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COMMISSION DIRECTIVE 96/3/EC

of 26 January 1996

granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea

(Text with EEA relevance)

(OJ L 21, 27.1.1996, p. 42)

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COMMISSION DIRECTIVE 96/3/EC
of 26 January 1996

granting a derogation from certain provisions of Council Directive 93/43/EEC on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats by sea

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾, and in particular Article 3 (3) thereof,

Whereas information shows that the application of the second subparagraph of paragraph 2 of Chapter IV of the Annex to Directive 93/43/EEC relating to the transport of bulk foodstuffs in liquid, granulate or powdered form in receptacles and/or containers/tankers reserved for the transport of foodstuffs, is not practical and imposes an unduly onerous burden on food business when applied to the transport in sea-going vessels of liquid oils and fats intended for, or likely to be used for, human consumption;

Whereas, however, it is necessary to ensure that the granting of a derogation provides equivalent protection to public health, by attaching conditions to the terms of such derogation;

Whereas the availability of sea-going vessels reserved for the transport of foodstuffs is insufficient to serve the continuing trade in oils and fats intended for or likely to be used for human consumption;

Whereas experience acquired during the past years has shown that contamination of liquid oils and fats can be avoided where tanks used for their transport are made of readily cleansible materials or where the three previous cargoes are of such a nature that they do not leave unacceptable contamination; whereas on the other hand it should be established that tanks that have been used previously for transportation have been effectively cleaned;

Whereas it is incumbent on Member States by virtue of Article 8 of Directive 93/43/EEC to carry out controls to ensure the application of this Directive;

Whereas this specific derogation should be without prejudice to the general provisions of Directive 93/43/EEC;

Whereas, pursuant to Article 1 (2) of Directive 93/43/EEC, this derogation should not concern foods to which more specific Community hygiene rules apply;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive derogates from the second subparagraph of paragraph 2 of Chapter IV of the Annex to Directive 93/43/EEC and lays down equivalent conditions to ensure the protection of public health and the safety and wholesomeness of the foodstuffs concerned.

Article 2

1. The bulk transport in sea-going vessels of liquid oils or fats which are to be processed, and which are intended for or likely to be used for human consumption, is permitted in tanks that are not exclusively

⁽¹⁾ OJ No L 175, 19. 7. 1993, p. 1.

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reserved for the transport of foodstuffs, subject to the following conditions:

- (a) that, where the oil or fat is transported in a stainless steel tank, or tank lined with epoxy resin or technical equivalent, the immediately previous cargo transported in the tank shall have been a foodstuff, or a cargo from the list of acceptable previous cargoes set out in the Annex;
- (b) that, where the oil or fat is transported in a tank of materials other than those in point (a), the three previous cargoes transported in the tanks shall have been foodstuffs, or from the list of acceptable previous cargoes set out in the Annex.

2. The bulk transport in sea-going vessels of liquid oils or fats which are not to be further processed, and which are intended for or likely to be used for human consumption, is permitted in tanks that are not exclusively reserved for the transport of foodstuffs, subject to the following conditions:

- (a) that the tank shall be of stainless steel or lined with epoxy resin or technical equivalent;
- (b) that the three previous cargoes transported in the tank shall have been foodstuffs.

Article 3

1. The captain of the sea-going vessel transporting, in tanks, bulk liquid oils and fats intended for or likely to be used for human consumption shall keep accurate documentary evidence relating to the three previous cargoes carried in the tanks concerned, and the effectiveness of the cleaning process applied between these cargoes.

2. Where the cargo has been trans-shipped, in addition to the documentary evidence required in paragraph 1, the captain of the receiving vessel shall keep accurate documentary evidence that the transport of the bulk liquid oil or fat complied with the provisions in Article 2 during previous shipment and of the effectiveness of the cleaning process used between these cargoes on the other vessel.

3. Upon request, the captain of the vessel shall provide the competent official control authorities with the documentary evidence described in paragraphs 1 and 2.

Article 4

This Directive shall be reviewed where one or more Member States, or the Commission, consider that amendments are necessary in order to take account of scientific or technical developments. In any case the Annex shall be reviewed within one year of the entry into force of this Directive.

Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive on 12 February 1996. They shall immediately inform the Commission thereof.

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 6

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

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Article 7

This Directive is addressed to the Member States.

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ANNEX

LIST OF ACCEPTABLE PREVIOUS CARGOES

Substance (synonyms)	CAS No
Acetic acid	64-19-7
Acetic anhydride (ethanoic anhydride)	108-24-7
Acetone (dimethylketone; 2-propanone)	67-64-1
Acid oils and fatty acid distillates — from vegetable oils and fats and/or mixtures thereof and animal and marine fats and oils	
Ammonium hydroxide (ammonium hydrate; ammonia solution; aqua ammonia)	1336-21-6
Ammonium polyphosphate	68333-79-9 10124-31-9
Animal, marine and vegetable and hydrogenated oils and fats (other than cashew shell nut and crude tall oil)	
Beeswax (white and yellow)	8006-40-4 8012-89-3
Benzyl alcohol (pharmaceutical and reagent grades only)	100-51-6
Butyl acetates (n-; sec-; tert-)	123-86-4 105-46-4 540-88-5
Calcium chloride solution is acceptable as a previous cargo only where the immediate previous cargo to it is on the list and is not similarly restricted.	10043-52-4
Calcium lignosulphonate	8061-52-7
Candelilla wax	8006-44-8
Carnauba wax — (Brazil wax)	8015-86-9
Cyclohexane (hexamethylene; hexanaphthene; hexalhydrobenzene)	110-82-7
Epoxidised soyabean oil (with a minimum 7 % — maximum 8 % oxirane oxygen content)	8013-07-8
Ethanol (ethyl alcohol)	64-17-5
Ethyl acetate (acetic ether, acetic ester, vinegar naphtha)	141-78-6
2-Ethylhexanol (2-ethylhexyl alcohol)	104-76-7
Fatty acids:	
Arachidic acid (eicosanoic acid)	506-30-9
Behenic acid (docosanoic acid)	112-85-6
Butyric acid (n-butyric acid; butanoic acid; ethyl acetic acid; propyl formic acid)	107-92-6
Capric acid (n-decanoic acid)	334-48-5
Caproic acid (n-hexanoic acid)	142-62-1
Caprylic acid (n-octanoic acid)	124-07-2

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Substance (synonyms)	CAS No
Erucic acid (cis-13-docosenoic acid)	112-86-7
Heptoic acid (n-heptanoic acid)	111-14-8
Lauric acid (n-dodecanoic acid)	143-07-7
Lauroleic acid (dedecenoic acid)	4998-71-4
Linoleic acid (9,12-octadecadienoic acid)	60-33-3
Linolenic acid (9,12,15-octadecatrienoic acid)	463-40-1
Myristic acid (n-tetradecanoic acid)	544-63-8
Myristoleic acid (n-tetradecenoic acid)	544-64-9
Oleic acid (n-octadecenoic acid)	112-80-1
Palmitic acid (n-hexadecanoic acid)	57-10-3
Palmitoleic acid (cis-9-hexadecenoic acid)	373-49-9
Pelargonic acid (n-nonanoic acid)	112-05-0
Ricinoleic acid (cis-12-hydroxy octadec-9-enoic acid; castor oil acid)	141-22-0
Stearic acid (n-octadecanoic acid)	57-11-4
Valeric acid (n-pentanoic acid; valerianic acid)	109-52-4
Fatty alcohols:	
Butyl alcohol (1-Butanol; butyric alcohol)	71-36-3
Caproyl alcohol (1-hexanol; hexyl alcohol)	111-27-3
Capryl alcohol (1-n-octanol; heptyl carbinol)	111-87-5
Cetyl alcohol (alcohol C-16; 1-hexadecanol; cetylic alcohol; palmityl alcohol, n-primary hexadecyl alcohol)	36653-82-4
Decyl alcohol (1-decanol)	112-30-1
Enanthyl alcohol (1-heptanol; heptyl alcohol)	111-70-6
Lauryl alcohol (n-dodecanol; dodecyl alcohol)	112-53-8
Myristyl alcohol (1-tetradecanol; tetradecanol)	112-72-1
Nonyl alcohol (1-nonanol; pelargonic alcohol; octyl carbinol)	143-08-8
Oleyl alcohol (octadecenol)	143-28-2
Stearyl alcohol (1-octadecanol)	112-92-5
Tridecyl alcohol (1-tridecanol)	27458-92-0 112-70-9
Fatty alcohol blends:	
Lauryl myristyl alcohol (C12-C14)	
Cetyl stearyl alcohol (C16-C18)	

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Substance (synonyms)	CAS No
Fatty acids esters — any ester produced by the combination of the above listed fatty acids with any of the above listed fatty alcohols. Examples of these are butyl myristate, oleyl palmitate and cetyl stearate	

Fatty acid methyl esters:

Methyl laurate (methyl dodecanoate)	111-82-0
Methyl palmitate (methyl hexadecanoate)	112-39-0
Methyl stearate (methyl octadecanoate)	112-61-8

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Methyl oleate (methyl octadecenoate)	112-62-9
Formic acid (methanoic acid; hydrogen carboxylic acid)	64-18-6
Glycerine (glycerol; glycerin)	56-81-5
Glycols:	

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Butanediol

1,3 butanediol (1.3 butylene glycol)	107-88-0
1,4 butanediol (1.4 butylene glycol)	110-63-4
Polypropylene glycol (molecular weight greater than 400)	25322-69-4
Propylene glycol (1.2 propylene glycol; propan-1.2-diol; 1.2-dihydroxypropane; monopropylene glycol (MPG); methyl glycol)	57-55-6
1.3-Propylene glycol (trimethylene glycol; 1.3-propanediol)	504-63-2
n-Heptane	142-82-5
n-Hexane (technical grades)	110-54-3 64742-49-0
iso-Butyl acetate	110-19-0
iso-Decanol (isodecyl alcohol)	25339-17-7
iso-Nonanol (isononyl alcohol)	27458-94-2

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iso-Octanol (isooctyl alcohol)	26952-21-6
iso-Propanol (isopropyl alcohol; IPA)	67-63-0
Limonene (dipentene)	138-86-3
Magnesium chloride solution	7786-30-3

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Methanol (methyl alcohol)	67-56-1
Methyl ethyl ketone (2-butanone)	78-93-3
Methyl isobutyl ketone (4-methyl-2-pentanone)	108-10-1
Methyl tertiary butyl ether (MBTE)	1634-04-4
Molasses	57-50-1

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Substance (synonyms)	CAS No
Montan wax	8002-53-7
Paraffin wax	8002-74-2 63231-60-7
Pentane	109-66-0
Phosphoric acid (ortho phosphoric acid)	7664-38-2
Potable water is acceptable as a previous cargo only where the immediate previous cargo to it is on the list and is not similarly restricted	
Potassium hydroxide (caustic potash) is acceptable as a previous cargo only where the immediate previous cargo to it is on the list and is not similarly restricted	1310-58-3
n-Propyl acetate	109-60-4
Propylene tetramer	6842-15-5
Propyl alcohol (propane-1-ol; 1-propanol)	71-23-8
Sodium hydroxide (caustic soda) is acceptable as a previous cargo only where the immediate previous cargo to it is on the list and is not similarly restricted	1310-73-2
Silicon dioxide (microsilica)	7631-86-9
Sodium silicate (water glass)	1344-09-8
Sorbitol (D-sorbitol; hexahydric alcohol; D-sorbite)	50-70-4
Sulphuric acid	7664-93-9
Urea ammonia nitrate solution (UAN)	
Wine lees (vinasses, vinaccia, argol, vini, argil, arcilla, weinstein, crude cream of tartare, crude potassium bitartrate)	868-14-4
White mineral oils	8042-47-5