratories, the 'Institut für Virologie der Tierärtzlichen Hochschule' of Hannover shall be designated as the Community reference laboratory; whereas the powers and duties of the said laboratory should be laid down;	8. + 9.	93/384/EEC (adapted)
9)	Whereas Article 28 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ([1]), applies with regard to Community aid to be granted to liaison and reference laboratories;	10.	
10)	Whereas for the purpose of adopting measures for the implementation of this Directive, a procedure should be laid down to establish close cooperation between the Member States and the Commission;	7.	80/217/EEC (adapted)
11)	Whereas this Directive must not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex VII, part B,		

HAS ADOPTED THIS DIRECTIVE:

([1]) OJ No L 224, 18. 8. 1990, p. 19; as last amended by Decision 94/370/EC (OJ No L 168, 2. 7. 1984, p. 31).

Article 1

This Directive introduces Community measures for the control of classical swine fever. | 80/217/EEC

Article 2

For the purposes of this Directive, | 91/685/EEC – Art. 1 (1)

(a) 'pig' means any animal of the Suidae family;

(b) 'breeding pig' means a pig intended or used for reproduction with a view to multiplication of the species;

(c) 'fattening pig' means a pig fattened and intended for slaughter at the end of the fattening period with a view to meat production;

(d) 'slaughter pig' means a pig which is intended for slaughter without undue delay in a slaughterhouse;

(e) 'feral pig' means a pig which is not kept or bred in a holding;

(f) 'holding' means a holding within the meaning of Article 2 (4) of Council Directive 90/425/EEC [1];

(g) 'pig suspected of being infected with classical swine-fever' means any pig exhibiting clinical symptoms or showing *post-mortem* lesions or reactions to laboratory tests carried out in accordance with Article 14, indicating the possible presence of classical swine fever;

(h) 'pig infected with classical swine fever' means any pig

— in which clinical symptoms or *post-mortem* lesions of classical swine fever have been officially confirmed, or

— in which the presence of this disease has been officially confirmed as the result of a laboratory examination carried out in accordance with Article 14;

(i) 'owner or keeper' means any person or persons, either natural or legal, having ownership of the pigs, or charged with keeping the said animals, whether or not for financial reward;

(j) 'competent authority' means the competent authority within the meaning of Article 2 (6) of Directive 90/425/EEC;

(k) 'official veterinarian' means the veterinarian appointed by the competent authority;

(l) 'rendering' means the processing of high-risk material in accordance with Council Directive 90/667/EEC [2];

[1] OJ No L 224, 18. 8. 1990, p. 29; as last amended by Directive 92/118/EEC (OJ No L 62, 15. 3. 1993, p. 49).

[2] OJ No L 363, 27. 12. 1990, p. 51; as last amended by the Act of Accession of Austria, Finland and Sweden.

(m) 'swill' means waste from kitchens, restaurants or, as the case may be, from industries using meat.

91/685/EEC – Art. 1 (1)

Article 3

Member States shall ensure that the presence and suspected presence of classical swine fever are compulsorily and immediately notifiable to the competent authority.

80/217/EEC

Article 4

1. Where a holding contains one or more pigs suspected of being infected with classical swine fever, Member States shall ensure that the official veterinarian immediately sets in motion official means of investigation to confirm or rule out the presence of the said disease.

From the moment when the suspected presence is notified, the competent authority shall have the holding placed under official surveillance and shall, in particular, order that:

— all the pigs in the various categories on the holding must be counted and a list compiled of the number of pigs already dead or likely to be infected in each category; the list must be updated to take account of pig births and deaths during the period of suspicion; the information on the list must be produced upon request and may be checked at each visit,

— all the pigs on the holding must be restricted to their living quarters or be confined in some other place where they can be isolated,

— no pigs may enter or leave the holding.

The competent authority may, if necessary:

(i) extend the ban on leaving the holding to cover other species of animals,

(ii) if the disease has not been confirmed within 15 days, authorize the departure of animals intended for slaughter without delay under official supervision, provided that the meat from such animals is not permitted to enter intra-Community trade as fresh meat,

— no pigmeat may leave the holding without an authorization issued by the competent authority,

— no pig carcases may leave the holding without an authorization issued by the competent authority,

— no animal feed, utensils, materials or waste likely to transmit the epizootic disease may leave the holding without an authorization issued by the competent authority,

— the movement of persons to or from the holding must be subject to authorization by the competent authority, 80/217/EEC

— the movement of vehicles to or from the holding must be subject to authorization by the competent authority,

— appropriate means of disinfection must be used at the entrances and exits of buildings housing pigs and of the holding itself,

— an epizootiological enquiry must be carried out in accordance with Articles 8 and 10.

2. The measures provided for in paragraph 1 shall not be lifted until the suspicion of classical swine fever has been officially ruled out.

Article 5

1. In cases where the presence of classical swine fever is officially confirmed, Member States shall ensure that, in addition to the measures listed in Article 4 (1), the competent authority prescribes that:

— all pigs on the holding must be slaughtered without delay under official supervision and in such a way as to avoid the risk of the classical swine fever virus spreading during transport or slaughter,

— after slaughter of the pigs, all carcases must be destroyed under official supervision in such a way that there is no risk of the classical swine fever virus spreading,

— meat of pigs slaughtered during the period between the probable introduction of disease to the holding and the taking of official measures must wherever possible be traced and destroyed under official supervision in such a way as to avoid the risk of the classical swine fever virus spreading,

— the carcases of pigs which have died on the holding must be destroyed under official supervision in such a way as to avoid the risk of the classical swine fever virus spreading,

— all substances and waste likely to be contaminated, such as feedingstuffs, must be subjected to a treatment ensuring the destruction of any classical swine fever virus present; this treatment must be carried out in accordance with the instructions of the official veterinarian,

— after the pigs have been eliminated, the buildings used for housing the pigs, the vehicles used for transporting them and all equipment likely to be contaminated must be cleaned and disinfected in accordance with Article 12,

— the reintroduction of pigs to the holding may not take place until at least 30 days after completion of the cleaning and disinfection operations carried out in accordance with Article 12. 84/645/EEC – Art. 1 (1)

The reintroduction of pigs shall take account of the type of farming practised on the holding concerned and must conform to one of the following procedures:

91/685/EEC – Art. 1 (2) (a)

(a) as regards open-air pig holdings,

the reintroduction of pigs shall start with the introduction of sentinel piglets which have been checked and found negative for the presence of antibodies against classical swine fever virus. The sentinel piglets shall be placed, in accordance with the requirements of the competent authority, throughout the infected holding and be re-checked, 21 and 42 days after having been placed on the holding, for the presence of antibodies.

If none of the piglets has developed antibodies against classical swine fever virus and as soon as the results of the second test are available, with a negative result, full re-population may take place;

(b) for all other forms of rearing, the reintroduction of pigs shall take place either in accordance with the measures provided for in a) or with the following provisions:

the reintroduction of piglets shall be based on total repopulation, provided that:

(i) all the pigs arrive within a period of eight days and come from holdings situated outside restriction zones,

(ii) no pig may leave the holding for a period of 60 days after the arrival of the last pigs,

(iii) the repopulated herd is subjected to a serological examination in accordance with Annexes I and IV. That examination may be carried out at the earliest 30 days after the arrival of the last pigs;

— an epizootiological enquiry shall be carried out in accordance with Articles 8 and 10.

80/217/EEC

2. The competent authority may apply the measures provided for in paragraph 1 to other holdings where pigs may have become infected as a result of their location and direct or indirect contact with the infected holding.

91/685/EEC – Art. 1 (2) (b)

Article 6

80/217/EEC

1. In the case of holdings which consist of two or more separate production units and in order that fattening of pigs may be completed, the competent authority may derogate from the first and second indents of Article 5 (1) as regards healthy pig production units on a holding which is infected provided that the official veterinarian has confirmed that the structure and size of these production units and the operations carried out there are such that the production units provide completely separate facilities for housing, keeping and feeding, so that the virus cannot spread from one production unit to another.

2. If use is made of the derogation in paragraph 1, Member States shall draw up detailed rules for applying it in the light of the animal health guarantees which can be given.

Member States which make use of paragraph 1 shall notify the Commission thereof.

3. A decision may be taken, in accordance with the procedure laid down in Article 21 (2), that the measures refered to in paragraphs 1 and 2 are to be modified in order to ensure that they coordinate with those adopted by the Member States.

Article 7

Article 6a

91/685/EEC – Art. 1 (3)

1. Immediately after the competent authority of a Member State has information that feral pigs are suspected of being infected, it shall take all appropriate measures to confirm the presence of the disease by giving information to the owners or keepers of pigs and to hunters, and by investigations of all feral pigs shot or found dead, including laboratory testing.

2. As soon as confirmation of infection in feral pigs has taken place, the competent authority of a Member State shall immediately place under official surveillance holdings in the defined infected area and shall in particular order that:

(a) an official census be carried out of all categories of pigs on all holdings; the census must be kept up to date by the owner or keeper; the information in the census must be produced on request and may be checked at each inspection.

However, as regards open-air pig holdings, the first census carried out may be done on the basis of an estimate;

(b) all pigs on the holding be kept in their living quarters or some other place where they can be isolated from feral pigs. The feral pigs must not have access to any material which may subsequently come in contact with the pigs on the holding;

(c) no pigs enter or leave the holding save where authorized by the competent authority having regard to the epidemiological situation;

(d) appropriate means of disinfection be used at the entrances and exits of buildings housing pigs and of the holding itself;

(e) all dead or diseased pigs with classical swine fever symptoms on a holding be tested for the presence of classical swine fever;

(f) no part of any feral pig (whether shot or found dead) shall be brought into a holding.

91/685/EEC – Art. 1 (3)

3. As soon as confirmation of infection in feral pigs has taken place, the competent authority shall furthermore arrange that all feral pigs shot or found dead in the defined infected area are examined for classical swine fever as provided for in Article 14 of this Directive. All animals found positive shall be treated as high-risk material as defined in Article 3 of Directive 90/667/EEC.

93/384/EEC – Art. 2 (1)

4. Without prejudice to the measures laid down in paragraph 2, Member States shall submit to the Commission at the earliest opportunity a written plan of the measures taken to eradicate the disease in an area defined as infected and the measures applied on the holdings in that area.

The Commission shall examine the plan in order to determine whether it permits the desired objective to be attained and shall approve the plan, if necessary with amendments, in accordance with the procedure laid down in Article 21 (2).

The plan may subsequently be amended or supplemented, in accordance with the same procedure, to take account of developments in the situation.

5. After the measures provided for in the plan referred to in paragraph 4 have been approved, they shall replace the initial measures referred to in paragraph 2, on a date which shall be decided upon when approval is given.

6. The plan referred to in paragraph 4 shall contain information on:

(a) a defined infected area within the territory of the Member State referred to in paragraph 2. When defining the infected area, the competent authority shall take into account:

(i) the geographical distribution of the disease;

(ii) the feral pig population in the area;

(iii) the existence of major natural or man-made obstacles to movements of feral pigs;

91/685/EEC – Art. 1 (3)

(b) the approximate number of groups of feral pigs and their size in the defined area;

91/685/EEC – Art. 1 (3)

(c) specific efforts made to determine the extent of the infection in the feral pig population, by investigation of feral pigs shot by hunters or found dead, and by laboratory testing;

(d) the organization of close cooperation between biologists, hunters, hunting organizations, the wildlife services and veterinary services (animal health and public health);

(e) the reduction of the feral pig population and the issuing of hunting permits; the requirements to be complied with by hunters in order to avoid any spread of the disease; the period adopted for reduction of the feral pig population shall consist of an initial eradication period to be followed by a surveillance period;

(f) the method of removal of feral pigs found dead or shot. In the first phase (eradication period) the removal shall be based on

93/384/EEC – Art. 2 (2)

(i) the treatment as defined for high-risk material within the framework of Directive 90/667/EEC, or

(ii) inspection by official veterinarian and laboratory tests as provided for in Article 14 of this Directive. Where such testing proves negative as regards classical swine fever, Member States shall apply the measures laid down in Article 11 (2) of Council Directive 92/45/EEC of 16 June 1992 on public health and animal health problems relating to the killing of wild game and the placing on the market of wild game meat [1]. Parts not intended for human consumption shall be destroyed under supervision of the competent authority.

In the second phase (surveillance period) the removal shall be in accordance with the requirements laid down by the competent authority.

[1] OJ No L 268, 14. 9. 1992, p. 35; as last amended by the Act of Accession of Austria, Finland and Sweden.

(g) the epizootiological enquiry which is carried out on each feral pig (shot or found dead). This enquiry must include the completion of a questionnaire which supplies information about:

— the geographical area where the animal was found dead or shot,

— the date on which the animal was found dead or shot,

— the person who found or shot the animal,

— the age and sex of the pig,

— if shot: symptoms before shooting,

— if found dead: the state of the carcase,

— laboratory findings;

(h) disease-prevention measures applicable to the holdings situated in the defined infected area, including the transport and movement of animals within, from and to the area;

(i) the criteria to be applied for lifting the measures taken to eradicate the disease in the defined area and the measures applied to holdings in the area.

91/685/EEC – Art. 1 (3)

Article 8

Article 7

The epizootiological enquiry shall deal with:

— the length of time during which classical swine fever may have existed on the holding before the disease was notified,

— the possible origin of the classical swine fever on the holding and the identification of other holdings on which there are pigs which may have become infected from the same source,

— the movement of persons, vehicles, pigs, carcases, meat or material likely to have transported the virus to and from the holdings.

80/217/EEC

Article 9

Article 7a

In order to provide full coordination of all measures necessary to ensure eradication of classical swine fever as quickly as possible and for the purpose of carrying out the epizootiological enquiry, a crisis unit shall be established.

The general rules concerning national crisis units and the Community crisis unit shall be adopted by the Council acting on a proposal from the Commission.

91/685/EEC – Art. 1 (4)

Article 10

Article 8

1. (a) Where the official veterinarian finds, or considers on the basis of confirmed data, that classical swine fever could have been introduced from other holdings on to the holding referred to in Article 4, or from the latter holding on to other holdings, as a result of the movement of persons, pigs or vehicles or in any other way, those other holdings shall be placed under official surveillance in accordance with paragraph (c), and this surveillance shall not be lifted until the suspected presence of classical swine fever on the holding referred to in Article 4 has been officially ruled out.

80/217/EEC

(b) Where the official veterinarian finds, or considers on the basis of confirmed data, that classical swine fever could have been introduced on to the holding referred to in Article 5 (1) from other holdings as a result of the movement of persons, pigs or vehicles or in any other way, those other holdings shall be placed under official surveillance in accordance with paragraph (c).

Where the official veterinarian finds, or considers on the basis of confirmed data, that classical swine fever could have been introduced from the holding referred to in Article 5 on to other holdings as a result of the movement of persons, pigs or vehicles or in any other way, those other holdings shall become subject to the provisions of Article 4.

(c) The purpose of the official surveillance shall be to detect immediately any suspicion of classical swine fever, count the pigs and monitor their movements and, where appropriate, implement some or all of the measures provided for in Article 4 (1).

2. When a holding has been subject to the provisions of paragraph 1 (a) and the first subparagraph of paragraph 1 (b), the competent authority may authorize removal from the holding of pigs other than those on account of which the said measures were imposed, for transport directly to a slaughterhouse under official supervision for the purpose of immediate slaughter.

Where an authorization has been given to remove pigs for slaughter, the competent authority concerned shall ensure that the conditions for removal and slaughtering of pigs fulfil the requirements laid down in Article 11 (4) (f) (i) and that the meat of the said pigs complies with the conditions laid down in Article 11 (4) (g).

91/685/EEC – Art. 1 (5)

3. The competent authority may, where it considers that conditions permit, limit the measures provided for in paragraph 1 (a) and the first subparagraph of paragraph 1 (b) to a part of the holding and the pigs contained therein, provided that the pig units there have been housed, kept and fed completely separately.

80/217/EEC

Article 11

Article 9

1. Immediately after the diagnosis of classical swine fever has been officially confirmed in pigs on a holding, the competent authority shall establish a protection zone with a radius of at least three kilometres around the outbreak site, which shall itself be included in a surveillance zone of a radius of at least 10 kilometres.

91/685/EEC – Art. 1 (6)

2. When establishing zones, the competent authority must take account of:

(a) the results of the epidemiological studies carried out in accordance with Article 8;

(b) the available serological evidence;

(c) the geographical situation, particularly natural boundaries;

(d) the location and proximity of holdings;

(e) patterns of trade in breeding and slaughter pigs and the availability of slaughterhouses;

(f) the facilities for checking and the nature of the checks employed, whether or not slaughter is carried out on the infected premises.

3. If a zone includes parts of the territory of several Member States, the competent authorities of the Member States concerned shall collaborate to establish the zone.

4. The following measures shall be applied in the protection zone:

(a) a census of all the holdings shall be made as soon as possible; after the establishment of the protection zone these holdings shall be visited by an official veterinarian within not more than seven days;

(b) the movement and transport of pigs on public or private roads shall be prohibited. This prohibition shall not apply to the transit of pigs by road or rail without unloading or stopping. However, in accordance with the procedure laid down in Article 21 (2), a derogation from this prohibition may be granted for slaughter pigs coming from outside the protection zone and on their way to a slaughterhouse situated in the said zone;

91/685/EEC – Art. 1 (6)

(c) trucks and other vehicles and equipment, which are used to transport pigs or other livestock or material which may be contaminated (e.g. feedingstuff, manure, slurry, etc.) and which are used within the protection zone, shall not leave:

(i) a holding situated within the protection zone,

(ii) the protection zone,

(iii) a slaughterhouse,

without having been cleaned and disinfected in accordance with the procedures laid down by the competent authority. Those procedures shall provide in particular that no truck or vehicle which has been used in the transport of pigs may leave the zone without being inspected by the competent authority;

(d) no other species of animal may enter or leave a holding without the authorization of the competent authority;

(e) all dead or diseased pigs on a holding shall be notified to the competent authority, which shall carry out any investigations necessary to establish the presence of classical swine fever;

(f) pigs may not be removed from a holding in which they are kept for 21 days after the completion of the preliminary cleaning and disinfection of the infected holdings as provided for in Article 12; after 21 days, authorization may be given to remove pigs from the said holding:

(i) directly to a slaughterhouse designated by the competent authority, preferably within the protection or surveillance zone, provided that:

— an inspection of all the pigs on the holding has been carried out,

— a clinical examination of the pigs to be moved for slaughter, including the taking of the body temperature of a proportion thereof, has been carried out,

— each pig has been marked by ear marking,

— the pigs are transported in vehicles sealed by the competent authority.

The competent authority responsible for the slaughterhouse shall be informed of the intention to send pigs to it.

On arrival at the slaughterhouse these pigs shall be kept and slaughtered separately from other pigs. The vehicle and equipment which have been involved in the transport of the pigs shall immediately be cleaned and disinfected.

91/685/EEC – Art. 1 (6)

During *ante* and *post-mortem* inspection carried out at the designated slaughterhouse, the competent authority shall take into account any signs relating to the presence of the classical swine fever virus,

(ii) under exceptional circumstances, directly to other premises located within the protection zone provided that:

— an inspection of all the pigs on the holdings has been carried out,

— a clinical examination of the pigs to be moved, including the taking of the body temperature of a proportion thereof, has been carried out,

— each pig has been marked by ear marking;

(g) fresh meat from the pigs referred to in point (f) shall be marked in accordance with the Annex to Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat [1], and subsequently treated in accordance with the rules laid down in Article 4 (1) of Council Directive 80/215/EEC of 22 January 1980 on animal health problems affecting intra-Community trade in meat products [2]. This must be done at an establishment designated by the competent authority.

The meat shall be sent to the said establishment on condition that the consignment is sealed before departure and remains sealed throughout the transport.

However, at the request of a Member State, accompanied by appropriate justification and in accordance with the procedure laid down in Article 21 (2), specific solutions may be adopted, in particular with respect to the marking of meat and its subsequent use, and the destination of the processed products.

5. The measures in the protection zone shall continue to be applied at least until:

(a) all measures laid down in Article 12 have been carried out;

(b) pigs on all holdings have undergone:

(i) a clinical examination which has revealed that they have no signs of disease suggesting classical swine fever, and

(ii) a serological examination in accordance with Annexes I and IV without the detection of antibodies to the classical swine fever virus.

(1) OJ No L 302, 31. 12. 1972, p. 24; as last amended by the Act of Accession of Austria, Finland and Sweden.

(2) OJ No L 47, 21. 2. 1980, p. 4; as last amended by the Act of Accession of Austria, Finland and Sweden.

91/685/EEC – Art. 1 (6)

The examination referred to in (i) and (ii) shall not take place before 30 days have elapsed after the completion of preliminary cleaning and disinfection measures on the infected holding.

6. The following measures shall be applied in the surveillance zone:

(a) a census shall be taken of all pig holdings;

(b) the movement and transport of pigs on public or private roads, excluding the service roads of holdings, shall be prohibited, unless approved by the competent authority. This prohibition shall not apply to the transit of pigs by road or rail, without unloading or stopping;

(c) trucks and other vehicles and equipment which are used to transport pigs or other livestock or material which may be contaminated (e.g. feedingstuff, manure, slurry, etc.) and which are used within the surveillance zone, shall not leave the zone without having been cleaned or disinfected in accordance with the procedures laid down by the competent authority;

(d) no other species of animal may enter or leave a holding during the first seven days after establishment of the zone without the authorization of the competent authority;

(e) all dead or diseased pigs on a holding shall be reported to the competent authority, which shall carry out any investigations necessary to establish the presence of classical swine fever;

(f) pigs may not be removed from a holding on which they are kept for seven days after the completion of the preliminary cleaning and disinfection of the infected holding provided for in Article 12; after seven days authorization may be given to remove pigs from the said holding:

(i) directly to a slaughterhouse, designated by the competent authority, preferably within the protection or surveillance zone, provided that:

— an inspection of all the pigs on the holding has been carried out,

— a clinical examination of the pigs to be moved for slaughter, including the taking of the body temperature of a proportion thereof, has been carried out,

— each pig has been marked by ear marking,

— the pigs are transported in vehicles which are sealed by the competent authority.

91/685/EEC – Art. 1 (6)

The competent authority responsible for the slaughterhouse shall be informed of the intention to send pigs to it.

On arrival at the slaughterhouse these pigs shall be kept and slaughtered separately from other pigs.

During *ante* and *post-mortem* inspection carried out at the designated slaughterhouse, the competent authority shall take into account any signs relating to the presence of the classical swine fever virus;

(ii) under exceptional circumstances, directly to other premises located within the protection zone, provided that:

— an inspection of all the pigs on the holding has been carried out,

— a clinical examination of the pigs to be moved, including the taking of the body temperature of a proportion thereof, has been carried out,

— each pig has been marked by ear marking.

Trucks and other vehicles and equipment used for the transport of these pigs must be cleaned and disinfected after each transport operation;

(g) fresh meat derived from the pigs referred to in point (f) shall be marked in accordance with the Annex to Directive 72/461/EEC and subsequently treated in accordance with the rules laid down in Article 4 (1) of Directive 80/215/EEC. This shall be done at an establishment designated by the competent authority.

The meat shall be sent to the said establishment on condition that the consignment is sealed before departure and remains sealed throughout the transport.

However, at the request of a Member State, accompanied by appropriate justification and in accordance with the procedure laid down in Article 21 (2), specific solutions may be adopted, in particular with respect to the marking of meat and its subsequent use, and the destination of the processed products.

7. The measures in the surveillance zone shall continue to be applied at least until:

(a) all measures laid down in Article 12 have been carried out;

(b) the pigs on all holdings have undergone a clinical examination and have been found to have no signs of disease suggesting classical swine fever;

91/685/EEC – Art. 1 (6)

(c) a serological examination has been carried out by representative sampling of the holdings, to be determined in accordance with the procedure laid down in Article 21 (2) and such sampling has failed to reveal any antibodies to the classical swine fever virus.

The examinations referred to in (b) and (c) may not take place before 15 days have elapsed after completion of preliminary cleaning and disinfection measures on the infected holding.

8. By derogation from paragraphs 4 (f) and 6 (f), the competent authority may authorize that pigs be moved from the holding to be transported to a rendering plant for rendering or to a place where the pigs are slaughtered in order to be burned or buried. These animals shall be tested at random for the presence of the classical swine fever virus. The criteria laid down in Annex IV with regard to the collection of blood samples shall be taken into account during such random testing.

All necessary precautions shall be taken to avoid the risk of spreading the virus during such transport, in particular by cleaning and disinfecting the truck after the transport.

9. Where the prohibitions provided for in paragraphs 4 (f) and 6 (f) are maintained beyond 30 days because of an outbreak of further cases of the disease and as a result problems arise in keeping the pigs, the competent authority may, following a reasoned application by the owner, authorize removal of pigs from a holding within the protection or surveillance zone, as the case may be, provided that:

(a) the official veterinarian has verified the facts;

(b) an inspection of all pigs on the holding has been carried out;

(c) a clinical examination of the pigs to be moved, including the taking of the body temperature of a proportion thereof, has been carried out;

(d) each pig has been marked by ear marking;

(e) the holding of destination is located in the protection zone or within the surveillance zone.

All necessary precautions shall be taken to avoid the risk of spreading the virus during such transport, in particular by cleaning and disinfecting the truck after the transport.

10. The competent authority shall take all necessary measures, including the use of prominent signs and warning notices and use of media resources, such as the press and television, to ensure that all persons in the protection and surveillance zones are fully aware of the restrictions in force, and shall take such measures as they consider appropriate to ensure the adequate enforcement of these measures.

Article 12

Article 10

Member States shall ensure that:

91/685/EEC – Art. 1 (7)

(a) the disinfectants to be used and their concentrations are officially approved by the competent authority;

(b) the cleaning and disinfection operations are carried out under official supervision in accordance with:

(i) the instructions given by the official veterinarian, and

(ii) the procedure for cleaning and disinfecting an infected holding as laid down in Annex V.

Article 13

Article 10a

Should classical swine fever be confirmed in a slaughterhouse, the competent authority shall ensure that:

91/685/EEC – Art. 1 (8)

(a) all pigs in the slaughterhouse are slaughtered without delay;

(b) the carcases and offal of infected and contaminated pigs are destroyed under official supervision in such a way as to avoid the risk of classical swine fever virus spreading;

(c) cleaning and disinfection of buildings and equipment, including vehicles, take place under the supervision of the official veterinarian in accordance with instructions laid down by the competent authority;

(d) an epidemiological enquiry is carried out in accordance with Article 8;

(e) no pigs are reintroduced for slaughter until at least 24 hours after completion of the cleaning and disinfection operations carried out in accordance with point (c).

Article 14

Article 11

1. Member States shall ensure that:

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— sampling and laboratory testing to detect the presence of classical swine fever are carried out in accordance with Annex I. The provisions of Annex I may be supplemented or amended in accordance with the procedure laid down in Article 21 (2),

— a national laboratory is responsible for coordinating standards and methods of diagnosis in each Member State in accordance with the provisions of Annex II.

2. The national laboratories referred to in the second indent of paragraph 1 shall liaise with the Community reference laboratory as mentioned in Annex VI. Without prejudice to the provisions of Decision 90/424/EEC, and in particular Article 28 thereof, the powers and duties of the laboratory shall be those appearing in the said Annex.

93/384/EEC – Art. 1 (1)

Article 15

Article 12

1. Without prejudice to existing Community provisions in this field, Member States shall inform the Commission and the other Member States about the epizootiology and development of the disease in accordance with Annex III.

80/217/EEC

2. The provisions of Annex III may be supplemented or amended in accordance with the procedure laid down in Article 21 (2).

Article 16

Article 13

Member States shall ensure that:

— when pigs are moved out of the holding on which they are kept, they are marked such that the holding from which they come or their holding of origin, and the animals' movements, may be readily identified; the competent authority may, however, in the case of certain categories of pig and in certain circumstances, having regard to the health situation, authorize other ways of rapidly identifying the holding from which they come, or their holding of origin, and the animals' movements. The arrangements for marking the animals or for identifying the holdings shall be determined by the competent authorities,

— all persons engaged in the transport or marketing of pigs are able to supply the competent authority with information concerning the movements of pigs which they have transported or marketed, and to furnish proof of such movements; the same obligation shall be incumbent on all persons keeping pigs in respect of the pigs entering or leaving their holding.

Article 17

Article 14

1. Member States shall ensure that:

91/685/EEC – Art. 1 (9)

(a) the use of classical swine fever vaccines is prohibited;

(b) the manipulation of classical swine fever virus for research, diagnosis or manufacture of vaccines shall be carried out only in approved establishments and laboratories;

(c) the storage, supply, distribution and sale of classical swine fever vaccines in the territory of the Community are carried out under official control.

91/685/EEC – Art. 1 (9)

2. Notwithstanding paragraph 1 concerning the use of classical swine fever vaccine, it may be decided, when classical swine fever has been confirmed and threatens to spread, that emergency vaccination may be introduced. In this case, the Member State concerned shall submit to the Commission an emergency vaccination plan which shall include information on:

(a) the disease situation which has resulted in the request for emergency vaccination;

(b) the extent of the geographical area in which emergency vaccination is to be carried out;

(c) the categories of pigs and the approximate number of pigs to be vaccinated;

(d) the vaccine to be used;

(e) the duration of the vaccination campaign;

(f) the identification and registration of the vaccinated animals;

(g) measures for the movement of pigs and their products;

(h) other matters appropriate to the emergency situation.

The Commission shall immediately examine the plan in collaboration with the Member State concerned. In accordance with the procedure laid down in Article 21 (2), the emergency vaccination plan may be approved or amendments and additions may be requested before approval is given, especially where marking is concerned.

3. Any Member State which carries out emergency vaccination shall ensure that:

— no live pigs leave the vaccination area except for immediate slaughter in a slaughterhouse designated by the competent authority and situated within the vaccination area or close to that area;

— all fresh pig meat produced from pigs vaccinated during the emergency vaccination bears the stamp provided for in Article 5a of Directive 72/461/EEC; and is stored and transported separately from meat not bearing the said stamp.

4. Paragraph 3 shall apply during the emergency vaccination period and for a minimum of six months following completion of the vaccination operations in the affected area.

In accordance with the procedure laid down in Article 21 (2) and before the end of the said six-month period, measures shall be taken to ban:

(a) sero-positive pigs from leaving the holding where they are kept, except for immediate slaughter;

(b) piglets of sero-positive sows from leaving their holding of origin unless being transported to:

— a slaughterhouse for immediate slaughter,

— a holding designated by the competent authority, from which they are to be sent directly to the slaughterhouse,

— a holding after obtaining a negative result from a serological test for antibodies against the classical swine fever virus.

5. If necessary, the Commission shall adopt rules relating to the production, packaging, distribution and state of the stocks of classical swine fever vaccines in the Community.

91/685/EEC – Art. 1 (9)

Article 18

Article 14a

Veterinary experts from the Commission may, in collaboration with the authorities of the Member State concerned and, in so far as is necessary to ensure uniform application of this Directive, make on-the-spot checks; the Commission shall inform the Member States of the results of such checks.

A Member State in whose territory a check is being carried out shall give all necessary assistance to the experts in carrying out their duties.

The general provisions for implementing this Article shall be determined in accordance with the procedure laid down in Article 21 (2).

91/685/EEC – Art. 1 (10)

Article 19

Article 14b

1. Each Member State shall draw up a contingency plan specifying the national measures to be implemented in the event of an outbreak of classical swine fever.

This plan should allow access to facilities, equipment, personnel and all other appropriate materials necessary for the rapid and efficient eradication of the outbreak. It must give a precise indication of the vaccine requirements which each Member State concerned considers it needs in the event of emergency vaccination.

2. The criteria to be applied *mutatis mutandis* for drawing up the contingency plan shall be those laid down in Commission Decision 91/42/EEC of 8 January 1991 laying down the criteria to be applied when drawing up contingency plans for the control of foot and mouth disease in application of Article 5 of Council Decision 90/423/EEC [1].

The Commission may, in accordance with Article 21 (2), amend or supplement those criteria taking into account the specific nature of classical swine fever.

91/685/EEC – Art. 1 (11)

[1] OJ No L 23, 29. 1. 1991, p. 29.

3. Plans drawn up in accordance with the criteria provided for in paragraph 2 shall be submitted to the Commission not later than 1 January 1993.

91/685/EEC – Art. 1 (11)

4. The Commission shall examine the plans in order to determine whether they permit the desired objective to be attained and shall suggest to the Member State concerned any amendments required, in particular to ensure that they are compatible with those of the other Member States.

The Commission shall approve the plans, if necessary as amended, in accordance with the procedure laid down in Article 21 (2).

The plans may subsequently be amended or supplemented, in accordance with the same procedure, to take into account developments in the situation.

Article 20

Article 20

Member States shall ensure that:

80/217/EEC

1. the use of swill originating from means of international transport, such as ships, land vehicles or aircraft, is prohibited for the feeding of pigs and that such swill is collected and destroyed under official supervision;

2. swill for the feeding of pigs must be heat-treated so as to ensure the destruction of classical swine fever virus. Swill so treated may be used for feeding to fattening pigs only and pigs fattened on a holding using such swill may leave the holding only to go for slaughter.

   However, the competent authority may allow the feeding of other categories of pigs with swill provided that the pigs kept on the holding cannot leave except to go for slaughter;

3. the collection, transport and treatment of swill intended for feeding to pigs are subject to official authorization.

   Swill must be transported in vehicles or containers so designed that it cannot leak or fall out of the vehicle during transport.

   Each time after use, the vehicles or containers used for the transport of swill must be cleaned and disinfected according to the instructions of the competent authority;

4. the authorization referred to in point 3 for the treatment of swill is granted subject to the following conditions:

   — the holding must have completely separate facilities for treated and untreated swill,

   — the premises for storage of untreated swill and the premises where treatment takes place must be easy to clean and disinfect;

5. swill collected in accordance with point 3 may be used only on the holding where it has been heat- treated.

   Member States may authorize the treatment of swill in specialized establishments equipped for the purpose, on which there are no animals and which are under official control. In this case, by way of derogation from point 2, the swill may, after heat-treatment, also be used for the feeding of pigs other than fattening pigs, provided that its distribution and use are controlled so as to avoid any risk of the classical swine fever virus spreading;

6. the authorization referred to in point 3 is not required in the case of small holdings using their own swill for feeding to their own pigs, provided that such swill is heat-treated in a manner such as to ensure the destruction of classical swine fever virus.

80/217/EEC

Article 21

Article 16

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

87/373/EEC

If, on the expiry of a period to be laid down in each act to be adopted by the Council under this paragraph but which may in no case exceed three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the said measures by a simple majority.

Article 22

1. The Directives listed in Annex VII Part A, are hereby repealed without prejudice to the obligations of the Member States concerning the deadlines for transposition of the said Directives set out in Annex VII Part B.

2. References to the repealed Directives shall be construed as references to this Directive and should be read in accordance with the correlation table in Annex VIII.

Article 23

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

Article 24

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,

The President

ANNEX I

DIAGNOSTIC PROCEDURES FOR THE CONFIRMATION OF DIFFERENTIAL DIAGNOSIS OF CLASSICAL SWINE FEVER

Notwithstanding the period required for antibodies to develop, the following guidelines, standards and minimum criteria are laid down for the diagnostic procedures of classical swine fever (CSF).

A. COLLECTION OF MATERIALS FOR DIAGNOSIS

1. For virus isolation and antigen detection, tonsil and spleen tissues are considered essential. Preferably at least two other lymphatic tissues should be collected, such as the retropharyngeal, partoid, mandibular or mesenteric lymph nodes together with ileum or kidney. Each sample of the tissue should be placed in a separate sealed plastic bag and labelled. The samples should be transported and stored in leak-proof containers. They should not be frozen but kept cool at refrigerator temperature and tested without delay.

2. Blood samples for virus isolation from leucocytes should be collected from pigs showing signs of fever or other signs of disease. EDTA or heparin should be used as anticoagulants. The samples must be kept cool at refrigerator temperature and submitted to laboratory testing without delay.

3. Blood samples for the detection of antibody as an aid to diagnosis of clinical outbreaks and for the purposes of surveillance should be taken from animals which have recovered from suspect infection and from pigs known to have been in contact with infected or suspect cases. In such suspect holdings, all of the first 20 suspect or in-contact animals, and 25 % of any additional animals, should be sampled. In order to ensure a high probability of detection of antibody, samples should be collected from each unit of the holding at this level.

B. THE LABORATORY DIAGNOSIS OF CLASSICAL SWINE FEVER

The principal basis for the laboratory diagnosis of CSF shall be the demonstration of viral antigen, virus or antibodies in organs or tissue fluids.

In the case of inconclusive results, the tests shall be repeated on the same samples. Additional samples should be collected from the same source if clinical suspicion continues.

Serological tests for the detection of antibodies may be used as an adjunct to diagnosis in cases of suspect CSF. If the demonstration of viral antigen or virus isolation has not been successful on material derived from animals giving rise to suspicion of CSF or with material from holdings which have had contact with cases of CSF, tests for the detection of antibody shall be applied to blood samples from animals which are no longer suspect and from those suspected of having been in contact with the disease.

1. **Demonstration of viral antigen**

   For the demonstration of viral antigen in organ tissues, a direct immune labelling system should be used on thin cryostat sections (up to five microns) of tonsils and tissues of other organs as specified in A (1). The diagnostic reagent must be a pestvirus-specific polyclonal antiserum to CSF virus, labelled with a fluorochrome, enzyme or biotin, according to the following criteria:

   (a) hyperimmune serum shall be prepared from pigs which are free from infections or the serum of which is free from any antibody which could affect the specificity or quality of the reactions;

   (b) labelled immunoglobulin prepared from CSF hyperimmune pig serum as specified under (a) shall have a minimum working titre of 1/20 as determined in CSF virus infected cell cultures and confirmed by check tests on tissue sections. The working dilution of the conjugate shall combine a maximum of signal with a minimum of background staining.

   Any sample showing specific cytoplasmic reaction shall be considered positive for pestivirus. In such cases, further tests must be carried out as described in B (3).

2. **Virus isolation and identification in cell cultures**

   (a) Virus isolation from tissue samples is performed on susceptible cell cultures of PK15 or other equally susceptible cell lines. Organ suspension from a suspected animal should be inoculated at a dilution of 1/10.

   (b) Virus isolation from blood samples, collected and handled as indicated in paragraph A (2), is performed by the inoculation of cell cultures with buffy coat suspension reconstituted to the original blood volume.

91/685/EEC – Art. 1 (12)

(c) For detection of viral antigen in the cytoplasm of inoculates, such cell cultures shall be treated with labelled polyclonal antiserum. The staining should be applied at intervals from 24 to 72 hours from the time of inoculation.

(d) Positive cultures should be subject to differential diagnostic tests as specified in B (3). Negative results after the first cell culture passage may require second or even more passages in order to isolate the virus.

3. **Monoclonal antibody typing of pestivirus isolates**

(a) Duplicates of tissue cryostat sections or cell cultures which gave positive reactions with polyclonal antiserum as described in B (1) and (2) shall be further examined by labelled monoclonal antibodies to distinguish the CSF virus from the bovine virus diarrhoea (BVD) or border disease (BD) viruses.

(b) Only monoclonals which have been officially recommended by the Community Reference Laboratory for Classical Swine Fever should be used.

(c) The monoclonals should be grouped into four panels according to the following criteria:

Panel number	Reactivity
1	All pestiviruses
2	All CSF viruses
3	CSF vaccine strains
4	All BVD/BD

Each panel may be represented by either a single monoclonal or a mixture of the competent monoclonal antibodies, provided that the spectrum of reactivity corresponds to that given above.

(d) The interpretation of the reaction patterns is summarized as follows:

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Panel				Interpretation
1	2	3	4	
+	+	–	–	CSF confirmed
+	+	+	–	CSF vaccine strain
+	–	–	+	BVD/BD virus
+	–	–	–	Virus unclassified, further tests required
+	+	–	+	
+	+	+	+	
–	–	–	–	

C. DETECTION OF ANTIBODIES TO CLASSICAL SWINE FEVER VIRUS

The detection of CSF virus antibodies in blood samples is carried out to assist in the diagnosis of swine fever in holdings containing pigs showing clinical signs of the disease or in pigs believed to have had contact with infected pigs. It may also be carried out for the purpose of surveillance or for surveys in herds of unknown status.

For these purposes, blood samples should be subjected to an approved test.

The following tests are approved for use and must be carried out with the inclusion of positive and negative serum controls.

The virus strains to be used for serological tests should be agreed at a meeting of the National Swine Fever Laboratories (NSFL), and issued as required by the Community Reference Laboratory for Classical Swine Fever to the NSFL, upon request.

All test procedures used must be shown to give satisfactory results with CSF reference sera supplied by the Community Reference Laboratory for Classical Swine Fever.

1. The virus-neutralization test

This test is based on the determination of the neutralizing 50 % endpoint. Cultures are inoculated with mixtures of diluted serum and a constant amount of virus after a specified incubation period at 37° C. The results are based on the absence of any viral replication detectable by an immune labelling system. Either neutralization-immunofluorescence (NIF) or the neutralizing peroxidase-linked antibody (NPL) assays must be used. Detailed protocols will be supplied by the EC Reference Laboratory for CSF as required.

For screening purposes, the sera are initially diluted 1/10. When a full titration is necessary two-fold dilutions of serum starting at 1/10 are prepared. Each dilution is mixed with an equal volume of virus suspension containing 100 ($\pm$ 0,5 $\log_{10}$) infectious doses (TCID 50). At least two cultures are used for each dilution. After an appropriate incubation period the cell cultures are fixed and viral antigen is detected by an immune labelling system. The results are expressed as the reciprocal of the initial serum dilution at which half the inoculated cell cultures fail to show any specific labelling. A point between two dilution levels is estimated.

2. **The enzyme-linked immunosorbent assay (Elisa)**

Competitive, blocking and indirect techniques may be used on any suitable support.

It is recommended that the tests used should minimize cross-reactions with BVDV and other pestiviruses. However, the test system must ensure identification of all CSF infections, and at all stages of the immune response to infection.

Antigen

The antigen should be derived from or correspond to viral proteins of one of the recommended CSF virus strains. Cells used to prepare antigen should be free of any other pestivirus infection.

Antisera

Polyclonal antisera for competitive or blocking assays should be raised in pigs or rabbits by infection with one of the recommended CSF virus strains or with the lapinized C strain. Monoclonal antibodies should be directed against or correspond to an immunodominant viral protein of CSF virus. Indirect assay should use an anti-porcine immunoglobulin reagent which detects both IgG and IgM.

The sensitivity of the Elisa should be high enough to score positive any serum reacting in the neutralization test and also reference positive sera as issued by the Community Reference Laboratory for CSF.

The Elisa procedure may be used only with serum or plasma samples derived from individual pigs.

If the Elisa procedure used is not CSF-specific, positive samples should be further examined by differential tests, as specified in section E.

91/685/EEC – Art. 1 (12)

D. EVALUATION OF THE RESULTS OF LABORATORY TESTING

1. The demonstration of CSF virus antigen in organ tissues or cell cultures after virus isolation from tissue samples following the techniques defined in B (1), (2) and (3) shall form the basis of confirmation of the presence of the disease, except in the case of a reaction demonstrated to be due to vaccinal virus specified according to B (3). The demonstration of BVD/BD antigen according to B (3) shall rule out suspicion of CSF provided that there are no other grounds for such suspicion.

   Following unusual or unexpected results of monoclonal typing according to B (3), pestivirus isolates shall be considered unclassified and the herd of origin regarded as suspect pending further testing. This may include submission of the virus to a reference laboratory for characterization and serological investigations on the herd of origin.

2. Following the detection of antibody reactive with CSF virus, the herd of origin shall be regarded as suspect.

   (a) In order to rule out the suspicion of CSF raised by the detection of antibody, the test described in Section E shall be used to distinguish between CSF-reactive antibody which may have been induced by other pestiviruses and such antibody due to CSF virus itself. All original samples shall be retested by the differential test.

   (b) If suspicion cannot be ruled out on the first differential test, a further test shall be carried out at least 30 days later to follow up the possible spread of infection. All of the first 20 animals on the suspect holding shall be sampled, and 25 % of any additional animals.

3. **Interpretation of serological results**

A virus neutralization titre of ≥ 1/10 in any pig, together with clinical or epizootiological evidence giving rise to suspicion of disease, shall constitute a positive diagnosis. A titre of ≥ 1/10 in any pig without clinical or epizootiological evidence gives rise to suspicion of disease and should be followed by differential diagnostic procedures.

The same criteria should be applied for any pig giving a positive Elisa result.

E. SEROLOGICAL PROCEDURES FOR THE DIFFERENTIAL DIAGNOSIS BETWEEN CLASSICAL SWINE FEVER AND OTHER PESTIVIRUSES

1. Tests for the differential diagnosis of CSF and other pestivirus infections are based on parallel testing of the sera with both CSF and BVD/BD virus strains, using fully comparable methods.

The CSF and BVD/BD virus strains for use should have been officially approved (see section C). To rule out the suspicion of CSF raised by the detection of antibody, blood samples should be examined by comparative end-point titrations for neutralizing antibody against CSF virus and BVD/BD virus.

In blocking Elisa, a comparison of percentage blocking with CSF and BVD/BD antigens may be used.

2. The results of the comparative serological tests using reference strains of CSF and other pestiviruses shall be interpreted as follows:

(a) if the comparative tests show that more than one pig has antibody to CSF virus with no antibody to other pestiviruses, the test result is considered positive for CSF;

(b) if the comparative tests show that the titres to CSF virus are equal to or higher than the titres to other pestiviruses in more than one of the pigs, there shall be suspicion of CSF and differentiation shall proceed as follows:

91/685/EEC – Art. 1 (12)

— those pigs which show neutralizing titres against CSF virus which are higher than or equal to the titres against other pestiviruses shall be slaughtered. Their tissues and, if pregnant, their foetuses, shall be subjected to examination for CSF antigen or virus, following the procedure defined in B (1), (2) or (3),

— if CSF virus antigen or virus is detected, CSF shall be confirmed,

— if the examination defined in the second indent fails to reveal the presence of CSF antigen or virus, the holding shall be considered as suspect until a further set of blood samples collected at least 30 days later has been subjected to further comparative tests,

— if these subsequent comparative tests show all animals to have significantly (four-fold or greater) higher titres against BVD/BD virus than against CSF virus, suspicion shall be ruled out,

— if one or more animals show a titre against CSF virus which is equal to, or higher than, its titre to BVD/BD virus, the result shall be considered positive for CSF;

(c) if the BVD/BD titres are such as not to exclude the possibility of CSF, the holding shall be considered as suspect and be re-tested after at least 30 days.

F. THE DIFFERENTIAL DIAGNOSIS OF AFRICA SWINE FEVER (ASF)

ASF cannot be differentiated from classical swine fever by either clinical or post-mortem examinations and both of these diseases should be considered in the differential diagnosis of any acute febrile haemorrhagic syndrome of pigs.

Laboratory tests are essential to distinguish between the two diseases. A positive diagnosis in an ASF-free country should be based on the isolation and identification of ASF virus.

The principal basis for the laboratory diagnosis of ASF shall be the demonstration of virus, viral antigen or antibodies in organs and tissue fluids.

In the case of inconclusive or negative results of at least two tests on samples from animals giving rise to suspicion of ASF or with material from holdings which had contracts with cases of ASF, additional material should be collected in the same holding and from animals which have been in contact with the disease.

1. **Demonstration of viral antigen**

   For the demonstration of viral antigen, the direct immunofluorescence technique or other suitable techniques shall be applied to thin cryostat sections of organ tissues or smears, or on sediments from leucocyte cultures. The procedures used are similar to those described for CSF, except that ASF-specific reagents are used.

2. **Virus isolation and identification**

   (a) *Haemadsorption (HAD) test*

   The HAD test is carried out by inoculating either 10 % tissue suspensions or blood collected in the field from suspect pigs into primary pig leucocyte cultures or by preparing leucocyte cultures from the blood of febrile pigs inoculated at the laboratory or collected in the field. Haemadsorption consists of the attachment of large numbers of pig erythrocytes to the surface of infected cells and confirm ASF diagnosis.

   (b) *Pig inoculation*

   A pool is made with aliquote for each 10 % tissue suspension and 2 ml inoculated intramuscularly into each of four pigs: two of these should be vaccinated against CSF and two unvaccinated. Pigs should be examined daily for increase of rectal temperature and onset of clinical signs for 21 days. If fever develops, blood samples should be collected for preparation of leucocyte cultures for the HAD test (autorosette and inoculation of primary pig leucocyte cultures). If no clinical signs develop, blood should be taken for detection of antibodies after the 21 day observation period.

G. DETECTION OF ANTIBODIES INDUCED BY ASF-VIRUS IN BLOOD SAMPLES AND TISSUE FLUIDS

91/685/EEC – Art. 1 (12)

The detection of antibodies in samples of serum or tissue fluid is carried out to assist in the diagnosis of ASF in holdings containing pigs showing clinical signs suspicious of disease or in pigs believed to have had contact with ASF-infected pigs. It may also be carried out for the purpose of surveillance or for surveys in herds of unknown status.

For these purposes, samples should be subjected to an approved test.

The following are approved for use and must be carried out with the inclusion of appropriate positive and negative serum controls.

(a) Indirect immunofluorescence (IIF) test;

(b) Elisa.

ANNEX II

80/217/EEC

The national classical swine fever laboratories are as follows:

Denmark:	Statens veterinære Institut for Virusforskning, Lindholm;
Italy:	Istituto zooprofilattico sperimentale dell'Umbria e delle Marche, Perugia;
Great Britain:	Central Veterinary Laboratory, Weybridge, Surrey, England;
Northern Ireland:	Veterinary Research Laboratory, Stormont, Belfast;
Belgium:	Institut national de recherches vétérinaires, Groeselenberg 99, B-1180 Bruxelles;
France:	Laboratoire central de Recherches vétérinaires d'Alfort, rue Pierre Curie 22, 94700 Maisons Alfort;
Luxembourg:	Laboratoire bactériologique de médecine vétérinaire de l'État, avenue Gaston Diderich 54, Luxembourg;
Ireland:	Veterinary Research Laboratory, Abbotstown, Castleknock, Co. Dublin;
Germany:	Bundesforschungsanstalt für Viruskrankheiten der Tiere, Tübingen;
Netherlands:	Central Veterinary Institute, Lelystad.
Greece:	Κτηνιατρικόν Ινστιτούτον Λοιμωδών και Παρασιτικών Νοσημάτων (Εργαστήριον ιολογίας) Νεαπόλεως, 9 Αγία Παρασκευή, Αττικής;
Spain:	Laboratorio de Sanidad y Producción Animal de Barcelona;
Portugal:	Laboratório Nacional de Investigação Veterinária — Lisboa.
Austria:	Bundesanstalt für Virusseuchenbekämpfung bei Haustieren, Wien-Hetzendorf
Finland:	Statens Veterinære Institut for Virusforskning, Lindholm, Denmark
Sweden:	Statens veterinärmedicinska anstalt, Uppsala

80/1274/EEC – Art. 2

85/586/EEC – Art. 5

Act of Accession AT, FI, SE

The national classical swine fever laboratory in each Member State shall be responsible for coordinating the standards and diagnostic methods laid down in each classical swine fever diagnostic laboratory within the Member State. To this end:

80/217/EEC

(a) they may provide diagnostic reagents to individual laboratories;

(b) they shall control the quality of all diagnostic reagents used in that Member State;

(c) they shall arrange comparative tests periodically;

(d) they shall hold isolates of classical swine fever virus from cases confirmed in that Member State.

80/217/EEC

ANNEX III

Epizootiological information

1. Within 24 hours of notification of the first outbreak of classical swine fever, the Member State concerned must forward the following information to the Commission and the other Member States:

   — the date on which classical swine fever was suspected,

   — the date on which classical swine fever was confirmed and the methods used for confirmation,

   — the location of the infected holding and its distance from the nearest pig farms,

   — the number of pigs of each category on the holding,

   — for each category, the number of pigs in which classical swine fever has been confirmed and the morbidity of the disease.

2. The information specified in paragraph 1 shall be followed as soon as possible by a report stating the following:

   — the date on which the pigs on the holding were slaughtered and destroyed,

   — where the derogation provided for in Article 6 has been applied, the number of pigs slaughtered and destroyed and the number of pigs which are to be slaughtered at a later date and the time limit laid down for their slaughter,

   — any information relating to the possible origin of the disease or the origin of the disease if this has been ascertained.

3. The Member State concerned shall forward the information specified in paragraph 1 to the Commission and the other Member States within the time limit laid down in that paragraph in respect of each subsequent outbreak of classical swine fever on other holdings, until the number of infected holdings and the dispersion of the disease show it to be extensive.

ANNEX IV

SEROLOGICAL SCREENING OF PIGS IN THE PROTECTION ZONE FOR DETECTION OF ANTIBODIES AGAINST CLASSICAL SWINE FEVER VIRUS

The programme for serological screening shall take into account the transmission of classical swine fever and the way pigs are kept, e.g. a reference to whether pigs are kept in groups or not.

1. **Serological screening of pigs kept in a group**

   A group is two or more pigs kept in direct contact.

   Sampling of groups

   — If 20 or fewer than 20 pigs in a group: — two pigs. Where the group consists of a sow with piglet, only the sow shall be sampled,

   — if more than 20: — two pigs + 5 % of the remainder.

   All groups shall be sampled.

2. Serological screening of pigs kept individually; this includes pigs kept in close proximity to each other but having no direct contact, e.g. tethered sows.

   Sampling procedure

Number of pigs	Pigs to be tested
fewer than 20	all
20–100	20 + 20 % of the remainder
more than 100	20 + 10 % of the remainder (at least 36);

ANNEX V

91/685/EEC – Art. 1 (13)

PROCEDURE FOR CLEANING AND DISINFECTING AN INFECTED HOLDING

I. PRELIMINARY CLEANING AND DISINFECTION

(a) As soon as the carcases of the pigs have been removed for disposal, those parts of the premises in which the pigs were housed and any parts of other buildings, yards etc. contaminated during slaughter or *post-mortem* examination should be sprayed with disinfectants approved for use in accordance with Article 12.

(b) Any tissue or blood which may have been spilled during slaughter or *post-mortem* or gross contamination of buildings, yards, utensils etc. should be carefully collected and disposed of with the carcases.

(c) The used disinfectant shall remain on the surface for at least 24 hours.

II. FINAL CLEANING AND DISINFECTION

(a) Grease and dirt should be removed from all surfaces by the application of a degreasing agent and washed with cold water.

(b) After washing with cold water as described in (a), further spraying with disinfectant should be applied.

(c) After seven days the premises should be treated with a degreasing agent, rinsed with cold water, sprayed with disinfectant and rinsed again with cold water.

(d) Manure and used bedding should be stacked to heat, sprayed with disinfectant and left for 42 days. Slurry should normally be stored for 42 days after the last addition of infective material. This period may be extended if the slurry has been heavily contaminated.

ANNEX VI

93/384/EEC – Art. 1 (2)

COMMUNITY REFERENCE LABORATORY FOR CLASSICAL SWINE FEVER

Name of laboratory:

Institut für Virologie
der Tierärztlichen Hochschule Hannover,
Bischofsholer Damm 15,
D-3000 Hannover 1,
Germany.

The functions and duties of the Community reference laboratory for classical swine fever shall be:

1. To coordinate, in consultation with the Commission, the methods employed in the Member States for diagnosing classical swine fever, specifically by:

   (a) storing and supplying cell cultures for use in diagnosis;

   (b) typing, storing and supplying strains of classical swine fever virus for serological tests and the preparation of anti-sera;

   (c) supplying standardized sera, conjugate sera and other reference reagents to the national laboratories in order to standardize the tests and reagents employed in the Member States;

   (d) building up and holding a classical swine fever virus collection;

   (e) organizing periodic comparative tests of diagnostic procedures at Community level;

   (f) collecting and collating data and information on the methods of diagnosis used and the results of tests carried out;

   (g) characterizing isolates of the virus by the most up-to-date methods available to allow greater understanding of the epizootiology of classical swine fever;

   (h) keeping abreast of developments in classical swine fever surveillance, epizootiology and prevention throughout the world;

   (i) retaining expertise on the virus causing classical swine fever and other pertinent viruses to enable rapid differential diagnosis;

   (j) acquiring a thorough knowledge of the preparation and use of the products of veterinary immunology used to eradicate and control classical swine fever.

2. To make the necessary arrangements for training or re-training experts in laboratory diagnosis with a view to harmonizing diagnostic techniques.

3. To have trained personnel available for emergency situations occurring within the Community.

4. To perform research activities and whenever possible coordinate research activities directed towards an improved control of classical swine fever.

93/384/EEC – Art. 1 (2)

ANNEX VII

Part A

Repealed Directives
(referred to by Article 22)

Directive 80/217/EEC and its successive amendments	
Directive 80/1101/EEC	
Directive 80/1274/EEC	only Article 2
Directive 81/476/EEC	only concerning the references made in Articles 1 and 2 to the provisions of Directive 80/217/EEC
Directive 84/645/EEC	
Directive 85/586/EEC	only concerning the references made in Article 5 to the provisions of Directive 80/217/EEC
Directive 87/486/EEC	
Directive 91/685/EEC	
Directive 93/384/EEC	

Part B

Deadlines for transposition into national law
(referred to by Article 22)

Directive	*Deadline for transposition*
80/217/EEC (OJ No L 47, 21. 2. 1980, p. 11)	1 July 1981
80/1101/EEC (OJ No L 325, 1. 12. 1980, p. 17)	
80/1274/EEC (OJ No L 375, 31. 12. 1980, p. 75)	1 July 1981
81/476/EEC (OJ No L 186, 8. 7. 1981, p. 20)	
84/645/EEC (OJ No L 339, 27. 12. 1984, p. 33)	31 March 1985
85/586/EEC (OJ No L 372, 31. 12. 1985, p. 44)	1 January 1986
87/486/EEC (OJ No L 280, 3. 10. 1987, p. 21)	31 December 1987
91/685/EEC (OJ No L 377, 31. 12. 1991, p. 1)	1 July 1992
93/384/EEC (OJ No L 166, 8. 7. 1993, p. 34)	

ANNEX VIII

CORRELATION TABLE

Directive 80/217/EEC	This Directive
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 5
Article 6	Article 6
Article 6 a (1)	Article 7 (1)
Article 6 a (2)	Article 7 (2)
Article 6 a (2 a)	Article 7 (3)
Article 6 a (3)	Article 7 (4)
Article 6 a (4)	Article 7 (5)
Article 6 a (5)	Article 7 (6)
Article 7	Article 8
Article 7 a	Article 9
Article 8	Article 10
Article 9	Article 11
Article 10	Article 12
Article 10 a	Article 13
Article 11	Article 14
Article 12	Article 15
Article 13	Article 16
Article 14	Article 17
Article 14 a	Article 18
Article 14 b	Article 19
Article 15	Article 20
Article 16	Article 21
—	Article 22
—	Article 23
—	Article 24
ANNEX I	ANNEX I
ANNEX II	ANNEX II
ANNEX III	ANNEX III
ANNEX IV	ANNEX IV
ANNEX V	ANNEX V
ANNEX VI	ANNEX VI
—	ANNEX VII
—	ANNEX VIII

Proposal for a

COUNCIL DIRECTIVE

on the undesirable substances and products in animal nutrition

(consolidated version)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

   This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

   For this reason a consolidation of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. On 1 April 1987 the Commission therefore decided to instruct its staff that all legislative measures should be consolidated after no more than ten amendments, stressing that this was a minimum requirement and that departments should endeavour to consolidate at even shorter intervals the texts for which they were responsible, to ensure that the Community rules were clear and readily understandable.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this, stressing the importance of official codification as it offers certainty as to the law applicable to a given matter at a given time. It must be undertaken in full compliance with the normal Community legislative procedure. Given that no changes of substance may be made to the instruments affected by official codification, Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal[1] for consolidation of ***Council Directive 74/63/EEC of 17 December 1973 on the undesirable substances and products in animal nutrition*** is to undertake official codification of this type. The new directive will supersede the various directives incorporated in it;[2] their content is fully preserved, and they are brought together with only such formal amendments as are required by the codification exercise itself.

5. This consolidation proposal was drawn up on the basis of a preliminary consolidation, in all the official languages, of Directive 74/63/EEC and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of data-processing system referred to in the conclusions of the European Council meeting at Edinburgh. Although the articles have been given new numbers, the former number is printed alongside in each case for the reader's convenience; the correlation between the old and new numbers is shown in a table contained in Annex IV to the consolidated Directive.

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[1] Entered in the legislative programme for 1995.

[2] See part A of Annex III.

Proposal for a

COUNCIL DIRECTIVE

95/0299 (CNS)

of

on the undesirable substances in animal nutrition

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ([1]);

Having regard to the Opinion of the Economic and Social Committee ([2]);

1) Whereas Council Directive 74/63/EEC of 17 December 1973 on the undesirable substances in animal nutrition ([3]) has been frequently and substantially amended; whereas for reasons of clarity and rationality the said Directive should be consolidated;

2) Whereas livestock production occupies a very important place in the agriculture of the Community; whereas satisfactory results depend to a large extent on the use of appropriate good-quality feedingstuffs; — 1. — 74/63/EEC

3) Whereas the existence of rules concerning feedingstuffs is essential to an increase in agricultural productivity; — 2.

4) Whereas feedingstuffs often contain undesirable substances or products which can endanger animal health or, because of their presence in livestock products, human health; — 3.

5) Whereas it is impossible to exclude totally the presence of the substances and products in question; whereas it is important that their content in feedingstuffs should be reduced in order to prevent undesirable and harmful effects; whereas it is at present impossible to fix this content below the levels detectable by methods of analysis to be defined for the Community; — 4.

(1) OJ No C
(2) OJ No C
(3) OJ No L 38, 11. 2. 1974, p. 31; as last amended by the Act of Accession of Austria, Finland and Sweden.

6)	Whereas undesirable substances and products may be present in feedingstuffs only in accordance with the conditions laid down in this Directive and may not be used in any other way for the purposes of animal feeding; whereas this Directive should therefore apply without prejudice to other Community provisions on feedingstuffs, and particularly the rules applicable to compound feedingstuffs;	5. + 6.	93/74/EEC
7)	Whereas Member States should, however, retain the power to allow, under certain conditions, feedingstuffs having levels of undesirable substances and products higher than those provided for in Annexes I and II;	6.	74/63/EEC
8)	Whereas this Directive must apply to raw materials and feedingstuffs from the date of their introduction into the Community; whereas it should therefore be stipulated that the maximum levels of undesirable substances or products set apply in general from the date on which the raw materials and feedingstuffs are put into circulation, including all stages of marketing, and in particular from the date of their importation;	4.	92/88/EEC
9)	Whereas it is advisable to establish the principle that raw materials used in animal nutrition must be sound, genuine and of merchantable quality; whereas, therefore, it is necessary to prohibit the use or putting into circulation of raw materials which, because they contain too high a level of undesirable substances or products, result in the maximum levels for compound feedingstuffs laid down in Annex I being exceeded;	5.	
10)	Whereas it is proper to limit the presence of certain undesirable substances or products in complementary feedingstuffs by fixing appropriate maximum levels;	3.	86/299/EEC (adapted)
11)	Whereas Member States should retain the power, if animal or human health is endangered, to reduce temporarily the fixed maximum permissible levels or to fix maximum levels for other substances or products or to prohibit the presence of such substances or products in feedingstuffs; whereas in order that a Member State should not abuse that power, possible amendments to Annexes I and II based on supporting documents should be decided on by emergency Community procedure;	8. + 9.	74/63/EEC
12)	Whereas feedingstuffs satisfying the requirements of this Directive should not be subject, with regard to their level of undesirable substances and products, to restrictions on their entry into circulation other than those provided for in this Directive;	13.	
13)	Whereas, in order to ensure that the requirements laid down in respect of undesirable substances and products are satisfied during marketing of feedingstuffs, Member States must make appropriate control arrangements;	12.	

14)	Whereas, as part of the information system introduced by this Directive within the official control departments, Member States should also be informed by operators of cases where the provisions of this Directive are not complied with; whereas, in such cases, Member States are required to take all measures to enable the use in animal nutrition of undesirable substances and products to be excluded; whereas Member States are, where appropriate, obliged to ensure that consignments of raw materials or feedingstuffs are destroyed, if this has been decided by its owner;	7.	92/88/EEC
15)	Whereas an appropriate Community procedure is essential to adjust the technical provisions laid down in Annexes I and II, to developments in scientific and technical knowledge;	10.	74/63/EEC
16)	Whereas, in order to facilitate implementation of the proposed measures, a procedure should be laid down to establish close cooperation between Member States and the Commission within the Standing Committee for Feedingstuffs set up by Council Decision 70/372/EEC (1);	14.	
17)	Whereas this Directive should not affect the obligations of the Member States concerning the deadlines for transposition of the Directives set out in Annex III, part B,		

HAS ADOPTED THIS DIRECTIVE:

(1) OJ No L 170, 3. 8. 1970, p. 1.

Article 1

1. This Directive deals with undesirable substances and products in animal nutrition.	86/354/EEC – Art. 1 (2) (a)
2. This Directive shall apply without prejudice to the provisions on:	74/63/EEC
(a) additives in feedingstuffs;	
(b) the marketing of feedingstuffs;	
(c) the fixing of maximum permitted levels for pesticide residues on and in products intended for animal feeding, where these residues are not listed in Part B of Annex I;	91/132/EEC – Art. 1 (1)
(d) micro-organisms in feedingstuffs;	80/502/EEC – Art. 1 (1)
(e) certain products used in animal nutrition;	86/354/EEC – Art. 1 (2) (b)
(f) feedingstuffs for particular nutritional purposes.	93/74/EEC – Art. 11 (1)

Article 2

For the purposes of this Directive the following definitions shall apply:	74/63/EEC
(a) feedingstuffs: products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, used singly or in mixtures, whether or not containing additives, for oral animal feeding;	86/354/EEC – Art. 1 (3) (a)
(b) straight feedingstuffs: the various vegetable or animal products in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and various organic or inorganic substances, whether or not containing additives, intended as such for oral animal feeding;	
(c) complete feedingstuffs: mixtures of feedingstuffs which, by reason of their composition, are sufficient for a daily ration;	74/63/EEC
(d) complementary feedingstuffs: mixtures of feedingstuffs which have a high content of certain substances and which, by reason of their composition, are sufficient for a daily ration only if they are used in combination with other feedingstuffs;	
(e) compound feedingstuffs: mixtures of products of vegetable or animal origin in the natural state, fresh or preserved, and products derived from the industrial processing thereof, or of organic or inorganic substances, whether or not containing additives, for oral animal feeding in the form of complete feedingstuffs or complementary feedingstuffs;	86/354/EEC – Art. 1 (3) (a)

(f) raw materials (ingredients); various products of vegetable or animal origin, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, whether or not containing additives, which are intended to be entered for circulation as straight feedingstuffs or for the preparation of compound feedingstuffs or as carriers of premixtures.

86/354/EEC – Art. 1 (3) (b)

(g) daily ration: the average total quantity of feedingstuffs, calculated on a moisture content of 12 %, required daily by an animal of a given species, age category and yield, to satisfy all its needs;

74/63/EEC

(h) animals: animals belonging to species normally nourished and kept or consumed by man as well as animals living freely in the wild in cases where they are nourished with feedingstuffs;

92/88/EEC – Art. 1 (1)

(i) pet animals: animals belonging to species normally nourished and kept but not consumed by man, except animals bred for fur production;

80/502/EEC – Art. 1 (3)

Article 3

Article 2a

1. Member States shall prescribe that raw materials may only be put into circulation in the Community if they are sound, genuine and of merchantable quality.

92/88/EEC – Art. 1 (2)

2. In particular, and subject to the provisions in Part A of Annex II, raw materials cannot be considered as sound, genuine and of merchantable quality if the level of undesirable substances or products is so high as to make it impossible to respect the maximum levels fixed for compound feedingstuffs in Annex I.

Article 4

Article 3

1. Member States shall prescribe that the substances and products listed in Annex I shall be tolerated in feedingstuffs only under the conditions therein set out.

86/354/EEC – Art. 1 (4)

2. Member States may authorize the maximum permitted levels provided for in Annex I in respect of feedingstuffs to be exceeded in the case of fodder which is produced and used in the same state on the same agricultural holding, where this is necessary for particular local reasons. The Member States concerned shall ensure that neither animal nor human health can suffer harm thereby.

Article 5

Article 3a

1. Member States shall prescribe that the raw materials listed in Annex II (A) may be put into circulation only if their content of the undesirable substance or product mentioned in column 1 of the said Annex does not exceed the maximum level laid down in column 3 of that Annex.

86/354/EEC – Art. 1 (5)
92/88/EEC – Art. 1 (3)

2. Where the content of the undesirable substance or product listed in column 1 of Annex II (A) exceeds the level laid down in column 3 of Annex I in respect of straight feedingstuff, the raw material listed in column 2 of Annex II (A) may, without prejudice to paragraph 1, be put into circulation only if:

92/88/EEC – Art. 1 (3)

(a) it is intended for use by manufacturers of compound feedingstuffs entered on a national list as provided for in Article 13 (3) of Council Directive 95/. . /EC [concerning additives in feedingstuffs] (1),

[70/524/EEC]

and

(b) it is accompanied by a document stating:

— that the raw material is intended for manufacturers of compound feedingstuffs who fulfil the conditions laid down in paragraph (a),

— that the raw material may not be fed unprocessed to livestock,

— the amount of the undesirable substance or product contained in the raw material.

3. Member States shall prescribe that paragraph 2 (a) and (b) shall also apply to the raw materials and undesirable substances or products listed in Annex II (B) the maximum level of which is not restricted in Annex II (A), if the level of the undesirable substance or product present in the raw material exceeds that laid down in column 3 of Annex I for the corresponding straight feedingstuffs.

Article 6

Article 3b

Member States may restrict the application of Article 5 (2) (a) to those manufacturers of compound feedingstuffs who use the materials in question for the production and the putting into circulation of compound feedingstuffs.

Article 7

Article 3c

Member States shall prescribe that a consignment of a raw material detailed in Part A of Annex II with a content of an undesirable substance or product higher than the maximum level fixed in column 3 of the abovementioned Annex must not be mixed with other consignments of raw material or with consignments of feedingstuffs.

92/88/EEC – Art. 1 (4)

(1) OJ No L , , p.

Article 8

Article 4

Member States shall prescribe that in so far as there are no special provisions for complementary feedingstuffs, these may not — allowing for the dilutions prescribed for their use — contain levels of the substances and products listed in Annex I in excess of those fixed for complete feedingstuffs.

74/63/EEC

86/354/EEC – Art. 1 (6)

Article 9

Article 5

1. Where a Member State, as a result of new information or of a reassessment of existing information made since the provisions in question were adopted, has detailed grounds for establishing that a maximum content fixed in Annex I or II or a substance or product not listed therein constitutes a danger to animal or human health or the environment, that Member State may provisionally reduce that content, fix a maximum content or prohibit the presence of that substance or product in feedingstuffs or raw materials. It shall immediately inform the other Member States and the Commission thereof, giving reasons for its decision.

86/354/EEC – Art. 1 (7) (a)

2. In accordance with the procedure laid down in Article 14, an immediate decision shall be made as to whether the Annexes should be modified. So long as no decision has been made by either the Council or the Commission the Member State may maintain the measures it has implemented.

74/63/EEC
86/354/EEC – Art. 1 (7) (b)

Article 10

Article 6

In accordance with the procedure laid down in Article 13 and in the light of developments in scientific and technical knowledge:

86/354/EEC – Art. 1 (8)

(a) the amendments to be made to the Annexes shall be adopted;

(b) a consolidated version of the Annexes shall be drawn up periodically incorporating the successive amendments made pursuant to (a);

(c) criteria for the acceptability of raw materials which have undergone certain decontamination processes may be defined.

Article 11

Article 7

Member States shall ensure that feedingstuffs and raw materials which conform to this Directive are not subject to any other restrictions on their circulation as regards the presence of undesirable substances and products.

74/63/EEC – 86/354/EEC – Art. 1 (10)

92/88/EEC – Art. 1 (5)

Article 12

Article 8

1. Member States shall take all necessary measures to ensure that feedingstuffs and raw materials are officially controlled, at least by random sampling, to verify whether the conditions laid down in this Directive are satisfied.

86/354/EEC – Art. 1 (11) (a)

2. Member States shall inform the other Member States and the Commission of the name of the departments appointed to carry out this control.

74/63/EEC

3. Member States shall prescribe that where an operator (importer, producer, etc.) or a person who, by virtue of his professional activities, possesses, or has possessed, or has had direct contact with a consignment of raw materials or of feedingstuffs and has knowledge to the effect that:

92/88/EEC – Art. 1 (6) (a)

— the consignment of raw materials is unsuitable for any use in animal feedingstuffs because of contamination by an undesirable substance or product listed in Annexes I and II, and therefore does not meet the provisions of Article 3 (1) and consequently constitutes a serious risk for animal and public health;

— the consignment of feedingstuffs does not meet the provisions of Annex I, and therefore constitutes a serious risk for animal and public health;

such a person or operator shall immediately inform the official authorities even if the destruction of the consignment is envisaged.

After verifying the information received, Member States shall ensure that, in the case of a contaminated consignment, the measures necessary are taken to ensure that the consignment is not used in animal nutrition.

Member States shall ensure that the final destination of the contaminated consignment, including possible destruction, cannot have harmful effects on public or animal health or on the environment.

4. If a consignment of raw material or a consignment of feedingstuffs is likely to be sent to a Member State after it has been judged not to comply with the provisions of this Directive on account of an excessive content of undesirable substances or products in another Member State, the latter Member State shall immediately give the other Member States and the Commission any useful information concerning that consignment.

92/88/EEC – Art. 1 (6) (b)

Article 13

Article 9

1. Where the procedure laid down in this Article is to be followed, matters shall be referred without delay by the Chairman, either on his own initiative or at the request of a Member State, to the Standing Committee for Feedingstuffs, hereinafter called the 'Committee'.

74/63/EEC

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

Act of Accession, AT, FI, SE

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period to be laid down in each act to be adopted by the Council under this paragraph but which may in no case exceed three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the said measures by a simple majority.

87/373/EEC

Article 14

74/63/EEC

Article 10

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

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion within two days. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

Act of Accession, AT, FI, SE

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period to be laid down in each act to be adopted by the Council under this paragraph but which may in no case exceed 15 days from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the said measures by a simple majority.

74/63/EEC - Act of Accession, AT, FI, SE

Article 15

Article 11

1. The Member States shall apply at least the provisions of this Directive to feedingstuffs intended for export to third countries.

92/88/EEC – Art. 1 (7)

2. Paragraph 1 does not affect the right of Member States to allow the re-exportation to the exporting third country of consignments of feedingstuffs which do not fulfil the requirements of this Directive.

Article 16

1. The Directives listed in Annex III Part A, are hereby repealed, without prejudice to the obligations of the Member States concerning the deadlines for transposition of those Directives, as set out in Annex III Part B.

2. References to the repealed Directives shall be construed as references to this Directive and should be read in accordance with the correlation table in Annex IV.

Article 17

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

Article 18

This Directive is addressed to the Member States.

Done at Brussels,

For the Council

The President

ANNEX I

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) of feedingstuffs referred to a moisture content of 12 %	
(1)	(2)	(3)	
A. Substances (ions or elements)			74/63/EEC 86/354/EEC – Art. 1 (13) (a) 76/14/EEC – Art. 2 (1) 86/354/EEC – Art. 1 (13) (b)
1. Arsenic	Straight feedingstuffs with the exception of:	2	
	— meal made from grass, from dried lucerne and from dried clover and dried sugar beet pulp and dried molasses sugar beet pulp	4	76/14/EEC – Art. 2 (2)
	— phosphates and feedingstuffs obtained from the processing of fish or other marine animals	10	
	Complete feedingstuffs with the exception of:	2	94/16/EC – Art. 1
	complete feedingstuffs for fish	4	
	Complementary feedingstuffs with the exception of:	4	86/299/EEC – Art. 1
	— Mineral feedingstuffs	12	
2. Lead	Straight feedingstuffs with the exception of:	10	76/934/EEC – Art. 2
	— green fodder	40	
	— phosphates	30	
	— yeasts	5	
	Complete feedingstuffs	5	
	Complementary feedingstuffs with the exception of:	10	86/299/EEC – Art. 1
	— Mineral feedingstuffs	30	
3. Fluorine	Straight feedingstuffs with the exception of:	150	74/63/EEC
	— feedingstuffs of animal origin	500	
	— phosphates	2000	
	Complete feedingstuffs with the exception of:	150	
	— complete feedingstuffs for cattle, sheep and goats		
	— in milk	30	
	— other	50	
	— complete feedingstuffs for pigs	100	
	— complete feedingstuffs for poultry	350	

	— complete feedingstuffs for chicks	250	74/63/EEC
	Mineral mixtures for cattle, sheep and goats	2000 (1)	
	Other complementary feedingstuffs	125 (2)	86/299/EEC – Art. 1
4. Mercury	Straight feedingstuffs with the exception of:	0,1	83/381/EEC – Art. 1 (1)
	— feedingstuffs produced by the processing of fish or other marine animals	0,5	
	Complete feedingstuffs with the exception of:	0,1	
	— complete feedingstuffs for dogs and cats	0,4	
	Complementary feedingstuffs (with the exception of complementary feedingstuffs for dogs and cats)	0,2	86/299/EEC – Art. 1
5. Nitrites	Fish meal	60 (expressed as sodium nitrite)	76/934/EEC – Art. 2
	Complete feedingstuffs with the exception of:	15 (expressed as sodium nitrite)	
	— feedingstuffs intended for pets except birds and aquarium fish		
6. Cadmium	Straight feedingstuffs of vegetable origin	1	87/238/EEC – Art. 1
	Straight feedingstuffs of animal origin (with the exception of feedingstuffs for pets)	2	
	Phosphates	10 (3)	
	Complete feedingstuffs for cattle, sheep and goats (with the exception of complete feedingstuffs for calves, lambs and kids)	1	
	Other complete feedingstuffs (with the exception of feedingstuffs for pets)	0,5	
	Mineral feedingstuffs	5 (4)	
	Other complementary feedingstuffs for cattle, sheep and goats	0,5	

(1) Member States may also prescribe a maximum fluorine content equal to 1,25 % of the phosphorus content. — 74/63/EEC

(2) Fluorine content per percentage point phosphorus in the feedingstuff. — 86/299/EEC – Art. 1

(3) Member States may also prescribe a maximum cadmium content of 0,5 mg per 1 % of the phosphorus content. — 87/238/EEC – Art. 1

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

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) of feedingstuffs referred to a moisture content of 12 %	74/63/EEC 86/354/EEC – Art. 1 (13) (c)
(1)	(2)	(3)	86/354/EEC – Art. 1 (13) (b)
B. Products			
1. Aflatoxin B_1	Straight feedingstuffs with the exception of:	0,05	91/126/EEC – Art. 1
	— Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof	0,02	
	Complete feedingstuffs for cattle, sheep and goats (except dairy cattle, calves and lambs)	0,05	74/63/EEC
	Complete feedingstuffs for pigs and poultry (except young animals)	0,02	
	Other complete feedingstuffs	0,01	
	Complementary feedingstuffs for cattle, sheep and goats (with the exception of complementary feedingstuffs for dairy animals, calves and lambs)	0,05	86/299/EEC – Art. 1
	Complementary feedingstuffs for pigs and poultry (with the exception of young animals)	0,03	
	Other complementary feedingstuffs	0,005	91/126/EEC – Art. 1
2. Hydrocyanic acid	Straight feedingstuffs except:	50	74/63/EEC
	— linseed	250	
	— linseed cakes	350	
	— manioc products and almond cakes	100	
	Complete feedingstuffs except:	50	
	— complete feedingstuffs for chicks	10	
3. Free Gossypol	Straight feedingstuffs with the exception of:	20	
	— cotton-seed cakes	1200	
	Complete feedingstuffs with the exception of:	20	
	— complete feedingstuffs for cattle, sheep and goats	500	
	— poultry (except laying hens) and calves	100	
	— rabbits, pigs (except piglets)	60	

4.	Theobromine	Complete feedingstuffs Except: — Complete feedingstuffs for adult cattle	300 700	76/14/EEC – Art. 3
5.	Volatile mustard oil	Straight feedingstuffs with the exception of: — rape seed cakes complete feedingstuffs with the exception of: — complete feedingstuffs for cattle, sheep and goats (except young animals) — complete feedingstuffs for pigs (except piglets), and poultry	100 4000 (expressed as allyl isothiocyanate) 150 (expressed as allyl isothiocyanate) 1000 (expressed as allyl isothiocyanate) 500 (expressed as allyl isothiocyanate)	74/63/EEC
6.	Vinylthiooxazolidone (Vinyloxazolidine thione)	complete feedingstuffs for poultry with the exception of: — complete feedingstuffs for laying hens	1000 500	
7.	Rye Ergot (*Claviceps purpurea*)	All feedingstuffs containing unground cereals	1000	
8.	Weed seeds and unground and uncrushed fruit containing alkaloids, glucoside or other toxic substances separately or in combination including	All feedingstuffs	3000	
	(a) *Lolium temulentum* L.		1000	
	(b) *Lolium remotum* Schrank		1000	
	(c) *Datura stramonium* L.		1000	
9.	Castor oil plant — *Ricinus communis* L.	All feedingstuffs	10 (expressed in terms of castor-oil plant husks)	76/934/EEC – Art. 3 (2)
10.	*Crotalaria* spp.	All feedingstuffs	100	76/934/EEC – Art. 3 (3)

11.	Aldrine } singly or combined expressed as dieldrin	All feedingstuffs, with the exception of:	0,01	91/132/EEC – Art. 1 (2)
		— fats	0,2	
12.	Dieldrin }			
13.	Camphechlor (Toxaphene)	All feedingstuffs	0,1	
14.	Chlordane (sum of cis- and transisomers and of oxychlordane, expressed as chlordane)	All feedingstuffs, with the exception of:	0,02	
		— fats	0,05	
15.	DDT (sum of DDT-, TDE- and DDE-isomers, expressed as DDT)	All feedingstuffs, with the exception of:	0,05	
		— fats	0,5	
16.	Endosulfan (sum of alpha- and beta-isomers and of endosulfansulphate expressed as endosulfan)	All feedingstuffs, with the exception of:	0,1	
		— maize	0,2	
		— oilseeds	0,5	
		— complete feedingstuffs for fish	0,005	
17.	Endrin (sum of endrin and of delta-keto-endrin, expressed as endrin)	All feedingstuffs, with the exception of:	0,01	
		— fats	0,05	
18.	Heptachlor (sum of heptachlor and of heptachlor-epoxide, expressed as heptachlor)	All feedingstuffs, with the exception of:	0,01	
		— fats	0,2	
19.	Hexachlorobenzene (HCB)	All feedingstuffs, with the exception of:	0,01	
		— fats	0,2	
20.	Hexachlorocyclohexane (HCH)			
	20.1. alpha-isomer	All feedingstuffs, with the exception of:	0,02	
		— fats	0,2	
	20.2. beta-isomer	Compound feedingstuffs, with the exception of:	0,01	
		— feedingstuffs for dairy cattle	0,005	
		Straight feedingstuffs, with the exception of:	0,01	
		— fats	0,1	
	20.3 gamma-isomer	All feedingstuffs, with the exception of:	0,2	
		— fats	2,0	

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) of feedingstuffs referred to a moisture content of 12 %
(1)	(2)	(3)
C. Botanical impurities:		
1. Apricots — *Prunus armeniaca* L.	All feedingstuffs	Seeds and fruit of the plant species listed opposite as well as their processed derivatives may only be present in feedingstuffs in trace amounts not quantitavely determinable
2. Bitter almond — *Prunus dulcis* (Mill.) D. A. Webb var. *amara* (DC.) Focke (=*Prunus amygdalus Batsch* var. *amara* (DC.) Focke)		
3. Unhusked beech mast — *Fagus silvatica* L.		
4. Camelina — *Camelina sativa* (L.) Crantz		
5. Mowrah, bassia, madhuca — *Madhuca longifolia* (L.) Macbr. (=*Bassia longifolia* L. = *Illipe malabrorum* Engl.) *Madhuca indica* Gmelin (=*Bassia latifolia* Roxb. = *Illipe latifolia* (Roxb.) F. Mueller)		
6. Purghera — *Jatropha curcas* L.		
7. Croton — *Croton tiglium* L.		
8. Indian mustard — *Brassica juncea* (L.) Czern. and Coss. ssp. *integrifolia* (West.) Thell.		
9. Sareptian mustard — *Brassica juncea* (L.) Czern. and Coss. ssp. *juncea*		
10. Chinese mustard — *Brassica juncea* (L.) Czern. and Coss. ssp. *juncea* var. *lutea* Batalin		
11. Black mustard — *Brassica nigra* (L.) Koch		
12. Ethiopian mustard — *Brassica carinata* A. Braun		

76/934/EEC – Art. 3 (1)
91/132/EEC – Art. 1 (3)

86/354/EEC - Art. 1 (13) (b)

ANNEX II

PART A

86/354/EEC - Art. 1 (14)

Substances, products	Raw materials	Maximum content in mg/kg (ppm) of raw material, referred a moisture content of 12 %	
(1)	(2)	(3)	
1. Aflatoxin B_1	Groundnut, copra, palm-kernel, cotton seed, babassu, maize and products derived from the processing thereof	0,2	
2. Cadmium	Phosphates	10 (1)	87/238/EEC – Art. 1 92/63/EEC – Art. 1
3. Arsenic	Phosphates	20	92/63/EEC – Art. 1

(1) Member States may also prescribe a maximum cadmium content of 0,50 mg per 1 % of the phosphorus content

87/238/EEC – Art. 1
92/63/EEC – Art. 1

PART B

86/354/EEC - Art. 1 (14)

Substances, products	Raw materials
(1)	(2)

ANNEX III

Part A

Repealed Directives
(referred to by Article 16)

Council Directive 74/63/EEC and its successive amendments	
Commission Directive 76/14/EEC	
Commission Directive 76/934/EEC	
Council Directive 80/502/EEC	
Commission Directive 83/381/EEC	
Commission Directive 86/299/EEC	
Council Directive 86/534/EEC	only Article 1
Commission Directive 87/238/EEC	
Commission Directive 91/126/EEC	
Council Directive 91/132/EEC	
Council Directive 92/63/EEC	
Council Directive 92/88/EEC	
Council Directive 93/74/EEC	
Commission Directive 94/16/EC	only concerning references made to the provisions of Directive 74/63/EEC in Article 11 (1)

Part B

Deadlines for transposition into national law
(referred to by Article 16)

Directive	*Deadline for transposition*
74/63/EEC (OJ No L 38, 11. 2. 1974, p. 31)	1 January 1976
76/14/EEC (OJ No L 4, 9. 1. 1976, p. 24)	1 April 1976
76/934/EEC (OJ No L 364, 31. 12. 1976, p. 20)	1 March 1977
80/502/EEC (OJ No L 124, 20. 5. 1980, p. 17)	1 July 1981
83/381/EEC (OJ No L 222, 13. 8. 1983, p. 31)	31 December 1983
86/299/EEC (OJ No L 189, 11. 7. 1986, p. 40)	3 December 1987
86/354/EEC (OJ No L 212, 2. 8. 1986, p. 27)	3 December 1988
87/238/EEC (OJ No L 110, 25. 4. 1987, p. 25)	3 December 1988
91/126/EEC (OJ No L 60, 7. 3. 1991, p. 16)	30 November 1991
91/132/EEC (OJ No L 66, 13. 3. 1991, p. 16)	1 August 1991
92/63/EEC (OJ No L 221, 6. 8. 1992, p. 49)	31 March 1993
92/88/EEC (OJ No L 321, 6. 11. 1992, p. 24)	31 December 1993
93/74/EEC (OJ No L 237, 22. 9. 1993, p. 23)	30 June 1995
94/16/EC (OJ No L 104, 23. 4. 1994, p. 32)	1 March 1995

ANNEX IV

CORRELATION TABLE

Directive 74/63/EEC	This Directive
Article 1	Article 1
Article 2 (a)	Article 2 (a)
Article 2 (b)	Article 2 (b)
Article 2 (d)	Article 2 (c)
Article 2 (e)	Article 2 (d)
Article 2 (h)	Article 2 (e)
Article 2 (i)	Article 2 (f)
Article 2 (c)	Article 2 (g)
Article 2 (f)	Article 2 (h)
Article 2 (g)	Article 2 (i)
Article 2a	Article 3
Article 3	Article 4
Article 3a	Article 5
Article 3b	Article 6
Article 3c	Article 7
Article 4	Article 8
Article 5	Article 9
Article 6	Article 10
Article 7	Article 11
Article 8 (1)	Article 12 (1)
Article 8 (2)	Article 12 (2)
Article 8 (2a)	Article 12 (3)
Article 8 (3)	Article 12 (4)
Article 9	Article 13
Article 10	Article 14
Article 11	Article 15
–	Article 16
–	Article 17
–	Article 18
ANNEX I	ANNEX I
ANNEX II	ANNEX II
–	ANNEX III
	ANNEX IV

Proposal for a

COUNCIL REGULATION (EC)

on the common organisation of the market in milk and milk products

(consolidated version)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying Community law so as to make it clearer and more accessible to the ordinary citizen, thus giving him new opportunities and the chance to make use of the specific rights it gives him.

   This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

   For this reason a consolidation of rules that have frequently been amended is also essential if Community law is to be clear and transparent.

2. By its decision of 1 April 1987 the Commission instructed its departments to produce a formal consolidated version of legislative instruments no later than after their tenth amendment, but made it clear that this was a minimum requirement, and that in the interests of clarity and of the ready comprehension of Community law, an effort should be made by each department to consolidate the instruments for which it is responsible at more frequent intervals.

3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this, stressing the importance of official codification as it offers certainty as to the law applicable to a given matter at a given time. It must be undertaken in full compliance with the normal Community legislative procedure. Given that no changes of substance may be made to the instruments affected by official codification, Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal[1] for consolidation of ***Council Regulation (EEC) No 804/68 of 27 June 1968, on the common organisation of the market in milk and milk products,*** is to undertake official codification of this type. The new regulation will supersede the various regulations incorporated in it;[2] their content is fully preserved, and they are brought together with only such formal amendments as are required by the codification exercise itself.

5. This consolidation proposal was drawn up on the basis of a preliminary consolidation, in all the official languages, of Regulation (EEC) No 804/68 and the instruments amending it, carried out by the Office for Official Publications of the European Communities, by means of data-processing system referred to in the conclusions of the European Council meeting at Edinburgh. The old numbering of the Articles has been retained in the margin for ease of reference, the new numbering being entered above the Articles; an Annex II, part A to the codified Regulation provides a concordance table relating the old system of numbering to the new.

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(1) Entered in the legislative programme for 1995.

(2) See part B of Annex II.

71-72

Proposal for a

COUNCIL REGULATION (EC) No

of

on the common organization of the market in milk and milk products

95/0300(CNS)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

1)	Whereas the fundamental provisions on the common organization of the market in milk and milk products have been frequently and substantially amended since the adoption of Council Regulation (EEC) No 804/68 [2]; whereas, for the sake of clarity and rationality, the said Directive should be consolidated.		
2)	Whereas the operation and development of the common market in agricultural products must be accompanied by the establishment of a common agricultural policy to include in particular a common organization of agricultural markets which may take various forms depending on the product;	1.	804/68
3)	Whereas the aim of the common agricultural policy is to attain the objectives set out in Article 39 of the Treaty; whereas, in the milk sector, in order to stabilize markets and to ensure a fair standard of living for the agricultural community concerned, it is necessary that the intervention agencies may take intervention measures on the market, such measures however to be standardized so as not to impede the free movement of the goods in question within the Community;	4.	
4)	Whereas the creation of a single Community market for milk and milk products involves, apart from a single price system, the introduction of a single trading system at the external frontiers of the Community, combined with intervention measures;	6.	(adapted)
5)	Whereas it is necessary to express the descriptions of goods and tariff heading numbers according to the terms of the combined nomenclature, based on the harmonized system;	3.	3904/87 (adapted)
6)	Whereas difficulties resulting from changes in prices may arise during the transition from one milk year to another; whereas, therefore, provision should be made for the possibility of adopting transitional measures;	1.	419/74 (adapted)

(1) OJ No C . . .
(2) OJ No L 148, 28. 6. 1968, p. 13, as last amended by the Act of Accession of Austria, Finland and Sweden, and by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105)

7)	Whereas an additional levy scheme for the market of milk and milk products was introduced by Regulation (EEC) No 3950/92 [1] for the purpose of reducing the imbalance between supply and demand on the milk and milk-product market and resulting structural surpluses;	1.	3950/92 (adapted)
8)	Whereas the implementation of an intervention system for butter must maintain the competitive position of butter on the market and provide for the most efficient possible storage; whereas the quality requirements to be observed in respect of butter constitute a determining factor for the attainment of these objectives;	1.	2807/94 (adapted)
9)	Whereas, in the case of private storage aid for butter, it is appropriate to maintain a reference to national quality grades as a condition of eligibility;	3.	(adapted)
10)	Whereas in addition to intervention in respect of butter and fresh cream, other Community intervention measures are required to enable the best return to be obtained from milk proteins and to support the prices of products which have special importance in determining producer prices for milk; whereas, in order to avoid distrortion between operators tendering for public intervention and in the interests of the proper administration of Community funds, a minimum requirement should be set for the protein content of skimmed-milk powder bought into intervention; whereas that content should be fixed taking account of current commercial standards and in such a way that it cannot act as a criteria for exclusion from intervention;	5. 1.	804/68 (adapted) 1538/95 (adapted)
11)	Whereas, during the period of imposition of the additional levy, the Commission should be given the power to adjust the intervention purchasing arrangements for butter and for skimmed-milk powder, in particular by suspending intervention buying while providing for the granting of aid to private storage for skimmed-milk powder and by increasing the possibility of disposing of milk products;	6.	773/87 (adapted)
12)	Whereas a trading system including import duty arrangements and export refunds, combined with intervention measures, also serves to stabilize the Community market; whereas this trading system is derived from the agreements reached in the framework of the Uruguay Round multilateral trade negotiations, hereinafter called 'GATT Agreements';		

(1) OJ No L 405, 31. 12. 1992, p. 1; Regulation as last amended by Regulation (EC) No 630/95 (OJ No L 66, 24. 3. 1995, p. 11).

13)	Whereas the competent authorities must be in a position constantly to follow trade movements in order to assess market trends and to apply the measures laid down in this Regulation as necessary; whereas, to that end, provision should be made for the issue of import licences and, when occasion arises, of export licences, accompanied by the lodging of a security guaranteeing that the transactions in respect of which such licences are requested are effected;	9.	804/68
14)	Whereas in order to prevent or counteract adverse effects on the Community market which may result from imports of certain agricultural products, imports of one or more such products shall be subject to payment of an additional import duty, if certain conditions are fulfilled;		
15)	Whereas it is appropriate, under certain conditions, to confer on the Commission the power to open and administer tariff quotas resulting from the GATT Agreements;		
16)	Whereas provisions for granting a refund on exports to third countries, equal to the difference between prices within the Community and on the world market, and falling within the GATT Agreements, serve to safeguard Community participation in international trade of milk and milk products; whereas these provisions are subject to limits in terms of quantity and value;	10. + 9.	805/68 (adapted) 3290/94
17)	Whereas, in addition to the system described above, and to the extent necessary for its proper working, provision should be made for regulating or, when the situation on the market so requires, prohibiting the use of 'inward processing arrangements;	8.	804/68 (adapted)
18)	Whereas the system of custom duties makes it possible to dispense with all other protective measures at the external frontier of the Community; whereas, however, the machinery of common prices and customs duties may, in exceptional circumstances, prove defective; whereas, in such cases, so as not to leave the Community market without defence against disturbances which may arise therefrom, the Community should be enabled to take all necessary measures without delay; whereas those measures must be in accordance with the obligations derived from the GATT Agreements;	10.	804/68 (adapted)
19)	Whereas it is appropriate to provide measures to be taken when a substantial price rise disturbs or threatens to disturb the Community market; whereas the situation on the market demands that such provisions be extended to cover the case of a substantial fall in price;	1.	1855/74 (adapted)
20)	Whereas the establishment of a single market in milk and milk products involves the removal at the internal frontiers of the Community of all obstacles to the free movement of the goods in question;	11.	804/68

21)	Whereas restrictions on free movement resulting from the application of measures intended to prevent the spread of animal diseases may cause difficulties on the market of one or more Member States; whereas provision should be made for the introduction of exceptional market support measures in order to remedy such situations;	15.	3013/89
22)	Whereas the establishment of a single market based on a common price system would be jeopardized by the granting of certain aids; whereas, therefore, the provisions of the Treaty which allow the assessment of aids granted by Member States and the prohibition of those which are incompatible with the common market should be made to apply to milk and milk products;	12.	804/68 (adapted)
23)	Whereas, by reason of the high cost to the Community of the intervention system, it appears appropriate to provide for other mechanisms for attaining the same objectives, thereby reducing recourse to intervention measures;	1.	1421/78 (adapted)
24)	Whereas, in order further to stimulate the consumption of milk by young people, provision should be made for the Community to defray a part of the expenditure occasioned by granting aid for the supply of milk to pupils in schools;	2.	559/76
25)	Whereas, in order to facilitate implementation of the proposed measures, a procedure should be provided for establishing close co-operation between Member States and the Commission within a Management Committee;	16.	804/68
26)	Whereas the common organization of the market in milk and milk products must take appropriate account, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty,	15.	

HAS ADOPTED THIS REGULATION:

Article 1

The common organization of the market in milk and milk products shall cover the following products: | 3904/87 – Art. 1 (1)

CN code	Description of goods	
(a) 0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	
(b) 0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	
(c) 0403 10 02 to 36 0403 90 11 to 69	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not containing added sugar or other sweetening matter but not flavoured nor containing added fruit or cocoa	3117/90 – Art. 1 (1)
(d) 0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included	3904/87 – Art. 1 (1) Corrigendum (OJ No L 213, 6. 8. 1988, p. 54)
(e) 0405 00	Butter and other fats and oils derived from milk	
(f) 0406	Cheese and curd	
(g) 1702 10 90	Lactose and lactose syrup, not containing added flavouring or colouring matter, and containing, in the dry state, less than 99 % by weight of the pure product	
(h) 2106 90 51	Flavoured or coloured lactose syrup	
(i) ex 2309	Preparations of a kind used in animal feeding: — Preparations and feedingstuffs containing products to which this Regulation applies, directly or by virtue of Council Regulation (EEC) No 2730/75 [1], except preparations and feedingstuffs to which Council Regulation (EEC) No 1766/92 [2] applies	

(1) OJ No L 281, 1. 11. 1975, p. 20.
(2) OJ No L 181, 1. 7. 1992, p. 21.

TITLE I

Prices

Article 2

Save where derogation is decided by the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, the milk year for all products listed in Article 1 shall begin on 1 April and end on 31 March of the following year.

804/68

Article 3

1. Before 1 August of each year a target price for milk shall be fixed for the Community in respect of the milk year beginning in the following calendar year.

2. The target price shall be that price which it is aimed to obtain for the aggregate of producers' milk sales, on the Community market and on external markets, during the milk year.

3. The target price shall be fixed for milk containing 3·7 % fat, delivered to dairy.

4. The target price shall be fixed in accordance with the procedure laid down in Article 43 (2) of the Treaty.

Article 4

Article 5

Each year at the same time as the target price for milk, and in accordance with the procedure laid down in Article 43 (2) of the Treaty, an intervention price for butter and for skimmed-milk powder shall be fixed.

1880/94 – Art. 1 (1)

Article 5

Article 5a

In order to prevent the market in milk and milk products being disturbed as a result of price alterations at the time of the change-over from one milk year to the next, the necessary measures may be taken in accordance with the procedure laid down in Article 33.

A measure providing for the taxation of stocks of milk products stored before the beginning of a new milk year, may, however, only be taken by the Council, acting on a proposal from the Commission, in accordance with the voting procedure provided for in Article 43 (2) of the Treaty.

419/74 – Art. 1

Article 6

Article 5c

The price system is established without prejudice to the implementation of the additional levy.

2071/92 – Art. 1 (3)

TITLE II

Intervention system

Article 7

Article 6

2807/94 – Art. 1 (1)

1. Throughout the milk year and under conditions to be determined, the intervention agency designated by each Member State shall buy in at the intervention price butter produced directly and exclusively from pasteurized cream in an approved undertaking in the Community, and

(a) meeting the following requirements:

— a minimum butterfat content, by weight, of 82 % and a maximum water content, by weight, of 16 %,

— an age at the time of buying in not exceeding a maximum to be fixed,

— conditions to be determined as regards the minimum quantity and packaging;

(b) meeting certain requirements to be determined regarding in particular:

— preservation; additional requirements may be laid down by the intervention agencies,

— free fatty acid content,

— peroxide content,

— microbiological standard,

— sensory characteristics (appearance, texture, taste and smell).

National quality grades to be determined by the Member States may be shown on the packaging of butter which meets national quality requirements.

The intervention price shall be that in force on the day of manufacture of the butter and shall apply to butter delivered to the cold store designated by the intervention agency.

Flat-rate transport costs shall be borne, under conditions to be fixed, by the intervention agency if the butter is delivered to a cold store situated at a distance greater than a distance to be determined from the place where the butter was in store.

2. Aid for private storage shall be granted for:

— cream,

— unsalted butter produced in an approved undertaking of the Community of a minimum butterfat content, by weight, of 82 % and a maximum water content, by weight, of 16 %,

— salted butter produced in an approved undertaking of the Community of a minimum butterfat content, by weight, of 80 %, a maximum water content, by weight, of 16 % and a maximum salt content, by weight, of 2 %.

2807/94 – Art. 1 (1)

The butter must be classified according to national quality grades to be determined and must be marked accordingly.

The aid shall be fixed in the light of storage costs and the likely trend in prices for fresh butter and butter from stocks. Where, at the time of removal from storage, an adverse change unforeseeable at the time of entry into storage has occurred on the market, the aid may be increased.

Private storage aid shall be subject to the drawing-up of a storage contract concluded, in accordance with provisions to be laid down, by the intervention agency of the Member State on whose territory the cream or butter qualifying for the aid is stored. Where the market situation so requires, the Commission may decide, in accordance with the procedure laid down in Article 33, to remarket some or all of the cream or butter covered by private storage contracts.

3. Butter bought in by the intervention agencies shall be disposed of at a minimum price and under conditions to be determined so as to avoid disturbing the balance on the market and to ensure purchasers equal treatment and access to the butter to be sold. Where the butter put up for sale is intended for export, special conditions may be laid down to ensure that the product is not diverted from its destination and to take account of requirements specific to such sales.

For butter kept in public storage which cannot be disposed of during a milk year under normal conditions, special measures may be taken. Where warranted by such measures, special measures shall also be taken with a view to maintaining possibilities of disposing of products which were subject to aid as referred to in paragraph 2.

4. The intervention arrangements shall be applied so as to:

— maintain the competitive position of butter on the market,

— safeguard the original quality of the butter as far as possible,

— ensure storage as rationally as possible.

5. For the purposes of this Article, 'cream' means cream obtained directly and exclusively from cow's milk produced in the Community.

6. Detailed rules for the application of this Article and in particular the aid granted for private storage shall be adopted in accordance with the procedure laid down in Article 33.

Article 8

1. The intervention agency designated by each of the Member States shall, under conditions to be determined, buy in at the intervention price top quality skimmed-milk powder made by the spray process and obtained in an approved undertaking in the Community, directly and exclusively from skimmed milk which is offered to it during the period 1 March to 31 August and which:

— meets a minimum protein content of 35,6 % by weight of the non-fatty dry extract,

— meets preservation requirements to be laid down,

— meets conditions to be determined as regards the minimum quantity and packaging.

However, intervention agencies shall also buy in skimmed-milk powder whose protein content is at least 31,4 % and less than 35,6 %, of the non-fatty dry extract, provided that the other provisions laid down in subparagraph 1 above are met. In that case, the buying-in price shall be equal to the intervention price less 1,75 % for each percentage point by which the protein content is lower than 35,6 %.

The intervention price shall be that in force on the day of manufacture of the skimmed-milk powder and shall apply to skimmed-milk powder delivered to the store designated by the intervention agency. Flat-rate transport costs shall be borne, under conditions to be fixed, by the intervention agency if the skimmed-milk powder is delivered to a store situated at a distance greater than a distance to be determined from the place where the skimmed-milk powder was in store.

The skimmed-milk powder may only be stored in stores meeting conditions to be fixed.

2. Aid for the private storage of skimmed-milk powder of top quality obtained, in an approved undertaking in the Community, directly and exclusively from skimmed milk may be granted if trends in prices and stocks of the products indicate a serious imbalance in the market which could be avoided or reduced by means of seasonal storage. In order to be eligible for aid, the skimmed-milk powder must meet conditions to be fixed.

The aid shall be fixed in the light of storage costs and the likely trend in prices for skimmed-milk powder.

Article 7

1538/95 – Art. 1

Private storage aid shall be subject to the drawing-up of a storage contract concluded, in accordance with provisions to be laid down, by the intervention agency of the Member State on whose territory the skimmed-milk powder qualifying for the aid is stored. Where the market situation so requires, the Commission may decide, in accordance with the procedure laid down in Article 33, to remarket some or all of the skimmed-milk powder covered by private storage contracts.

3. Skimmed-milk powder bought in by the intervention agency shall be disposed of under conditions to be determined so as to avoid disturbing the balance on the market and to ensure purchasers equal treatment and access to the skimmed-milk powder to be sold.

Purchasers shall be guaranteed equal access to the skimmed-milk powder sold by the intervention agency either by a sale under a tendering procedure, by a sale to any interested party at a fixed price, or by any other method providing equivalent guarantees.

The sale price of the top quality skimmed-milk powder may not be lower than a minimum price to be fixed taking account of the market situation and storage costs, in such a way as to maintain the possibility of voluntary storage.

Where the skimmed-milk powder held by the intervention agency is put up for sale with a view to its export, special conditions may be laid down to ensure that the product is not diverted from its destination and to take account of requirements specific to such sales.

Skimmed-milk powder which cannot be disposed of during a milk year under normal conditions may be sold at a reduced price if it is intended for the feeding of pigs and poultry.

4. Within the meaning of this Regulation, "skimmed milk" means skimmed milk obtained directly and exclusively from cow's milk produced in the Community.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33.

Article 9

Article 7a

1. On the basis of criteria to be adopted by the Council acting by a qualified majority on a proposal from the Commission, and until the end of the arrangements mentioned in Article 6, the intervention arrangements specified in Articles 7 (1) and 8 (1) may be modified by the Commission, in accordance with the procedure provided for in Article 33, by the adoption of other measures designed to reduce the volume of intervention purchasing without affecting the stability of the market.

773/87 – Art. 1 (3)

1630/91 – Art. 1 (2)

Should implementation of the measures to reform the market in milk and milk products disturb the balance of supplies to dairies, the Commission shall adopt, in accordance with the procedure mentioned in Article 33, provisions designed to discourage dairies from having excessive recourse to intervention.

2. Where the Commission exercises the option provided for in the first subparagraph of paragraph 1:

(a) if it is decided to suspend purchases of skimmed- milk powder by the intervention agencies, aid for the private storage of skimmed-milk powder shall be granted under the conditions defined in accordance with paragraph 3;

(b) special measures may be taken by the Commission, under the procedure laid down in Article 33, with a view to increasing the possibility of disposing of butter and skimmed-milk powder which have not been bought in by intervention agencies and the possibility of disposing of other milk products, such as cream.

3117/90 – Art. 1 (2)

3. The detailed rules for applying this Article shall be adopted under the procedure referred to in Article 33, and in particular the detailed rules for establishing the market prices for butter.

773/87 – Art. 1 (3)

Article 10

Article 8

1. Under conditions to be determined, aid shall be granted for the private storage of:

1880/94 – Art. 1 (2)

(a) Grana Padano cheese at least nine months old;

(b) Parmigiano Reggiano cheese at least 15 months old;

(c) Provolone cheese at least three months old;

if these cheeses reach certain standards.

2. The amount of private storage aid shall be fixed taking account of storage costs and the likely trend of market prices.

3. The intervention agency designated by the Member State in which the said cheeses are produced and qualify to bear the designation of origin shall implement the measures taken pursuant to paragraph 1.

The granting of private storage aid shall be subject to the conclusion of a storage contract with the intervention agency. The contract shall be drawn up under conditions to be determined.

Where the market situation so requires, the Commission may decide, in accordance with the procedure laid down in Article 33, that the intervention agency will remarket some or all of the cheese stored.

4. Detailed rules for the application of this Article, and in particular the amount of aid and the provisions concerning the storage contract and inspection of storage operations, shall be adopted in accordance with the procedure laid down in Article 33.

1880/94 – Art. 1 (2)

Article 11

Article 9

1. In years when they prove to be necessary intervention measures may be taken in respect of long-keeping cheeses, in order to support the market, if such cheeses reach certain standards.

Such measures shall usually take the form of aid for private storage.

2. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall determine general rules governing the intervention measures provided for in this Article.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33.

804/68
Corrigendum (OJ, English special Edition, July 1975, p. 26)

Article 12

Article 10

1. Aid shall be granted for skimmed milk and skimmed-milk powder intended for use as feedingstuffs, if these products reach certain standards.

For the purposes of this Article, buttermilk and buttermilk powder shall be regarded as skimmed milk and skimmed-milk powder.

465/75 – Art. 1

2. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules governing the aid provided for in this Article and in particular the conditions under which such aid may be granted.

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3. Detailed rules for the application of this Article, and in particular the amount of the aids, shall be determined in accordance with the procedure laid down in Article 33.

662/74 – Art. 1 (2)

Article 13

Article 11

1. Under conditions determined in accordance with paragraph 2, aid shall be granted for Community-produced skimmed milk processed into casein, if such milk and the casein produced from it reach certain standards.

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2. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules governing the aid provided for in this Article and in particular the conditions under which such aid may be granted.

3. Detailed rules for the application of this Article, and in particular the amount of the aid, shall be adopted in accordance with the procedure laid down in Article 33.

Article 14

Article 12

1. When surpluses of milk products build up, or are likely to occur, measures other than those laid down in Articles 7 to 13 may be taken in order to facilitate their disposal or to prevent new surpluses from building up.

559/76 – Art. 1

2. The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall decide on the measures provided for in this Article and adopt general rules governing their application.

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3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33.

TITLE III

Trade with third countries

Article 15

Article 13

1. Imports into the Community of any of the products listed in Article 1 shall be subject to the presentation of an import licence. Exports from the Community of any such products may be made subject to presentation of an export licence.

3290/94 – Art. 2

2. Licences shall be issued by Member States to any applicant, irrespective of his place of establishment in the Community and without prejudice to the measures taken for the application of Articles 18 and 19.

Import and export licences shall be valid throughout the Community. Such licences shall be issued subject to the lodging of a security guaranteeing that the products are imported or exported during the term of validity of the licence; except in cases of *force majeure*, the security shall be forfeited in whole or in part if import or export is not carried out, or is carried out only partially, within that period.

3290/94 – Art. 2

3. The following shall be adopted in accordance with the procedure laid down in Article 33:

(a) the list of products in respect of which export licences are required;

(b) the term of validity of the licences; and

(c) the other detailed rules for the application of this Article.

Article 16

Article 14

Unless this Regulation provides otherwise, the rates of duty in the Common Customs Tariff shall apply to the products listed in Article 1.

Article 17

Article 15

1. In order to prevent or counteract adverse effects on the Community market which may result from imports of certain products listed in Article 1, imports of one or more of such products at the rate of duty laid down in the Common Customs Tariff shall be subject to payment of an additional import duty if the conditions set out in Article 5 of the Agreement on Agriculture concluded in accordance with Article 228 of the Treaty in the framework of the Uruguay Round of multilateral trade negotiations have been fulfilled unless the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective.

2. The trigger prices below which an additional duty may be imposed shall be those which are forwarded by the Community to the World Trade Organization.

The trigger volumes to be exceeded in order to have the additional import duty imposed shall be determined particularly on the basis of imports into the Community in the three years preceding the year in which the adverse effects referred to in paragraph 1 arise or are likely to arise.

3. The import prices to be taken into consideration for imposing an additional import duty shall be determined on the basis of the cif import prices of the consignment under consideration.

Cif import prices shall be checked to that end against the representative prices for the product on the world market or on the Community import market for that product.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 33. Such detailed rules shall specify in particular:

(a) the products to which additional import duties shall be applied under the terms of Article 5 of the Agreement on Agriculture;

(b) the other criteria necessary to ensure application of paragraph 1 in accordance with Article 5 of the Agreement on Agriculture.

Article 18

1. Tariff quotas for the products listed in Article 1 resulting from the GATT Agreements shall be opened and administered in accordance with detailed rules adopted under the procedure laid down in Article 33.

2. Quotas may be administered by applying one of the following methods or a combination of them:

— method based on the chronological order of the lodging of applications (using the 'first come, first served' principle),

— method of distribution in proportion to the quantities requested when the applications were lodged (using the 'simultaneous examination' method),

— method based on taking traditional trade patterns into account (using the 'traditional/new arrivals' method).

Other appropriate methods may be adopted.

They must avoid any discrimination between the operators concerned.

3. The method of administration adopted shall, where appropriate, give due weight to the supply requirements on the Community market and the need to safeguard the equilibrium of that market, whilst at the same time possibly drawing on methods which may have been applied in the past to quotas corresponding to those referred to in paragraph 1, without prejudice to the rights resulting from the GATT Agreements.

4. The detailed rules referred to in paragraph 1 shall provide for annual quotas, suitably phased over the year, if necessary, to be opened, determine the administrative method to be applied and, where appropriate, include provisions regarding:

(a) guarantees covering the nature, provenance and origin of the product;

(b) recognition of the document used for verifying the guarantees referred to in (a); and

(c) the conditions under which import licences are issued and their term of validity.

Article 19

1. To the extent necessary to enable the product and the products listed in Article 1 to be exported without further processing or in the form of goods listed in Annex I if they are products listed in Article 1 (a), (b), (c), (d), (e) and (g), on the basis of prices for those products on the world market and within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, the difference between those prices and prices in the Community may be covered by export refunds.

3290/94 – Art. 2

Article 16

Article 17

Export refunds on the products listed in Article 1 in the form of goods listed in Annex I may not be higher than those applicable to such products exported without further processing.

2. The method to be adopted for the allocation of the quantities which may be exported with a refund shall be the method which:

(a) is most suited to the nature of the situation on the market in question, allowing the most efficient possible use of the resources available, account being taken of the efficiency and structure of Community exports without, however, creating discrimination between large and small operators;

(b) is least cumbersome administratively for operators, account being taken of administration requirements;

(c) prevents any discrimination between the operators concerned.

3. Refunds shall be the same for the whole Community.

They may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.

Refunds shall be fixed in accordance with the procedure laid down in Article 33. Refunds may be fixed:

(a) at regular intervals;

(b) by invitation to tender for products for which that procedure was provided for in the past.

Except where fixed by tender, the list of products on which an export refund is granted and the amount of such refund shall be fixed at least once every four weeks. The amount of the refund may, however, remain at the same level for more than four weeks and may, where necessary, be adjusted in the intervening period by the Commission at the request of a Member State or on its own initiative. However, for products listed in Article 1 and exported in the form of goods listed in Annex I, the refund may be fixed according to another timetable determined in accordance with the procedure referred to in Article 16 of Council Regulation (EC) No 3448/93 [1].

4. The following shall be taken into account when refunds are being fixed for the products listed in Article 1 and exported without further processing:

(a) the existing situation and future trends with regard to:

— prices and availabilities for milk and milk products on the Community market;

— prices of milk and milk products on the world market;

[1] OJ No L 318, 20. 12. 1993, p. 18.

(b) the most favourable marketing costs and transport costs from Community markets to Community ports or other places of export together with forwarding costs to the countries of destination;

(c) the objectives of the common organization of the markets in milk and milk products, which are to ensure a balanced situation and natural development regarding prices and trade on these markets;

(d) limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

(e) the importance of avoiding disturbances on the Community market;

(f) the economic aspect of the proposed exports.

Account shall also be taken in particular of the need to establish a balance between the use of Community basic agricultural products for export as processed goods to third countries, and the use of products from those countries admitted for inward processing.

5. For the products referred to in Article 1 and exported as such:

(a) the prices in the Community referred to in paragraph 1 shall be determined taking account of the prices prevailing which prove to be the most favourable as regards export;

(b) the prices on the world market referred to in paragraph 1 shall be determined taking account in particular of:

— the prices on third-country markets;

— the most favourable prices in third countries of destination for third-country imports;

— producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries;

— free-at-frontier offer prices.

6. Refunds shall be granted for the products referred to in paragraph 1 only on application and on presentation of the relevant export licence.

7. The refund applicable to exports of products listed in Article 1 and exported as such shall be that applicable on the day of application for the licence and, the case of a differentiated refund, that applicable on the same day for:

(a) the destination indicated on the licence, or where appropriate

(b) the actual destination if it differs from the destination indicated on the licence. In that case, the amount applicable may not exceed the amount applicable or the destination indicated on the licence.

Appropriate measures may be taken to prevent abuse of the flexibility provided for in this paragraph.

8. Paragraphs 6 and 7 may be made to apply to products listed in Article 1 and exported in the form of goods listed in Annex I in accordance with the procedure laid down in Article 16 of Regulation (EC) No 3448/93.

9. Paragraphs 6 and 7 may be waived in the case of products listed in Article 1 on which refunds are paid under food-aid operations, in accordance with the procedure laid down in Article 33.

10. The refund shall be paid upon proof that:

— the products are of Community origin, except where paragraph 11 applies,

— the products have been exported from the Community, and

— in the case of a differentiated refund, the products have reached the destination indicated on the licence or another destination for which a refund was fixed, without prejudice to paragraph 7 (b). Exceptions may be made to this rule in accordance with the procedure laid down in Article 33, provided conditions are laid down which offer equivalent guarantees.

11. No export refund shall be granted on products which are imported from third countries and re-exported to third countries, unless the exporter proves that:

— the product to be exported and the product previously imported are one and the same, and

— all import duties were collected on importation.

In such cases the refund on each product shall be equal to the levy collected on importation where that levy is equal to or lower than the refund applicable; the refund shall be equal to the refund applicable where the levy collected on importation is higher than this refund.

12. As regards the products referred to in Article 1 and exported in the form of the goods listed in Annex I, paragraphs 10 and 11 shall apply only to goods falling within the following CN codes:

— 1806 90 60 to 1806 90 90 (certain products containing cocoa),

— 1901 (certain food preparations of flour, etc.),

— 2106 90 99 (certain food preparations not elsewhere specified),

having a high milk-product content.

13. Compliance with the limits on volumes arising from agreements concluded in accordance with Article 228 of the Treaty shall be ensured on the basis of the export certificates issued for the reference periods provided for therein and applicable to the products concerned. With regard to compliance with the obligations arising under the Agreement of Agriculture, the ending of a reference period shall not affect the validity of export licences.

14. Detailed rules for the application of this Article, including the arrangements for redistributing unallocated or unused exportable quantities, shall be adopted in accordance with the procedure laid down in Article 33. However, the detailed rules on the application of paragraphs 8, 10, 11 and 12 for products referred to in Article 1 and exported in the form of goods listed in Annex I shall be adopted in accordance with the procedure laid down in Article 16 of Regulation (EC) No 3448/93.

3290/94 – Art. 2

Article 20

Article 18

1. To the extent necessary for the proper working of the common organization of the market in milk and milk products, the Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, may, in special cases, prohibit in whole or in part the use of inward processing arrangements in respect of products listed in Article 1 which are intended for the manufacture of products listed in that Article or of goods listed in Annex I.

2. By way of derogation from paragraph 1, if the situation referred to in paragraph 1 arises with exceptional urgency and the Community market is disturbed or is liable to be disturbed by the inward processing arrangements, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the Council and the Member States shall be notified of such measures, which shall be valid for no more than six months and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within a week following receipt of the request.

3. Measures decided on by the Commission may be referred to the Council by any Member State within a week of the day on which they were notified. The Council, acting by a qualified majority, may confirm, amend or repeal the Commission decision. If the Council has not acted within three months, the Commission decision shall be deemed to have been repealed.

Article 21

1. The general rules for the interpretation of the combined nomenclature and the special rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation shall be incorporated in the Common Customs Tariff.

2. Save as otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be prohibited in trade with third countries:

— the levying of any charge having equivalent effect to a customs duty,

— the application of any quantitative restriction of measure having equivalent effect.

Article 22

1. Where, for one or more of the products listed in Article 1, the free-at-frontier price significantly exceeds the level of Community prices and where that situation is likely to continue, thereby disturbing or threatening to disturb the Community market, the measures provided for in paragraph 5 may be taken.

2. A significant excess within the meaning of paragraph 1 shall exist when the free-at-frontier price exceeds the intervention price fixed for the product in question, increased by 15 %, or, as regards products for which there is no intervention price, a price derived from the intervention price, to be determined in accordance with the procedure laid down in Article 33, taking account of the nature and composition of the product in question.

3. The situation in which the free-at-frontier price significantly exceeds the level of prices is likely to continue when an imbalance exists between supply and demand and that imbalance is likely to continue, in view of foreseeable trends in production and market prices.

4. The Community market is disturbed or under threat of disturbance by the situation referred to in this Article when the high level of prices in international trade:

— hinders imports of milk products into the Community, or

— causes milk products to leave the Community,

so that security of supply is no longer ensured or threatens to be no longer ensured in the Community.

5. Where the conditions listed in paragraphs 1 to 4 are met, total or partial suspension of the levies and/or collection of export charges may be decided on in accordance with the procedure laid down in Article 33. Detailed rules for the application of this Article shall be adopted in accordance with the same procedure.

3290/94 – Art. 2

Article 19

Article 20

Article 23

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or is threatened with, serious disturbance likely to jeopardize the achievement of the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

The Council, acting in accordance with the voting procedure laid down in Article 43 (2) of the Treaty on a proposal from the Commission, shall adopt general rules for the application of this paragraph and shall define the cases in which and the limits within which Member States may take protective measures.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the Member States shall be notified of such measures, which shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.

3. Measures decided upon by the Commission may be referred to the Council by any Member State within three working days of the day on which they were notified. The Council shall meet without delay. It may, acting by a qualified majority, amend or annul the measure in question.

4. This Article shall be applied having regard to the obligations arising from agreements concluded in accordance with Article 228 (2) of the Treaty.

3290/94 – Art. 2

Article 21

TITLE IV

General provisions

Article 24

Article 22

1. The following shall be prohibited in the internal trade of the Community:

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— the levying of any customs duty or charge having equivalent effect;

— any quantitative restriction or measure having equivalent effect.

2. Goods listed in Article 1 which are manufactured or obtained from products to which Article 9 (2) and Article 10 (1) of the Treaty do not apply shall not be admitted to free circulation within the Community.

2622/69 – Art. 3

Article 25

Article 22a

In order to take account of the restrictions on free circulation which may result from the application measures for combating the spread of diseases in animals, exceptional measures of support for the market affected by those restrictions may be taken in accordance with the procedure provided for in Article 33. Those measures may only be taken in so far as, and for as long as, is strictly necessary for the support of that market.

1261/71 – Art. 3

Article 26

Article 23

Save as otherwise provided in this Regulation, Articles 92, 93 and 94 of the Treaty shall apply to the production of and trade in the products listed in Article 1.

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Article 27

Article 24

1. Subject to the provisions of Article 92 (2) of the Treaty, aids the amount of which is fixed on the basis of the price or quantity of products listed in Article 1 shall be prohibited.

2. National measures permitting equalisation between the prices of products listed in Article 1 shall also be prohibited.

Article 28

Article 24a

Without prejudice to the application of Articles 92, 93 and 94 of the Treaty, a Member State may impose a promotional levy on its milk producers in respect of marketed quantities of milk or milk equivalent in order to finance the measures on promoting consumption in the Community, expanding the markets for milk and milk products and improving quality.

230/94 – Art. 1

Article 29

Article 25

1. At its request a Member State may be authorized to grant to an organization representing at least 80 % of the number and at least 50 % of the production of the milk producers established in the area in which the organization is carrying out its activities:

1421/78 – Art. 1

(a) the exclusive right, within the limits laid down in paragraph 3, to buy from producers established in the area in question the milk which they produce and market without processing, provided it satisfies minimum requirements to be determined. This right shall be coupled with the obligation on the organization in question to buy milk satisfying these minimal requirements offered to it by the producers concerned;

(b) the right to equalize the prices paid to producers, irrespective of the use for which the milk purchased from them is intended.

2. Authorization within the meaning of paragraph 1 may be granted only if the Council, acting by a qualified majority on a proposal from the Commission, has established that the quantity of milk used in the Member State concerned for direct human consumption in the form of whole milk or other fresh products constitutes:

(a) in relation to the milk produced and marketed in the Member State concerned, a percentage equal to at least 150 % of the corresponding proportion for the Community as a whole, and

(b) a greater per capita consumption than that for the Community as a whole.

Authorization shall be maintained only for as long as these conditions are fulfilled.

3. At the same time as it acts under paragraph 2, and in accordance with the same procedure, the Council shall in each individual instance adopt general rules governing the granting and maintenance of the rights referred to in paragraph 1.

These rules shall include provisions:

(a) to ensure that exercise of such rights:

— is consistent with the general principles of the Treaty, in particular as regards the free movement of goods, and avoids discrimination against producers selling their milk to the organization and persons wishing to buy milk from it,

— does not affect competition in the agricultural sector more than is absolutely necessary, and

— does not jeopardize the efficient functioning of the market in milk and milk products, particularly as regards price and intervention arrangements;

(b) relating to the circumstances in which the authorization referred to in paragraph 1 shall be withdrawn;

(c) enabling the organizations concerned to adapt progressively to these provisions within a maximum period to be determined; these provisions may not, however, affect the principles referred to in the first indent of subparagraph (a).

4. The rules for implementing this Article, and in particular the authorization referred to in paragraph 1, shall be adopted in accordance with the procedure provided for in Article 33.

1421/78 – Art. 1

Article 30

Article 26

1. Subject to the conditions laid down in paragraphs 3 and 4, Community aid shall be granted for supplying to pupils in educational establishments certain processed milk products falling under CN codes 0401, 0403, 0404 90 and 0406 or CN code 2202 90.

3904/87 – Art. 1 (6)

2. In addition to the Community aid, Member States may grant national aid for supplying the products specified in paragraph 1 to pupils in educational establishments.

1600/83 – Art. 1

3. The general rules governing the aid scheme shall be adopted by the Council, acting on a proposal from the Commission, in accordance with the voting procedure laid down in Article 43 (2) of Treaty.

4. The detailed rules for the implementation of this Article and the amount of aid shall be adopted in accordance with the procedure laid down in Article 33.

5. This Article may be applied, through the agency of charitable organizations — recognized by the Member State concerned, or if no recognition has been granted in that Member State to such organizations, by the Commission — to those persons most in need.

3904/87 – Art. 1 (7)

In such cases, the aid

— shall be granted so as to permit the free distribution of the products referred to in paragraph 1,

— may also be granted for the free distribution of products falling under CN code 0405 00.

Article 31

Article 28

Member States and the Commission shall communicate to each other the information necessary for implementing this Regulation. Rules for the communication and distribution of such information shall be adopted in accordance with the procedure laid down in Article 33.

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Article 32

Article 29

A Management Committee for Milk and Milk Products (hereinafter called the 'Committee') shall be established, consisting of representatives of Member States and presided over by a representative of the Commission.

Article 33	804/68	*Article 30*
1. Where the procedure laid down in this Article is to be followed, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of of a Member State.		
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.	Act of Accession AT, FI, SE	
The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication. The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.	87/373	
Article 34	804/68	*Article 31*
The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of the representative of a Member State.		
Article 35		*Article 33*
This Regulation shall be so applied that appropriate account is taken, at the same time, of the objectives set out in Articles 39 and 110 of the Treaty.		
Article 36		*Article 34*
Council Regulation (EEC) No 729/70 [1] and the provisions adopted in implementation thereof shall apply to the products listed in Article 1.		

[1] OJ No L 94, 28. 4. 1970, p. 13.

Article 37

1. Regulation (EEC) No 804/68 is hereby repealed.

2. References to the said Regulation shall be construed as references to this Regulation and should be read in accordance with the correlation table in Annex II.

Article 38

This Regulation enters 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

For the Council
The President

CN Code	Description of goods
0403 10 51 to 99 and 0403 90 71 to 99	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter, flavoured or containing added fruit or cocoa
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of CN code 1516:
ex 1517 10	– Margarine, excluding liquid margarine:
1517 10 10	– – Containing more than 10 % but not more than 15 % by weight of milk fats
ex 1517 90	– Other:
1517 90 10	– – Containing more than 10 % but not more than 15 % by weight of milk fats
ex 1702 10	– Lactose and lactose syrup:
1702 10 10	– – Containing, in the dry state, 99 % or more by weight of the pure product
1704	Sugar confectionery (including white chocolate), not containing cocoa:
ex 1704 90	– Other, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances of CN code 1704 90 10
ex 1806	Chocolate and other food preparations containing cocoa, excluding cocoa powder sweetened solely by the addition of sucrose of CN code 1806 10
ex 1901	Malt extract. food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods CN codes 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included:

1901 10 00	– Preparations for infant use, put up for retail sale	3904/87 Art. 1 (8)
1901 20 00	– Mixes and doughs for the preparation of bakers' wares of CN code 1905	
1901 90 90	– – Other	Corrigendum (OJ No L 213, 6. 8. 1988, p. 54)
ex 1902	– Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:	Corrigendum (OJ No L 213, 6. 8. 1988, p. 54)
	– Uncooked pasta, not stuffed or otherwise prepared	
1902 19	– – Other	
1902 20	– Stuffed pasta whether or not cooked or otherwise prepared:	
	– – Other:	
1902 20 91	– – – Cooked	
1902 20 99	– – – Other	3904/87 – Art. 1 (8)
1902 30	– Other pasta	
ex 1902 40	– Couscous:	Corrigendum (OJ No L 213, 6. 8. 1988, p. 54)
1902 40 90	– – Other	
ex 1904	Prepared foods obtained by the swelling or roasting of cereal products (for example, corn flakes) containing cocoa; cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared	
ex 1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa: communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:	
1905 10 00	– Crispbread	3117/90 – Art. 1 (3)
1905 20	– Gingerbread and the like	3904/87 – Art. 1 (8)
1905 30	– Sweet biscuits; waffles and wafers	
1905 40 00	– Rusks, toasted bread and similar toasted products	
1905 90	– Other:	
	– – Other:	

1905 90 40	--- Waffles and wafers with a water content exceeding 10 % by weight	3904/87 – Art. 1 (8)
1905 90 50	--- Biscuits; extruded or expanded products, savoury or salted	
	--- Other:	
1905 90 60	---- With added sweetening matter	
1905 90 90	---- Other	
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen:	
2004 10	- Potatoes:	
	-- Other:	
2004 10 91	--- In the form of flour, meal or flakes	
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen:	
2005 20	- Potatoes:	
2005 20 10	-- In the form of flour, meal or flakes	
ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit not elsewhere specified or included:	
	- Nuts, ground-nuts and other seeds, whether or not mixed together:	
2008 11	-- Ground-nuts:	
2008 11 10	--- Peanut butter	
ex 2008 92	"Muesli" type breakfast cereals containing unroasted cereal flakes	374/92 – Art. 1
ex 2008 99	"Muesli" type breakfast cereals containing unroasted cereal flakes	
ex 2101 10	Preparations with a basis of coffee	3904/87 – Art. 1 (8)
ex 2101 20	Preparations with a basis of tea or maté	
2105 00	Ice cream and other edible ice, whether or not containing cocoa	
ex 2106	Food preparations not elsewhere specified or included, excluding flavoured or coloured sugar syrups falling under CN codes 2106 90 30, 2106 90 51, 2106 90 55 and 2106 90 59	
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and non-alcoholic beverages, not including fruit and other vegetable juices of CN code 2009:	

ex 2202 90	– Other:	3904/87 – Art. 1 (8)
	– – Other, containing by weight of fat from the products of CN codes 0401 to 0404:	
2202 90 91	– – – Less than 0,2 %	
2202 90 95	– – – 0,2 % or more but less than 2 %	
2202 90 99	– – – 2 % or more	
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages; compound alcoholic preparations of a kind used for the manufacture of beverages:	
ex 2208 90	– Other:	
	– – Other spirituous beverages in containers holding:	
	– – – 2 litres or less:	
2208 90 55	– – – – Liqueurs	
2208 90 59	– – – – Other spirituous beverages	Corrigendum (OJ No L 213, 6. 8. 1988, p. 54)
	– – – More than 2 litres:	
2208 90 79	– – – – Liqueurs and other spirituous beverages	
3501	Casein, caseinates and other casein derivatives; casein glues	
ex 3502	Albumins, albuminates and other albumin derivatives:	
3502 90	– Others:	
	– – Albumins, other than egg albumins:	
	– – – Other:	
	– – – – Milk albumin (lactalbumin):	
3502 90 51	– – – – – Dried (for example, in sheets, scales, flakes, powder)	
3502 90 59	– – – – – Other	

ANNEX II

Part A

CORRELATION TABLE

Regulation (EEC) 804/68	This Regulation
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 5	Article 4
Article 5a	Article 5
Article 5c	Article 6
Article 6	Article 7
Article 7	Article 8
Article 7a	Article 9
Article 8	Article 10
Article 9	Article 11
Article 10	Article 12
Article 11	Article 13
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Article 22a	Article 25
Article 23	Article 26
Article 24	Article 27
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Article 33	Article 35
Article 34	Article 36
–	Article 37
–	Article 38
ANNEX	ANNEX I
–	ANNEX II

	Official Journal		
	No	page	date
Council Regulation (EEC) No 1380/69 [1]	L 178	1	19. 7. 1969
Council Regulation (EEC) No 1398/69 [1]	L 179	13	21. 7. 1969
Council Regulation (EEC) No 2622/69	L 328	8	30. 12. 1969
Council Regulation (EEC) No 1253/70	L 143	1	1. 7. 1970
Council Regulation (EEC) No 1261/71	L 132	1	18. 6. 1971
Council Regulation (EEC) No 1410/71	L 148	3	3. 7. 1971
Council Regulation (EEC) No 1411/71	L 148	4	3. 7. 1971
Council Regulation (EEC) No 419/74	L 49	2	21. 2. 1974
Council Regulation (EEC) No 662/74	L 85	51	29. 3. 1974
Council Regulation (EEC) No 465/75	L 52	8	28. 2. 1975
Council Regulation (EEC) No 740/75	L 74	1	22. 3. 1975
Council Regulation (EEC) No 559/76	L 67	9	15. 3. 1976
Council Regulation (EEC) No 2560/77	L 303	1	28. 11. 1977
Council Regulation (EEC) No 1037/78	L 134	1	22. 5. 1978
Council Regulation (EEC) No 1038/78	L 134	4	22. 5. 1978
Council Regulation (EEC) No 1421/78	L 171	12	28. 6. 1978
Council Regulation (EEC) No 1761/78	L 204	6	28. 7. 1978
Council Regulation (EEC) No 1183/82	L 140	1	20. 5. 1982
Council Regulation (EEC) No 1600/83	L 163	56	22. 6. 1983
Council Regulation (EEC) No 856/84	L 90	10	1. 4. 1984
Council Regulation (EEC) No 1557/84	L 150	6	6. 6. 1984
Council Regulation (EEC) No 591/85	L 68	5	8. 3. 1985
Council Regulation (EEC) No 1298/85	L 137	5	27. 5. 1985
Council Regulation (EEC) No 1335/86	L 119	19	8. 5. 1986
Council Regulation (EEC) No 231/87	L 25	3	28. 1. 1987
Council Regulation (EEC) No 773/87	L 78	1	20. 3. 1987
Council Regulation (EEC) No 2998/87	L 285	1	8. 10. 1987
Council Regulation (EEC) No 3904/87	L 370	1	30. 12. 1987
Council Regulation (EEC) No 744/88	L 78	1	23. 3. 1988
Council Regulation (EEC) No 1109/88	L 110	27	29. 4. 1988
Council Regulation (EEC) No 763/89	L 84	1	29. 3. 1989
Council Regulation (EEC) No 3879/89	L 378	1	27. 12. 1989
Council Regulation (EEC) No 3117/90	L 303	5	31. 10. 1990
Council Regulation (EEC) No 3577/90	L 353	23	17. 12. 1990
Council Regulation (EEC) No 3641/90	L 362	5	27. 12. 1990
Council Regulation (EEC) No 1630/91	L 150	19	15. 6. 1991
Commission Regulation (EEC) No 374/92	L 41	9	18. 2. 1992
Council Regulation (EEC) No 816/92	L 86	83	1. 4. 1992
Council Regulation (EEC) No 2071/92	L 215	64	30. 7. 1992
Council Regulation (EC) No 230/94	L 30	1	3. 2. 1994
Council Regulation (EC) No 1880/94	L 197	21	30. 7. 1994
Council Regulation (EC) No 2807/94	L 298	1	19. 11. 1994
Council Regulation (EC) No 3290/94 (Annex VII)	L 349	105	31. 12. 1994
Council Regulation (EC) No 3290/94 (Annex VII)	L 349	105	31. 12. 1994
Council Regulation (EC) No 1538/95	L 148	17	30. 6. 1995

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[1] Regulation not translated within the English Special Edition.

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