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Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products

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:

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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;

2. **[**F1shall 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(5);**]**

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

Textual Amendments

F1 Substituted by Regulation (EU) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics.

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.

[F1 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.

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(6).**]**

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Textual Amendments

F1 Substituted by Regulation (EU) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics.

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 poducts 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;

(iv) **[**[F2]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;**]**

c triennially (as from 31 December 1997):

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

[F3]2 . . . . . .

Textual Amendments

F2 Inserted by Directive 2003/107/EC of the European Parliament and of the Council of 5 December 2003 amending Council Directive 96/16/EC on statistical surveys of milk and milk products.

F3 Deleted by Directive 2003/107/EC of the European Parliament and of the Council of 5 December 2003 amending Council Directive 96/16/EC on statistical surveys of milk and milk products.

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