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**COMMISSION DECISION**

**of 29 July 1996**

**establishing the list of milk-based products in respect of which Member States are authorized to grant individual or general derogations pursuant to Article 8 (2) of Directive 92/46/EEC and the nature of the derogations applicable to the manufacture of such products**

**(Text with EEA relevance)**

**(96/536/EC)**

**(OJ L 230, 11.9.1996, p. 12)**

Amended by:

► **M1** Commission Decision 97/284/EC of 25 April 1997

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(96/536/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8 (2) thereof,

Whereas Member States have transmitted to the Commission the list of products in respect of which they are requesting application of the first subparagraph of Article 8 (2) of the above Directive, and the nature of the derogations requested;

Whereas for the purposes of this Decision it is necessary to define the term milk-based products with traditional characteristics as used in Article 8 (2) of Directive 92/46/EEC;

Whereas certain requirements of that Directive are likely to affect the production of such milk-based products with traditional characteristics;

Whereas, given the diverse nature of the derogations provided for in Article 8 (2) of that Directive, it is necessary to set general or specific conditions applicable to each product with due regard to public health risks;

Whereas the derogations requested by Member States are from rules relating to raw milk, materials coming into contact with products, ripening cellars and finished products;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

▼M1*Article 1*

For the purposes of Article 8 (2) of Directive 92/46/EEC and of this Decision, milk-based products with traditional characteristics shall mean milk-based products which are:

- recognized historically, or
- manufactured according to technical references or production methods codified or registered in the Member State in which they are traditionally manufactured, or
- protected by a national, regional or local law in the Member State in which they are traditionally manufactured.

*Article 2*

Member States are hereby authorised to grant to establishments manufacturing certain milk-based products with traditional characteristics as

<sup>(1)</sup> OJ No L 268, 14. 9. 1992, p. 1.

**▼M1**

defined in Article 1 individual or general derogations from the requirements set out:

- (a) in Annex B, Chapter I, point 6 and Annex C, Chapter III, point 2 to Directive 92/46/EEC as regards the nature of the materials composing the instruments and the equipment specific to the preparation, packaging and wrapping of these products;

such instruments and equipment must, however, be constantly maintained in a satisfactory state of cleanness and be regularly cleaned and disinfected;

- (b) in Annex B, Chapter I, point 2 (a), (b), (c) and (d) to Directive 92/46/EEC as regards ripening cellars or rooms for such products;

such ripening cellars or rooms may comprise natural geological walls and walls, floors, ceilings and doors that are not smooth, impermeable, durable, covered with a light-coloured coating or of non-corrodible material. The frequency and nature of cleaning and disinfecting measures in such cellars and rooms will be adjusted to this type of activity in order to take account of their specific ambient flora.