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COUNCIL DIRECTIVE 96/16/EC
of 19 March 1996
on statistical surveys of milk and milk products
(OJ L 78, 28.3.1996, p. 27)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003	L 284	1	31.10.2003
► <u>M2</u>	Directive 2003/107/EC of the European Parliament and of the Council of 5 December 2003	L 7	40	13.1.2004
► <u>M3</u>	Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009	L 87	109	31.3.2009
► <u>M4</u>	Regulation (EU) No 1350/2013 of the European Parliament and of the Council of 11 December 2013	L 351	1	21.12.2013



COUNCIL DIRECTIVE 96/16/EC
of 19 March 1996
on statistical surveys of milk and milk products

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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Council Directive 72/280/EEC of 31 July 1972 on the statistical surveys to be made by the Member States on milk and milk products ⁽³⁾ has been amended on several occasions; whereas, in the light of new amendments, it is in the interest of transparency to reformulate the provisions of the said Directive;

Whereas in order to carry out its duties under the Treaty and under Community provisions on the common organization of the market in milk and milk products the Commission needs reliable information about the production and use of milk and regular, reliable, short-term information about the delivery of milk to enterprises which treat or process milk and about the production of milk products in the Member States;

Whereas surveys on the production and use of milk on the farm should be conducted in accordance with uniform criteria and in greater detail, and monthly surveys should be made in all Member States in enterprises which process milk;

Whereas, in order to obtain comparable results, common criteria should be fixed as regards the scope of the survey, the characteristics to be noted and the survey procedure;

Whereas experience acquired in implementing the previous rules has shown that it would be useful to simplify the provisions, in particular by abolishing the requirement to provide weekly results;

Whereas, in view of the growing importance of the milk-protein content of milk products the appropriate steps must be taken;

Whereas, in order to facilitate implementation of the provisions of this Directive, it is appropriate to continue the close cooperation between the Member States and the Commission, particularly in the Standing Committee for Agricultural Statistics established by Decision 72/279/EEC ⁽⁴⁾,

HAS ADOPTED THIS DIRECTIVE:

⁽¹⁾ OJ No C 321, 1.12.1995, p. 6.

⁽²⁾ OJ No C 32, 5.2.1996.

⁽³⁾ OJ No L 179, 7.8.1972, p. 2. Directive as last amended by the 1994 Act of Accession.

⁽⁴⁾ OJ No L 179, 7.8.1972, p. 1.

▼B*Article 1*

Member States:

1. shall survey the survey units specified in Article 2 for the data specified in Article 4, and shall inform the Commission of the monthly, annual and triennial results;

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2. shall carry out annual surveys of the production of milk and its use among agricultural holdings within the meaning of Article 2(a) of Regulation (EC) No 1166/2008 of the European Parliament and of the Council ⁽¹⁾;

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3. subject to the Commission's agreement, may use data from other official sources.

Article 2

The surveys referred to in Article 1 (1) shall cover:

1. undertakings or agricultural holdings which purchase whole milk or, in certain cases, milk products, either directly from agricultural holdings or from the undertakings referred to in point 2, with a view to transforming them into milk products;
2. undertakings which collect milk or cream in order to transfer it in whole or in part, without any processing, to the undertakings referred to in point 1.

Member States shall take all appropriate measures to prevent duplication of results as far as possible.

Article 3

1. For the purpose of this Directive, 'milk' means the milk of cows, ewes, goats and buffaloes. The monthly surveys provided for in Article 4 (1) (a) shall cover only cow's milk and products manufactured exclusively from cow's milk.

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2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 6a, to amend, the list of milk products covered by the surveys and to lay down the standard definitions applicable for the communication of the results for the various products.

Those delegated acts shall be adopted only where they are necessary in order to take account of economic and technical developments; they do not change the optional nature of the required information and they do not impose a significant additional burden on Member States or on the respondents.

⁽¹⁾ Regulation (EC) No 1166/2008 of the European Parliament and of the Council of 19 November 2008 on farm structure surveys and the survey on agricultural production methods and repealing Council Regulation (EEC) No 571/88 (OJ L 321, 1.12.2008, p. 14).

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The Commission shall duly justify the statistical actions provided for in those delegated acts, using, where appropriate, input from relevant experts based on a cost-effectiveness analysis, including an assessment of the burden on the respondents and of the production costs, as referred to in point (c) of Article 14(3) of Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽¹⁾.

▼B*Article 4*

1. The surveys referred to in Article 1 (1) must permit at least the information mentioned in points (a), (b) and (c) below to be provided.

Questionnaires must be compiled in such a way as to avoid duplication.

The information shall relate to:

(a) monthly:

- (i) the quantity and fat content of the milk and cream collected and the protein content of the cows' milk collected;
- (ii) the quantity of certain fresh milk products processed and available for delivery and of certain manufactured dairy products;

(b) annually:

- (i) the quantity, fat content and protein content of the available milk and cream;
- (ii) the quantity of fresh milk products which have been processed and which are available for delivery, and of other manufactured dairy products, broken down by type;
- (iii) the use of raw materials in the form of whole milk and skimmed milk and the amount of fats used in the manufacture of dairy products;

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- (iv) the protein content of the main milk products, based on the measuring or estimating method most likely to guarantee reliable data;
- (v) the quantity of cows' milk produced by agricultural holdings on a regional basis (territorial unit NUTS 2) according to the most appropriate measuring or estimating method for guaranteeing the reliability of the data;

⁽¹⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

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(c) triennially (as from 31 December 1997):

the number of the survey units referred to in Article 2, broken down by size class.

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▼ B*Article 5*

1. Without prejudice to the second subparagraph, the surveys referred to in Article 1 (1) shall be exhaustive in the case of dairies accounting for at least 95 % of the cow's milk collected by the Member State, with the balance being estimated on the basis of representative samples or other sources.

Member States may carry out the monthly surveys mentioned in Article 4 (1) (a) in the form of sample surveys. In that case the sampling error must not exceed 1 % of total national collection (with a confidence interval of 68 %).

2. Member States shall take all appropriate measures to obtain comprehensive and sufficiently accurate results. They shall forward to the Commission in the form of a methodological report all information enabling the accuracy of the results transmitted to be assessed, in particular:

- (a) the questionnaires used;
- (b) the precautions taken to avoid double counting;
- (c) the methods used for transposing the data obtained from the questionnaire to Community tables.

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The methodological reports, the availability and reliability of data and any other matter related to the implementation of this Directive shall be examined once a year with the Member States. Member States shall notify the Commission annually of the methodological information relating to the information referred to in Article 4(1), using a standard questionnaire. The Commission shall adopt implementing acts drawing up those standard questionnaires. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).

▼ B*Article 6***▼ M4**

1. The Commission shall adopt implementing acts laying down tables for the transmission of data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).

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These tables may be amended in accordance with the same procedure.

2. Member States shall transmit the results referred to in paragraph 3, including data which are deemed confidential under national legislation or rules applied with regard to statistical confidentiality, in accordance with the provisions of Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities ⁽¹⁾.

3. Member States shall send to the Commission as soon as possible after summarizing the information, and at the latest:

(a) forty-five days after the end of the return month, the monthly results referred to in Article 4 (1) (a);

(b) in June of the year following the return year:

— the annual results referred to in Article 4 (1) (b);

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(c) in September of the year following the year of the reference date, the results referred to in point 2 of Article 1 and in points (b)(v) and (c) of Article 4(1).

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4. The Commission shall collate the information sent by the Member States and notify them of the overall results.

▼ M4*Article 6a*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 3(2) shall be conferred on the Commission for a period of five years from 10 January 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

⁽¹⁾ OJ No L 151, 15.6.1990, p. 1.

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3. The delegation of power referred to in Article 3(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 3(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 7

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁾.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

▼B*Article 8*

No later than 1 July 1999, the Commission shall submit to the Council a report on experience acquired in implementing this Directive. At the same time it shall submit, in particular, the results of the analysis referred to in Article 4 (2) accompanied where appropriate by proposals regarding the definitive period.

Article 9

1. Directive 72/280/EEC shall be repealed with effect from 1 January 1997.

2. The references to the repealed Directive 72/280/EEC shall be construed as referring to this Directive.

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).



Article 10

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1997. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down 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 11

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

Article 12

This Directive is addressed to the Member States.