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Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 344/96
of 26 February 1996
amending Regulation (EEC) No 2658/87 on the tariff and statistical
nomenclature and on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 28 and 113 thereof,

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

Whereas residues from the manufacture of starch from maize fall within heading 2303 of the Combined Nomenclature as set out in Annex I to Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽²⁾; whereas some imports comprise a blend of residues from the manufacture of starch from maize with certain other types of residue, in particular screenings from maize and residues of maize steep-water used for the manufacture of alcohol or of other starch derived products; whereas those mixtures must be classified under heading 2309;

Whereas, in accordance with the outcome of the negotiations with the United States, some of these blends may be imported into the Community free of duty; whereas they should be described in an additional note to Chapter 23 and an appropriate subheading should also be created; whereas Regulation (EEC) No 2658/87 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2658/87 is hereby amended as follows:

1. the following additional note is hereby incorporated in Chapter 23:

⁽¹⁾ OJ No C 4, 9. 1. 1996, p. 2.

⁽²⁾ OJ No L 256, 7. 9. 1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 3009/95 (OJ No L 319, 30. 12. 1995, p. 1).

'5. Subheading 2309 90 20 (*) includes only residues from the manufacture of starch from maize, and does not cover blends of such residues with products derived from other plants or products derived from maize otherwise than in the course of the production of starch by the wet process, containing:

— screenings from maize used in the wet process in a proportion not exceeding 15 % by weight,

and/or,

— residues of maize steep-water, from the wet process, including residues of steep-water used for the manufacture of alcohol or of other starch derived products.

These products may also contain residues from the extraction of maize germ oil by the wet milling process.

Their starch content may not exceed 28 % by weight on the dry product in accordance with the method contained in Annex I.1 to Commission Directive 72/199/EEC, their fat content may not exceed 4,5 % by weight on the dry product determined in accordance with method A contained in Annex I to Commission Directive 84/4/EEC and their protein content may not exceed 40 % on the dry product determined in accordance with the method contained in Annex I.2 to Commission Directive 72/199/EEC.

(*) Taric code 1996: 2309 90 31*05
2309 90 41*25;

2. the subheadings in heading 2309 are hereby amended as follows:

'CN code	Description	Rate of duties		Supplementary unit
		autonomous %	conventional %	
(1)	(2)	(3)	(4)	(5)
2309 10 to 2309 90 10 2309 90 20 ⁽¹⁾ 2309 90 31 to 2309 90 98	unchanged — — Products referred to in Additional Note 5 to this Chapter — — Other: unchanged	exemption	exemption	

(¹) Taric codes 1996: 2309 90 31 *05
2309 90 41 *25.

Article 2

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

It shall apply from 1 July 1994.

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

Done at Brussels, 26 February 1996.

For the Council

The President

S. AGNELLI

COMMISSION REGULATION (EC) No 345/96

of 27 February 1996

amending Annex I to Council Regulation (EC) No 1808/95 opening and providing for the administration of Community tariff quotas bound in GATT for certain agricultural, industrial and fisheries products and establishing the detailed provisions for adapting these quotas

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

Having regard to Council Regulation (EC) No 1808/95 of 24 July 1995 opening and providing for the administration of Community tariff quotas bound in GATT for certain industrial, agricultural and fisheries products and establishing the detailed provisions for amending these quotas⁽¹⁾, and in particular Articles 9 and 10 thereof,

Whereas Regulation (EC) No 1808/95 opens Community tariff quotas in respect of a number of agricultural, industrial and fisheries products under GATT;

Whereas following the accession of Austria, Finland and Sweden the Community entered into negotiations under Article XXIV (6) of the General Agreement on Tariffs and Trade (GATT); whereas under Council Regulation (EC) No 3093/95⁽²⁾, and in particular Article 4 (3) thereof, the Community undertook to open reduced or zero-duty Community tariff quotas for a number of fisheries products and to increase the volume of the quota for plywood, with effect from 1 January 1996; whereas it is accordingly necessary to amend Annex I to Regulation (EC) No 1808/95 by inserting the products mentioned in the Annex to this Regulation and changing the volume for Order No 09.0013 to that specified in the Annex to this Regulation;

Whereas it is necessary to ensure that all Community importers have equal and continuous access to the said quotas and that the rates of duty laid down for the quotas are applied consistently to all imports of the products in question into all Member States until the quotas are exhausted;

Whereas it is the responsibility of the Community to open tariff quotas giving effect to its international obliga-

tions; whereas in the interests of the efficient common administration of such quotas, however, the Member States may be authorized to draw from the quota volumes the quantities necessary to cover actual imports; whereas this method of administration does nevertheless require close cooperation between the Member States and the Commission, which must be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. The tariff quotas listed in the Annex to this Regulation under Order Nos 09.0045, 09.0046, 09.0047 and 09.0048 shall be added to Annex I to Regulation (EC) No 1808/95.
2. The tariff quota under Order Nos 09.0013 in Annex I to Regulation (EC) No 1808/95 shall be replaced by the quota in the Annex to this Regulation.

Article 2

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

It shall be applicable with effect from 1 January 1996.

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

Done at Brussels, 27 February 1996.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 176, 27. 7. 1995, p. 1.

⁽²⁾ OJ No L 334, 30. 12. 1995, p. 1.

ANNEX

Order number	CN code Taric subdivision	Description of goods	Quota period	Quota volume	Rate of duty (%)
'09.0013	4412 19 00*10	Plywood of coniferous species, without the addition of other substances:	From 1 January to 31 December	650 000 m ³	0'
	4412 92 99*10	— of a thickness greater than 8,5 mm, the faces of which are not further prepared than the peeling process			
	4412 99 80*10	— sanded, of a thickness greater than 18,5 mm			

Order number	CN code Taric subdivision	Description of goods	Quota period	Quota volume	Rate of duty (%)
'09.0045	ex 0303 29 00*20	Fish, frozen, of the genus <i>Coregone</i> ,	From 1 January to 31 December	1 000 tonnes	5,5
09.0046	0306 19 10	Freshwater crayfish, frozen		3 000 tonnes	0
09.0047	ex 1605 20 10*40 ex 1605 20 91*40 ex 1605 20 99*40	Shrimps and prawns of the species <i>Pandalus borealis</i> , shelled, boiled and frozen, but not otherwise prepared		500 tonnes	0
09.0048	ex 0304 20 96*30	Fillets of fish, frozen, of the species <i>Allocyttus</i> spp. and <i>Pseudocyttus maculatus</i>		200 tonnes	0'

COMMISSION REGULATION (EC) No 346/96

of 27 February 1996

amending Regulation (EC) No 1502/95 on rules of application (cereal sector import duties 1995/96 marketing year) for Council Regulation (EEC) No 1766/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 10 (4) thereof,

Whereas, in application of the provisions of the agreement on the conclusion of negotiations under Article XXIV paragraph 6 of GATT 1994 between the European Community and the United States of America and Canada, the Community, in the light of the exceptional situation on the market forecast for the end of the 1995/96 wheat (common wheat and durum wheat) marketing year, has undertaken to make adjustments to the import arrangements for those products for the period from 1 January to 30 June 1996 in order to alleviate the current difficult situation on the market;

Whereas these adjustments to the import arrangements for wheat concern, firstly, the reduction of the import duty on standard high quality common wheat referred to in Article 2 (5) of Commission Regulation (EC) No 1502/95⁽³⁾, as last amended by Regulation (EC) No 2841/95⁽⁴⁾, and, secondly, the minimum vitreous grain content of durum wheat which is one of the quality standards to be met on importation referred to in Article 3 of that Regulation; whereas, therefore, Regulation (EC) No 1502/95 should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1502/95 is hereby amended as follows:

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.⁽⁴⁾ OJ No L 256, 26. 10. 1995, p. 10.

1. The first subparagraph of Article 2 (5) is replaced by the following:

'Import duties shall be reduced at a flat rate of ECU 14 per tonne on standard high quality common wheat and ECU 8 per tonne on malting barley and flint maize provided the importer shows that a quality premium on the normal product price was paid.'

2. Article 2 (5) (c) is replaced by the following:

'(c) the importer lodging with the competent authority concerned a security of ECU 14 per tonne in the case of imports of standard high-quality common wheat and ECU 8 per tonne in the case of imports of malting barley and flint maize. The security shall be released on condition that the importer produces evidence of the specific final use warranting a quality premium over the price of the product referred to in (a). That evidence must prove to the satisfaction of the competent authorities in the Member State of importation that all the cereals imported have been processed into the product specified in the declaration referred to in (a) within the time limit referred to in (b). If the processing is carried out in a Member State other than that of importation, evidence of processing shall be provided by means of the T5 control copy.'

3. In Annex I, the figure '75,0' specified for durum wheat under CN code 1001 10 for classification standard No 4 (minimum vitreous grain percentage), is replaced by the figure '62,0'.

Article 2

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

It shall apply from 1 January 1996.

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

Done at Brussels, 27 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 347/96
of 27 February 1996
establishing a system of rapid reporting of the release of salmon for free
circulation in the European Community
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, as last amended by Regulation (EC) No 3318/94⁽²⁾, and in particular Article 30 thereof,

Whereas since late October 1995 the price of salmon released for free circulation in the Community fell very sharply, causing market disturbance liable to put in question the aims of Article 39 of the EC Treaty; whereas Commission Regulation (EC) No 2907/95⁽³⁾ making the release for free circulation of salmon of EEA origin conditional upon observance of a floor price, which is designed to restabilize the European Union market, entered into force on 16 December 1995;

Whereas in order both that the Commission may monitor the effects of Regulation (EC) No 2907/95 and to enable further measures to be taken, if necessary, without delay, a system of rapid reporting of the terms of importation of salmon is required;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Member States shall notify to the Commission the weight, and declared customs value in the currency of the Member State concerned, of the goods listed in the Annex which are released for free circulation. This information shall be broken down by CN code, as well as by day of acceptance of the import declaration, and by both country of origin and country of provenance.

2. For goods released into free circulation between the 1st and the 15th day of the month, the notification shall be sent on the 25th day of each month or the first working day thereafter, and for goods released into free circulation between the 16th and the last day of the month, on the 10th day of the following month or the first working day thereafter. The notification shall be sent to the Commission by fax in the form communicated by the Commission. The information to be forwarded may be communicated to the Commission on magnetic medium for computer processing in a format to be agreed with the Commission.

Article 2

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

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

Done at Brussels, 27 February 1996.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 350, 31. 12. 1994, p. 15.

⁽³⁾ OJ No L 304, 16. 12. 1995, p. 38.

ANNEX

CN code	Description
0302 12 00	Fresh or chilled Pacific, Atlantic and Danube salmon excluding fillets and meat of CN code 0304
0303 22 00	Frozen Atlantic and Danube salmon excluding fillets and meat of CN code 0304
0304 10 13	Fresh or chilled fillets of Pacific, Atlantic and Danube salmon
0304 20 13	Frozen fillets of Pacific, Atlantic and Danube salmon

COMMISSION REGULATION (EC) No 348/96

of 27 February 1996

establishing the standard import values for determining the entry price of certain fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2933/95⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 February 1996.

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

Done at Brussels, 27 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 27 February 1996 establishing the standard import values
for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code (1)	Standard import value	CN code	Third country code (1)	Standard import value
0702 00 15	052	43,7	0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	58,6
	060	80,2		204	85,2
	064	59,6		400	87,1
	066	41,7		464	151,6
	068	62,3		528	58,8
	204	72,7		600	102,9
	208	44,0		624	67,3
	212	83,1		662	56,1
	624	128,9		999	83,5
	999	68,5		052	57,6
0707 00 10	052	125,6	0805 30 20	204	88,8
	053	156,3		220	74,0
	060	61,0		388	67,5
	066	53,8		400	64,4
	068	81,1		512	54,8
	204	144,3		520	66,5
	624	156,5		524	100,8
	999	111,2		528	103,0
				600	83,1
				624	87,6
0709 10 10	220	354,6	0808 10 51, 0808 10 53, 0808 10 59	999	77,1
	999	354,6		052	64,0
0709 90 73	052	134,9		064	78,6
	204	77,5		388	91,0
	412	54,2		400	78,2
	624	241,6		404	65,7
	999	127,1		508	68,4
0805 10 01, 0805 10 05, 0805 10 09	052	45,1		512	51,2
	204	40,8		524	57,4
	208	58,0		528	97,9
	212	46,1		624	86,5
	220	44,6		728	107,3
	388	40,5		800	78,0
	400	42,2		804	21,0
	436	41,6		999	72,7
	448	28,1	0808 20 31	039	101,6
	600	55,3		052	86,3
	624	54,4		064	72,5
	999	45,2		388	91,5
	052	75,7		400	98,8
	204	94,6		512	63,0
	600	86,4		528	65,3
	624	79,3		624	79,0
	999	84,0		728	115,4
				800	55,8
				804	112,9
				999	85,6
0805 20 11					

(1) Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 349/96**of 27 February 1996****on the issuing of export licences for fruit and vegetables with advance fixing of the refund**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1488/95 of 28 June 1995 on implementing rules for export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2702/95 ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EC) No 1489/95 ⁽³⁾, as last amended by Regulation (EC) No 294/96 ⁽⁴⁾, specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

Whereas Article 4 of Regulation (EC) No 1488/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted;

Whereas, in view of the information available to the Commission as of today, the quantities of 15 236 tonnes of tomatoes, 47 565 tonnes of oranges, 16 203 tonnes of lemons and 14 492 tonnes of apples in Annex I to Regulation (EC) No 1489/95, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1488/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in

response to applications submitted since 23 February 1996; whereas a reducing factor should, accordingly, be applied to the quantities of tomatoes, oranges, lemons and apples applied for on 23 February 1996, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for tomatoes, oranges, lemons and apples for which applications are submitted on 23 February 1996 pursuant to Article 1 of Regulation (EC) No 1489/95 shall be issued for 3,05 %, 0,82 %, 0,97 % and 1,12 % respectively of the quantities applied for tomatoes, oranges, lemons and apples.

Applications for export licences with advance fixing of the refund for the above products submitted after 23 February 1996 and before 24 April 1996 shall be rejected.

Article 2

This Regulation shall enter into force on 28 February 1996.

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

Done at Brussels, 27 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 145, 29. 6. 1995, p. 68.

⁽²⁾ OJ No L 280, 23. 11. 1995, p. 30.

⁽³⁾ OJ No L 145, 29. 6. 1995, p. 75.

⁽⁴⁾ OJ No L 38, 16. 2. 1996, p. 15.

COMMISSION DIRECTIVE 96/4/EC
of 16 February 1996
amending Directive 91/321/EEC on infant formulae and follow-on formulae
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs for particular nutritional uses⁽¹⁾, and in particular Article 4 thereof,

Whereas given the nature of infant formulae and follow-on formulae the detailed rules as to nutrient declaration on the labelling need to be clarified in order to avoid any problems which may arise from the application of other relevant Community legislation;

Whereas new scientific data justify certain modifications to the mandatory essential composition of infant formulae and follow-on formulae specified in Annexes I and II to Commission Directive 91/321/EEC⁽²⁾, as amended by the Act of Accession of Austria, Finland and Sweden;

Whereas nucleotides, being the natural constituents of human milk, have been used to supplement infant formulae and follow-on formulae for many years in Member States and third countries without any negative effects; whereas therefore there is no justification for prohibiting their use in the manufacture of these products;

Whereas technological progress has resulted in the production of infant formulae, based on protein partial hydrolysates, which due to their low levels of immuno-reactive proteins may be useful; whereas for this reason a claim as to these particular characteristics should be permitted; whereas these products are distinct from semi-elemental diet products based on high degree hydrolysates used for the dietary management of diagnosed medical conditions, which are not covered by this Directive;

Whereas Directive 91/321/EEC should be amended accordingly;

Whereas the Scientific Committee for Food, in accordance with Article 4 of Directive 89/398/EEC, has been consulted on the provisions liable to affect public health;

Whereas the measures provided in this Directive are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/321/EEC is amended as follows:

1. Article 6 is replaced by the following:

'Article 6

Infant formulae and follow-on formulae shall not contain any substance in such quantity as to endanger the health of infants and young children. Necessary maximum levels shall be established without delay.

Microbiological criteria shall also be established as necessary.'

2. Article 7 is amended as follows:

(a) Points (d) and (e) of paragraph 2 are replaced by the following:

'(d) in the case of infant formulae and follow-on formulae, the available energy value, expressed in kJ and kcal, and the content of proteins, carbohydrates and lipids, expressed in numerical form, per 100 ml of the product ready for use;

(e) in the case of infant formulae and follow-on formulae, the average quantity of each mineral substance and of each vitamin mentioned in Annexes I and II respectively, and where applicable of choline, inositol, carnitine and taurine, expressed in numerical form, per 100 ml of the product ready for use;'

(b) The following is inserted as paragraph 2a:

'2a. The labelling may bear:

(a) the average quantity of nutrients mentioned in Annex III when such declaration is not covered by the provisions of paragraph 2 (e) of this Article, expressed in numerical form, per 100 ml of the product ready for use;

⁽¹⁾ OJ No L 186, 30. 6. 1989, p. 27.

⁽²⁾ OJ No L 175, 4. 7. 1991, p. 35.

- (b) for follow-on formulae in addition to numerical information, information on vitamins and minerals included in Annex VIII, expressed as a percentage of the reference values given therein, per 100 ml of the product ready for use, provided that the quantities present are at least equal to 15 per cent of the reference values;

3. The Annexes are amended as shown in the Annex hereto.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 March 1997. They shall forthwith inform the Commission thereof. Those laws, regulations and administrative provisions shall be applied in such a way as to:

- permit trade in products conforming to this Directive no later than 1 April 1997,
- prohibit trade in products which do not comply with this Directive, with effect from 31 March 1999.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompa-

nied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 February 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

The Annexes to Directive 91/321/EEC are amended as follows:

1. Annex I is amended as follows:

- (a) The introductory wording of Section 2 and Sections 2.1 and 2.2 are replaced by the following:

2. **Protein**

(Protein content = nitrogen content $\times$ 6,38) for cows' milk proteins.

(Protein content = nitrogen content $\times$ 6,25) for soya protein isolates and protein partial hydrolysates.

The "chemical index" shall mean the lowest of the ratios between the quantity of each essential amino acid of the test protein and the quantity of each corresponding amino acid of the reference protein.

2.1. *Formulae manufactured from cows' milk proteins*

Minimum	Maximum
0,45 g/100 kJ	0,7 g/100 kJ
(1,8 g/100 kcal)	(3 g/100 kcal)

For an equal energy value, the formula must contain an available quantity of each essential and semi-essential amino acid at least equal to that contained in the reference protein (breast milk, as defined in Annex V); nevertheless, for calculation purposes, the concentration of methionine and cystine may be added together.

2.2. *Formulae manufactured from protein partial hydrolysates*

Minimum	Maximum
0,56 g/100 kJ	0,7 g/100 kJ
(2,25 g/100 kcal)	(3 g/100 kcal)

For an equal energy value, the formula must contain an available quantity of each essential and semi-essential amino acid at least equal to that contained in the reference protein (breast milk, as defined in Annex V); nevertheless, for calculation purposes, the concentration of methionine and cystine may be added together.

The protein efficiency ratio (PER) and the net protein utilization (NPU) must be at least equal to those of casein.

The taurine content shall be equal to at least 10 μ moles/100 kJ (42 μ moles/100 kcal) and the L-carnitine content shall be equal to at least 1,8 μ moles/100 kJ (7,5 μ moles/100 kcal).

- (b) The minimum content for lipids in Section 3 is modified as follows:

Minimum
1,05 g/100 kJ
(4,4 g/100 kcal)

- (c) The third indent of Section 3.1 is deleted.

- (d) The following shall be added to Section 3.

'3.5. The alpha-linolenic acid content shall not be less than 12 mg/100 kJ (50 mg/100 kcal).

The linoleic/alpha-linolenic acid ratio shall not be less than 5 nor greater than 15.

3.6. The trans fatty acid content shall not exceed 4 % of the total fat content.

3.7. The erucic acid content shall not exceed 1 % of the total fat content.

3.8. Long-chain (20 and 22 carbon atoms) polyunsaturated fatty acids (LCP) may be added. In that case their content shall not exceed:

1 % of the total fat content for n-3 LCP and

2 % of the total fat content for n-6 LCP (1 % of the total fat content for arachidonic acid)

The eicosapentaenoic acid (20:5 n-3) content shall not exceed that of docosahexaenoic (22:6 n-3) acid content.'

(e) The following shall be added in Section 5.1:

	Per 100 kJ		Per 100 kcal	
	Minimum	Maximum	Minimum	Maximum
'Selenium ⁽²⁾ (µg)	—	0,7	—	3

⁽²⁾ Limit applicable to formulae with added selenium.'

(f) In Section 6 of Annex I, the reference to nicotinamide is replaced by the following:

	Per 100 kJ		Per 100 kcal	
	Minimum	Maximum	Minimum	Maximum
'Niacin (mg-NE)	0,2	—	0,8	—'

2. Annex II is amended as follows:

(a) In Section 2, first paragraph following the numerical values, add the words: '... or breast milk ...' after the word 'casein',

and at the end of Section 2, add the following paragraph:

'For an equal energy value, these formulae must contain an available quantity of methionine at least equal to that contained in breast milk as defined in Annex V.'

(b) The third indent of Section 3.1 is deleted.

(c) The following shall be inserted in Section 3:

'3.5. The trans fatty acid content shall not exceed 4 % of the total fat content.

3.6. The erucic acid content shall not exceed 1 % of the total fat content.'

3. The following is added as Section 7 to both Annex I and Annex II:

'7. The following nucleotides may be added:

	Maximum (1)	
	(mg/100 kJ)	(mg/100 kcal)
cytidine 5'-monophosphate	0,60	2,50
uridine 5'-monophosphate	0,42	1,75
adenosine 5'-monophosphate	0,36	1,50
guanosine 5'-monophosphate	0,12	0,50
inosine 5'-monophosphate	0,24	1,00

(1) The total concentration of nucleotides shall not exceed 1,2 mg/100 kJ (5 mg/100 kcal).'

4. Annex III is amended as follows:

(a) The following shall be added to Section 2:

Mineral substances	Permitted salts
'selenium	sodium selenate sodium selenite'

(b) The following substances shall be added to Section 3:

'cytidine 5'-monophosphate and its sodium salt
uridine 5'-monophosphate and its sodium salt
adenosine 5'-monophosphate and its sodium salt
guanosine 5'-monophosphate and its sodium salt
inosine 5'-monophosphate and its sodium salt'.

5. The following shall be added to Annex IV:

Claims related to	Conditions warranting the claim
'7. Reduction of risk to allergy to milk proteins. This claim may include terms referring to reduced allergen or reduced antigen properties.	(a) The formulae shall satisfy the provisions laid down in Section 2.2 of Annex I and the amount of immunoreactive protein measured with methods generally acceptable as appropriate shall be less than 1 % of nitrogen containing substances in the formulae; (b) The label shall indicate that the product must not be consumed by infants allergic to the intact proteins from which it is made unless generally accepted clinical tests provide proof of the formulae's tolerance in more than 90 % of infants (confidence interval 95 %) hypersensitive to proteins from which the hydrolysate is made; (c) The formulae administered orally should not induce sensitization, in animals, to the intact proteins from which the formulae are derived; (d) Objective and scientifically verified data as proof to the claimed properties must be available.'

6. The following is added as Annex VIII:

ANNEX VIII

REFERENCE VALUES FOR NUTRITION LABELLING FOR FOODS INTENDED FOR INFANTS AND YOUNG CHILDREN

Nutrient	Labelling reference value
Vitamin A	(µg) 400
Vitamin D	(µg) 10
Vitamin C	(mg) 25
Thiamin	(mg) 0,5
Riboflavin	(mg) 0,8
Niacin equivalents	(mg) 9
Vitamin B6	(mg) 0,7
Folate	(µg) 100
Vitamin B12	(µg) 0,7
Calcium	(mg) 400
Iron	(mg) 6
Zinc	(mg) 4
Iodine	(µg) 70
Selenium	(µg) 10
Copper	(mg) 0,4'

COMMISSION DIRECTIVE 96/5/EC
of 16 February 1996
on processed cereal-based foods and baby foods for infants and young children
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses⁽¹⁾, and in particular Article 4 thereof,

Whereas the Community measures envisaged by this Directive do not exceed what is necessary for the attainment of the objectives already provided for by Directive 89/398/EEC;

Whereas processed cereal-based foods and baby foods for infants and young children are used as part of a diversified diet and do not constitute the sole source of nourishment of infants and young children;

Whereas there is a great variety of the products in question reflecting the widely varied diet of infants being weaned and young children owing to social and cultural circumstances existing in the Community;

Whereas the essential composition of the products in question must be appropriate for the nutritional requirements of infants and young children in good health as established by generally accepted scientific data, account being taken of the abovementioned factors;

Whereas the essential nutritional requirements for the composition of the two broad categories of these products, namely processed cereal-based foods and baby foods should be laid down;

Whereas although, because of the nature of such products, a number of mandatory requirements and other restrictions as to the level of vitamins, minerals and other nutrients should be imposed, such nutrients may be added voluntarily by manufacturers provided that they use exclusively the substances listed in Annex IV to this Directive;

Whereas the use of the products to which such nutrients have been voluntarily added at levels currently observed in the Community do not appear to result in excessive intakes of those nutrients by infants and young children; whereas attention will be paid to any future developments

of the situation, and if necessary, appropriate measures will be taken;

Whereas the provisions relating to the use of additives in the manufacture of processed cereal-based foods and baby foods will be laid down in a Council Directive;

Whereas the use of novel food ingredients will be dealt with horizontally for all foodstuffs in a separate measure;

Whereas this Directive reflects current knowledge about these products; whereas any amendment, to allow for innovation based on scientific and technical progress, will be decided by the procedure laid down in Article 13 of Directive 89/398/EEC;

Whereas, in view of the persons for whom the products are intended, the necessary microbiological criteria and maximum levels for contaminants should be laid down without delay;

Whereas pursuant to Article 7 of Directive 89/398/EEC the products covered by this Directive are subject to the general rules laid down by Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽²⁾, as last amended by Commission Directive 93/102/EC⁽³⁾;

Whereas in this Directive the additions and exceptions to those general rules are adopted and expanded upon, where appropriate;

Whereas, in particular, the nature and destination of the products covered by this Directive require nutritional labelling showing the energy value and principal nutrients they contain; whereas, on the other hand, the method of use should be specified in accordance with point 8 of Article 3 (1) and Article 10 of Directive 79/112/EEC, in order to prevent inappropriate uses liable to harm the health of infants;

Whereas, whilst claims not specifically prohibited may generally be made for the products in question in conformity with the rules applicable for all foodstuffs, such claims should, where appropriate, take into account the compositional criteria specified in this Directive;

⁽¹⁾ OJ No L 186, 30. 6. 1989, p. 27.

⁽²⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽³⁾ OJ No L 291, 25. 11. 1993, p. 14.

Whereas the Scientific Committee for Food has, in accordance with Article 4 of Directive 89/398/EEC, been consulted on the provisions liable to affect public health;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive is a 'specific Directive' within the meaning of Article 4 of Directive 89/398/EEC.

2. This Directive covers foodstuffs for particular nutritional use fulfilling the particular requirements of infants and young children in good health in the Community and are intended for use by infants while they are being weaned, and by young children as a supplement to their diet and/or for their progressive adaptation to ordinary food. They comprise:

(a) 'Processed cereal-based foods' which are divided into the following four categories:

(i) simple cereals which are or have to be reconstituted with milk or other appropriate nutritious liquids;

(ii) cereals with an added high protein food which are or have to be reconstituted with water or other protein-free liquid;

(iii) pastas which are to be used after cooking in boiling water or other appropriate liquids;

(iv) rusks and biscuits which are to be used either directly or, after pulverization, with the addition of water, milk or other suitable liquids.

(b) 'Baby foods' other than processed cereal-based foods.

3. This Directive does not apply to milks intended for young children.

4. For the purpose of this Directive:

— 'infants' shall mean children under the age of twelve months,

— 'young children' shall mean children aged between 1 and 3 years.

Article 2

Member States shall ensure that the products referred to in Article 1 are marketed within the Community only if they conform to the rules laid down in this Directive.

Article 3

Processed cereal-based foods and baby foods shall be manufactured from ingredients whose suitability for particular nutritional use by infants and young children has been established by generally accepted scientific data.

Article 4

1. Processed cereal-based foods shall comply with the compositional criteria specified in Annex I.

2. Baby foods which are described in Annex II shall comply with the compositional criteria specified therein.

Article 5

Only the nutritional substances listed in Annex IV may be added in the manufacture of processed cereal-based foods and baby foods. Within 12 months of the entry into force of this Directive maximum levels, in addition to those already stipulated, shall be laid down where necessary.

The purity criteria for those substances shall be laid down at a later stage.

Article 6

Processed cereal-based foods and baby foods shall not contain any substance in such quantity as to endanger the health of infants and young children. Necessary maximum levels shall be established without delay.

Microbiological criteria shall also be established as necessary.

Article 7

1. The labelling of the products concerned shall bear in addition to the particulars provided for in Article 3 of Directive 79/112/EEC, the following mandatory particulars:

(a) A statement as to the appropriate age from which the product may be used, regard being had to its composition, texture or other particular properties. The stated age shall not be less than four months for any product. Products recommended for use from the age of four months may indicate that they are suitable from that age unless independent persons having qualifications in medicine, nutrition or pharmacy, or other professionals responsible for maternal and child care, advise otherwise.

(b) Information as to the presence or absence of gluten if the indicated age from which the product may be used is below six months.

- (c) The available energy value expressed in kJ and kcal, and the protein, carbohydrate and lipid content, expressed in numerical form, per 100 g or 100 ml of the product as sold and, where appropriate, per specified quantity of the product as proposed for consumption;
- (d) The average quantity of each mineral substance and of each vitamin governed by a specific level in Annex I and Annex II respectively, expressed in numerical form, per 100 g or 100 ml of the product as sold and, where appropriate, per specified quantity of the product as proposed for consumption;
- (e) Instructions for appropriate preparation, when necessary, and a statement as to the importance of following those instructions.

2. The labelling may bear:

- (a) the average quantity of the nutrients set out in Annex IV when such declaration is not covered by the provisions of point (d) of paragraph 1, expressed in numerical form, per 100 g or 100 ml of the product as sold and, where appropriate, per specified quantity of the product as proposed for consumption;
- (b) in addition to numerical information, information on vitamins and minerals shown in Annex V, expressed as a percentage of the reference values given therein, per 100 g or 100 ml of the product as sold, and where appropriate, per specified quantity of the product as proposed for consumption, provided that the quantities present are at least equal to 15 % of the reference values.

Article 8

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

this Directive by 30 September 1997. They shall forthwith inform the Commission thereof.

Those laws, regulations and administrative provisions shall be applied in such a way as to:

- permit trade in products complying with this Directive, by 1 October 1997,
- prohibit trade in products which do not comply with this Directive, with effect from 31 March 1999.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 9

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

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 16 February 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX I

ESSENTIAL COMPOSITION OF PROCESSED CEREAL-BASED FOODS FOR INFANTS AND YOUNG CHILDREN

The requirements concerning nutrients refer to the products ready for use marketed as such or reconstituted as instructed by the manufacturer.

1. Cereal content

Processed cereal-based foods are prepared primarily from one or more milled cereals and/or starchy root products.

The amount of cereal and/or starchy root shall not be less than 25 % of the final mixture on a dry weight for weight basis.

2. Protein

2.1. For products mentioned in points (a) (ii) and (a) (iv) of Article 1 (2), the protein content shall not exceed 1,3 g/100 kJ (5,5 g/100 kcal).

2.2. For products mentioned in point (a) (ii) of Article 1 (2), the added protein shall not be less than 0,48 g/100 kJ (2 g/100 kcal).

2.3. For biscuits mentioned in point (a) (iv) of Article 1 (2), made with the addition of a high protein food, and presented as such, the added protein shall not be less than 0,36 g/100 kJ (1,5/100 kcal).

2.4. The chemical index of the added protein shall be equal to at least 80 % of that of the reference protein (casein as defined in Annex III), or the protein energy ratio (PER) of the protein in the mixture shall be equal to at least 70 % of that of the reference protein. In all cases, the addition of amino acids is permitted solely for the purpose of improving the nutritional value of the protein mixture, and only in the proportions necessary for that purpose.

3. Carbohydrates

3.1. If sucrose, fructose, glucose, glucose syrups or honey are added to products mentioned in points (a) (i) and (a) (iv) of Article 1 (2):

— the amount of added carbohydrates from these sources shall not exceed 1,8 g/100 kJ (7,5 g/100 kcal),

— the amount of added fructose shall not exceed 0,9 g/100 kJ (3,75 g/100 kcal).

3.2. If sucrose, fructose, glucose syrups or honey are added to products mentioned in point (a) (ii) of Article 1 (2),

— the amount of added carbohydrates from these sources shall not exceed 1,2 g/100 kJ (5 g/100 kcal),

— the amount of added fructose shall not exceed 0,6 g/100 kJ (2,5 g/100 kcal).

4. Lipids

4.1. For products mentioned in points (a) (i) and (a) (iv) of Article 1 (2) the lipid content shall not exceed 0,8 g/100 kJ (3,3 g/100 kcal).

4.2. For products mentioned in point (a) (ii) of Article 1 (2), the lipid content shall not exceed 1,1 g/100 kJ (4,5 g/100 kcal). If the lipid content exceeds 0,8 g/100 kJ (3,3 g/100 kcal):

(a) the amount of lauric acid shall not exceed 15 % of the total lipid content;

(b) the amount of myristic acid shall not exceed 15 % of the total lipid content;

(c) the amount of linoleic acid (in the form of glycerides = linoleates) shall not be less than 70 mg/100 kJ (300 mg/100 kcal) and shall not exceed 285 mg/100 kJ (1 200 mg/100 kcal).

5. Minerals**5.1. Sodium**

— sodium salts may only be added to processed cereal-based foods for technological purposes,

— the sodium content of processed cereal-based foods shall not exceed 25 mg/100 kJ (100 mg/100 kcal).

5.2. Calcium

5.2.1. For products mentioned in point (a) (ii) of Article 1 (2), the amount of calcium shall not be less than 20 mg/100 kJ (80 mg/100 kcal).

5.2.2. For products mentioned in point (a) (iv) of Article 1 (2), manufactured with the addition of milk (milk biscuits) and presented as such, the amount of calcium shall not be less than 12 mg/100 kJ (50 mg/100 kcal).

6. Vitamins

- 6.1. For processed cereal-based foods the amount of thiamin shall not be less than 25 µg/100 kJ (100 µg/100 kcal).
- 6.2. For products mentioned in point (a) (ii) of Article 1 (2):

	Per 100 kJ		Per 100 kcal	
	Minimum	Maximum	Minimum	Maximum
Vitamin A (µg RE) ⁽¹⁾	14	43	60	180
Vitamin D (µg) ⁽²⁾	0,25	0,75	1	3

⁽¹⁾ RE = all trans retinol equivalents.

⁽²⁾ In the form of cholecalciferol, of which 10 µg = 400 i.u. of vitamin D.

These limits are also applicable if vitamins A and D are added to other processed cereal-based foods.

ANNEX II

ESSENTIAL COMPOSITION OF BABY FOODS FOR INFANTS AND YOUNG CHILDREN

The requirements concerning nutrients refer to the products ready for use, marketed as such or reconstituted as instructed by the manufacturer.

1. Protein

1.1. If meat, poultry, fish, offal or other traditional source of protein are the only ingredients mentioned in the name of the product, then:

- the named meat, poultry, fish, offal or other traditional protein source, in total, shall constitute not less than 40 % by weight of the total product,
- each named meat, poultry, fish, offal or other traditional source of protein shall constitute not less than 25 %, by weight, of total named protein sources,
- the total protein from the named sources shall not be less than 1,7 g/100 kJ (7 g/100 kcal).

1.2. If meat, poultry, fish, offal or other traditional source of protein, singularly or in combination, are mentioned first in the name of the product, whether or not the product is presented as a meal, then:

- the named poultry, fish, offal or other traditional protein source, in total, shall constitute not less than 10 % by weight of the total product,
- each named meat, poultry, fish, offal or other traditional source of protein shall constitute not less than 25 % by weight, of total named protein sources,
- the protein from the named sources shall not be less than 1 g/100 kJ (4 g/100 kcal).

1.3. If meat, poultry, fish, offal or other traditional source of protein, singularly or in combination are mentioned, but not first, in the name of the product, whether or not the product is presented as a meal, then:

- the named meat, poultry, fish, offal or other traditional protein source, in total, shall constitute not less than 8 % by weight of the total product,
- each named meat, poultry, fish, offal or other traditional source of protein shall constitute not less than 25 %, by weight, of total named protein sources,
- the protein from the named sources shall not be less than 0,5 g/100 kJ (2,2 g/100 kcal),
- the total protein in the product from all sources shall not be less than 0,7 g/100 kJ (3 g/100 kcal).

1.4. If the product is designated on the label as a meal, but does not mention meat, poultry, fish, offal or other traditional source of protein in the name of the product, then:

- the total protein in the product from all sources shall not be less than 0,7 g/100 kJ (3 g/100kcal).

1.5. The addition of amino acids is permitted solely for the purpose of improving the nutritional value of the protein present, and only in the proportions necessary for that purpose.

2. Carbohydrates

The quantities of total carbohydrates present in fruit and vegetable juices and nectars, fruit-only dishes, and desserts or puddings shall not exceed:

- 10 g/100 ml for vegetable juices and drinks based on them,
- 15 g/100 ml for fruit juices and nectars and drinks based on them,
- 20 g/100 g for fruit-only dishes,
- 25 g/100 g for desserts and puddings,
- 5 g/100 g for other non-milk-based drinks.

3. Fat**3.1. For products referred to in point 1.1 of this Annex:**

If meat or cheese are the only ingredients or are mentioned first in the name of a product, then:

— the total fat in the product from all sources should not exceed 1,4 g/100 kJ (6 g/100 kcal).

3.2. For all other products:

the total fat in the product from all sources should not exceed 1,1 g/100 kJ (4,5 g/100 kcal).

4. Sodium

4.1. The final sodium content in the product should be either not more than 48 mg/100 kJ (200 mg/100 kcal) or not more than 200 mg per 100 g. However if cheese is the only ingredient mentioned in the name of the product, the final sodium content in the product should not be more than 70 mg/100 kJ (300 mg/100 kcal).

4.2. Sodium salts may not be added to products based on fruit, nor to desserts, puddings except for technological purposes.

5. Vitamins**Vitamin C**

In a fruit juice, nectar, or vegetable juice the final content of vitamin C in the product should be either not less than 6 mg/100 kJ (25 mg/100 kcal) or not less than 25 mg per 100 g.

Vitamin A

In vegetable juices, the final content of vitamin A in the product should be not less than 25 µg RE/100 kJ (100 µg RE/100 kcal)(¹).

Vitamin A shall not be added to other baby foods.

Vitamin D.

Vitamin D shall not be added to baby foods.

(¹) RE = all trans retinol equivalents.

ANNEX III

AMINO ACID COMPOSITION OF CASEIN

<i>(g per 100 g of protein)</i>	
Arginine	3,7
Cystine	0,3
Histidine	2,9
Isoleucine	5,4
Leucine	9,5
Lysine	8,1
Methionine	2,8
Phenylalanine	5,2
Threonine	4,7
Tryptophan	1,6
Tyrosine	5,8
Valine	6,7

ANNEX IV

NUTRITIONAL SUBSTANCES

1. Vitamins

Vitamin A

Retinol
Retinyl acetate
Retinyl palmitate
beta carotene

Vitamin D

Vitamin D2 (= ergocalciferol)
Vitamin D3 (= cholecalciferol)

Vitamin B1

Thiamin hydrochloride
Thiamin mononitrate

Vitamin B2

Riboflavin
Riboflavin-5'-phosphate, sodium

Niacin

Nicotinamide
Nicotinic acid

Vitamin B6

Pyridoxine hydrochloride
Pyridoxine-5-phosphate
Pyridoxine dipalmitate

Pantothenic Acid

D-pantothenate, calcium
D-pantothenate, sodium
Dexpanthenol

Folate

Folic acid

Vitamin B12

Cyanocobalamin
Hydroxocobalamin

Biotin

D-biotin

Vitamin C

L-Ascorbic acid
Sodium L-ascorbate
Calcium L-ascorbate
6-Palmitoyl-L-ascorbic acid (ascorbyl palmitate)
potassium ascorbate

Vitamin K

Phylloquinone (Phytomenadione)

Vitamin E

D-alpha tocopherol
DL-alpha tocopherol
D-alpha tocopherol acetate
DL-alpha tocopherol acetate

2. Amino acids

L-arginine	}	and their hydrochlorides
L-cystine		
L-histidine		
L-isoleucine		
L-leucine		
L-lysine		
L-cysteine		
L-methionine		
L-phenylalanine		
L-threonine		
L-tryptophan		
L-tyrosine		
L-valine		

3. Others

Choline
Choline chloride
Choline citrate
Choline bitartrate
Inositol
L-Carnitine
L-carnitine hydrochloride

4. Salts of minerals and trace elements*Calcium*

Calcium carbonate
Calcium chloride
Calcium salts of citric acid
Calcium gluconate
Calcium glycerophosphate
Calcium lactate
Calcium oxide
Calcium hydroxide
Calcium salts of orthophosphoric acid

Magnesium

Magnesium carbonate
Magnesium chloride
Magnesium salts of citric acid
Magnesium gluconate
Magnesium oxide
Magnesium hydroxide
Magnesium salts of orthophosphoric acid
Magnesium sulphate
Magnesium lactate
Magnesium glycerophosphate

Potassium

Potassium chloride
Potassium salts of citric acid
Potassium gluconate
Potassium lactate
Potassium glycerophosphate

Iron

Ferrous citrate
Ferric ammonium citrate
Ferrous gluconate
Ferrous lactate
Ferrous sulphate
Ferrous fumarate
Ferric diphosphate (Ferric pyrophosphate)
Elemental iron (carbonyl + electrolytic + hydrogen-reduced)
Ferric saccharate
Sodium ferric diphosphate
Ferrous carbonate

Copper

Copper-lysine complex
Cupric carbonate
Cupric citrate
Cupric gluconate
Cupric sulphate

Zinc

Zinc acetate
Zinc acetate
Zinc citrate
Zinc lactate
Zinc sulphate
Zinc oxide
Zinc gluconate

Manganese

Manganese carbonate
Manganese chloride
Manganese citrate
Manganese gluconate
Manganese sulphate
Manganese glycerophosphate

Iodine

Sodium iodide
Potassium iodide
Potassium iodate
Sodium iodate.

ANNEX V

REFERENCE VALUES FOR NUTRITION LABELLING FOR FOODS INTENDED FOR
INFANTS AND YOUNG CHILDREN

Nutrient	Labelling reference value
Vitamin A	(µg) 400
Vitamin D	(µg) 10
Vitamin C	(mg) 25
Thiamin	(mg) 0,5
Riboflavin	(mg) 0,8
Niacin equivalents	(mg) 9
Vitamin B6	(mg) 0,7
Folate	(µg) 100
Vitamin B12	(µg) 0,7
Calcium	(mg) 400
Iron	(mg) 6
Zinc	(mg) 4
Iodine	(µg) 70
Selenium	(µg) 10
Copper	(mg) 0,4

COMMISSION DIRECTIVE 96/6/EC
of 16 February 1996
amending Council Directive 74/63/EEC on undesirable substances and products
in animal nutrition
(Text with EEA relevance)

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

Having regard to Council Directive 74/63/EEC of 17 December 1973 on undesirable substances and products in animal nutrition⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 6 thereof,

Whereas Directive 74/63/EEC provides for regular updating of its Annexes to take account of advances in scientific and technical knowledge;

Whereas it is necessary to reduce the level of aflatoxin B₁ in complete feedingstuffs for dairy cattle considering the necessity to prevent the presence of this contaminant in milk;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 74/63/EEC is hereby amended as set out in the Annex of this Directive.

Article 2

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply

with this Directive by 31 July 1996 at the latest. They shall immediately inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 16 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 38, 11. 2. 1974, p. 31.

ANNEX

In Annex I, part B, point 1 'Aflatoxin B₁', the words 'Complete feedingstuffs for cattle, sheep and goats (except dairy cattle, calves and lambs)', shown in column 2 and the figure '0,05' shown in the column 3, are replaced by the following:

Substances, products	Feedingstuffs	Maximum content in mg/kg (ppm) of feedingstuff, referred to a moisture content of 12 %
(1)	(2)	(3)
	'Complete feedingstuffs for cattle, sheep and goats except:	0,05
	— dairy cattle	0,005
	— calves and lambs	0,01'

II

(Acts whose publication is not obligatory)

COMMISSION

ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES
ON SOCIAL SECURITY FOR MIGRANT WORKERS

DECISION No 160

of 28 November 1995

concerning the scope of Article 71 (1) (b) (ii) of Council Regulation (EEC) No 1408/71 relating to the right to unemployment benefits of workers, other than frontier workers, who, during their last employment, were residing in the territory of a Member State other than the competent State

(96/172/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81 (a) of Council Regulation (EEC) No 1408/71, under which it is made responsible for dealing with all matters of interpretation arising from Regulations (EEC) No 1408/71 and (EEC) No 574/72,

Having been requested to decide which workers are referred to in Article 71 (1) (b) (ii) of Regulation (EEC) No 1408/71,

Whereas the categories of workers expressly referred to by Decision No 131 of 3 December 1985 should be extended and this Decision amended accordingly;

Whereas Article 71 of the said Regulation lays down special rules concerning the granting and the payment of unemployment benefits to unemployed persons who, during their last employment, resided in a Member State other than the competent State;

Whereas the determining factor for the application of Article 71 in its entirety is the fact that the person concerned resided during his last employment in a Member State other than the one to the legislation of which he was subject, which does not necessarily correspond to the one in which he was employed;

Whereas according to the definition given in Article 1 (h) of Regulation (EEC) No 1408/71, the term 'residence' means habitual residence, 'stay' being defined as temporary residence in subparagraph (i) of that Article;

Whereas the workers referred to in Articles 14 (1) and 14 (b) (1) of Regulation (EEC) No 1408/71 are presumed in the absence of proof to the contrary to reside in the competent State;

Whereas it ensues from the provisions of Article 1 (b) and (c) of Regulation (EEC) No 1408/71 that frontier workers and seasonal workers have their place of residence in a country other than the country of employment, which, by virtue of Article 13 (2) (a) of the said Regulation is the competent country and that there is therefore no doubt that such workers are covered by Article 71 of the same Regulation;

Whereas the categories of workers referred to by Articles 13 (2) (c), 14 (2) (a) and (b) and (3) and Article 16 (2) of Regulation (EEC) No 1408/71 and the workers to whom an agreement as referred to in Article 17 of that Regulation applies are likely to reside, in certain cases, in a Member State other than the State determined as being competent under that Article;

Whereas for the categories of workers referred to by Article 13 (2) (c), Article 14 (2) (a) and (b) and 3 and Article 16 (2) above and the workers to whom an agreement as referred to in Article 17 of that Regulation applies, determining in what State such workers have their place of residence must be examined on a case by case basis and whereas this must be done for workers referred to in Article 14 (2) (a) and (b) for the purposes of their affiliation;

Whereas, under Article 71 (1) (a) (ii) and (b) (ii), responsibility for the payment of benefits is transferred from the competent State to the country of residence where the person concerned puts himself at the disposal of the employment services of the latter country;

Whereas, although this is acceptable in the case of frontier workers and of seasonal workers and of certain other categories who likewise retain close links with their country of origin, it would no longer be acceptable if, by too broad an interpretation of the concept of 'residence', the field of application of Article 71 of Regulation (EEC) No 1408/71 were to be extended to include all migrant workers who have fairly stable employment in a Member State and who have left their families in their country of origin;

Acting in accordance with the provisions of Article 80 (3) of Regulation (EEC) No 1408/71,

HAS DECIDED AS FOLLOWS:

1. In addition to seasonal workers, Article 71 (1) (b) (ii) of Regulation (EEC) No 1408/71 shall apply in particular to the following categories of workers:
 - (a) Workers referred to in Article 13 (2) (c) of the said Regulation;
 - (b) Workers employed in international transport as referred to in Article 14 (2) (a) of the said Regulation;
 - (c) Workers other than workers employed in international transport who normally pursue their occupation in several Member States as referred to in Article 14 (2) (b);
 - (d) Workers employed by an undertaking straddling a common frontier as referred to in Article 14 (3);
 - (e) Workers employed by diplomatic missions and consular posts and the private domestic staff of agents of such missions or posts as referred to in Article 16 (2) of the said Regulation;
 - (f) To workers to whom an agreement as referred to in Article 17 of that Regulation applies,

where they resided during their last employment in a Member State other than the competent State.

2. Workers referred to in paragraph 1, who during their last employment were subject to the legislation of a Member State other than the State of the place of employment shall be eligible for benefits to the provisions of the legislation of the State of residence, as if they had previously been subject to that legislation.
3. Workers referred to in Article 14 (1) and 14 (b) (1) shall be presumed, in the absence of proof to the contrary, to reside in the competent State.
4. This Decision, which replaces Decision No 131 of 3 December 1985, shall enter into force on the first day of the month following its publication in the *Official Journal of the European Communities*.

*The Chairman of the
Administrative Commission*

Carlos GARCÍA DE CORTÁZAR Y NEBREDÁ

CORRIGENDA

Corrigendum to Council Regulation (EC) No 3060/95 of 22 December 1995 on the arrangements for imports for certain textile products originating in Taiwan*(Official Journal of the European Communities No L 326 of 30 December 1995)*

On page 59 in Annex III, box 9 of the form, delete the words:

'NON-RESTRAINED TEXTILE CATEGORY

CATÉGORIE TEXTILE NON LIMITÉE'

Corrigendum to Council Regulation (EC) No 3061/95 of 22 December 1995 amending Regulation (EC) No 992/95 opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in Norway*(Official Journal of the European Communities No L 327 of 30 December 1995)*

On page 3 in Annex I, the text of Order No 09.0711 is replaced by the following:

'09.0711		Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs:			
	ex 1604 13 90	- - - Other:			
		- - - - Sardinella; brisling or sprats excluding raw fillets merely coated with batter or breadcrumbs, whether or not prefried in oil, deep-frozen			
		- - - - Other:			
	1604 19 92	- - - - - Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>)			
	ex 1604 19 93	- - - - - Coalfish (<i>Pollachius virens</i>), excluding smoked coalfish			
	1604 19 94	- - - - - Hake (<i>Merluccius</i> spp., <i>Urophycis</i> spp.)			
	1604 19 95	- - - - - Alaska pollack (<i>Theragra chalcogramma</i>) and pollack (<i>Pollachius pollachius</i>)			
	1604 19 98	- - - - - Other			
	ex 1604 20 90	- - - Fish other than herring and smoked saithe:			
		- - - - Other than mackerel			
		- - - - Mackerel (<i>Scomber australasicus</i>)			
			400	5,8 (*)	10'

Corrigendum to Decision 96/138/ECSC of the Representatives of the Governments of the Member States, meeting within the Council, of 29 January 1996 on certain measures applicable with regard to Kazakhstan concerning trade in certain steel products covered by the ECSC Treaty

(Official Journal of the European Communities No L 32 of 10 February 1996)

On page 29 in Annex I:

under heading *SA 3. Other flat-rolled products:*

- insert CN code 7208 53 90 after CN code 7208 40 90,
- insert CN code 7211 23 51 after CN code 7211 23 10;

under heading *SB 3. Other longs:*

- insert CN code 7214 99 50 after CN code 7214 99 39.
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