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## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1556/1999**  
**of 12 July 1999**  
**amending Regulation (EC) No 47/1999 on the arrangements for imports of certain textile products**  
**originating in Taiwan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Appendix A to Annex II of Regulation (EC) No 47/1999<sup>(1)</sup> provides for supplementary quantitative limits of certain goods pertaining to category 28;
- (2) It has been ascertained that the quantities set for the above goods have been set at a level lower than the amount actually exported by Taiwan in 1998;
- (3) It is intended to maintain for the period 1999-2001 an access to the Community market for textile goods originating in Taiwan not lower than that actually recorded in 1998;

- (4) In the interest of clarity, transparency and legal certainty, this Regulation should enter into force and apply immediately after its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

Appendix A to Annex II to Regulation (EC) No 47/1999 shall be replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply until 31 December 2001.

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

Done at Brussels, 12 July 1999.

*For the Council*

*The President*

S. NIINISTÖ

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<sup>(1)</sup> OJ L 12, 16.1.1999, p. 1.

## ANNEX

## 'Appendix A

| Category | Remarks   |
|----------|---|
| 4        | <p>For the purpose of setting off exports against the agreed quantitative limits a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 4 % of the quantitative limits.</p> <p>The export licence concerning these products must bear, in box 9, the words "The conversion rate for garments of a commercial size of not more than 130 cm must be applied".</p> |
| 6        | <p>For the purpose of setting off exports against the agreed quantitative limits a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 5 % of the quantitative limits.</p> <p>The export licence concerning these products must bear, in box 9, the words "The conversion rate for garments of a commercial size of not more than 130 cm must be applied".</p> |
| 21       | <p>For the purpose of setting off exports against the agreed quantitative limits a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 4 % of the quantitative limits.</p> <p>The export licence concerning these products must bear, in box 9, the words "The conversion rate for garments of a commercial size of not more than 130 cm must be applied".</p> |
| 28       | <p>In addition to the quantitative limits laid down in Annex II, specific quantities were agreed for exports of bib and brace overalls, breeches and shorts falling within CN codes: 6103 41 90, 6103 42 90, 6103 43 90, 6103 49 91, 6104 61 90, 6104 62 90, 6104 63 90 and 6104 69 91 only:</p> <p>1999: 1 062 795 pieces<br/> 2000: 1 089 365 pieces<br/> 2001: 1 116 599 pieces</p>  |
| 97a      | Fine nets (CN codes: 5608 11 19 and 5608 11 99).'   |

**COMMISSION REGULATION (EC) No 1557/1999**  
**of 16 July 1999**  
**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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4 (1) thereof,

- (1) Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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;

- (2) 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 17 July 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 16 July 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                            | Third country code <sup>(1)</sup> | Standard import value |      |
|------------------------------------|-----------------------------------|-----------------------|------|
| 0707 00 05                         | 052                               | 61,9                  |      |
|                                    | 628                               | 130,8                 |      |
|                                    | 999                               | 96,4                  |      |
| 0709 90 70                         | 052                               | 55,4                  |      |
|                                    | 999                               | 55,4                  |      |
| 0805 30 10                         | 382                               | 55,9                  |      |
|                                    | 388                               | 51,2                  |      |
|                                    | 524                               | 59,5                  |      |
|                                    | 528                               | 63,6                  |      |
|                                    | 999                               | 57,6                  |      |
| 0808 10 20, 0808 10 50, 0808 10 90 | 388                               | 76,7                  |      |
|                                    | 400                               | 60,9                  |      |
|                                    | 508                               | 91,0                  |      |
|                                    | 512                               | 73,3                  |      |
|                                    | 524                               | 55,7                  |      |
|                                    | 528                               | 67,7                  |      |
|                                    | 804                               | 98,4                  |      |
|                                    | 999                               | 74,8                  |      |
|                                    | 0808 20 50                        | 388                   | 88,4 |
|                                    |                                   | 512                   | 54,4 |
| 528                                |                                   | 74,2                  |      |
| 804                                |                                   | 72,3                  |      |
| 0809 10 00                         | 999                               | 72,3                  |      |
|                                    | 052                               | 154,8                 |      |
|                                    | 064                               | 79,1                  |      |
|                                    | 091                               | 51,0                  |      |
| 0809 20 95                         | 999                               | 95,0                  |      |
|                                    | 052                               | 177,7                 |      |
|                                    | 061                               | 155,0                 |      |
|                                    | 400                               | 233,9                 |      |
|                                    | 616                               | 170,0                 |      |
| 0809 40 05                         | 999                               | 184,1                 |      |
|                                    | 052                               | 76,0                  |      |
|                                    | 064                               | 83,2                  |      |
|                                    | 624                               | 258,0                 |      |
|                                    | 999                               | 139,1                 |      |

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 1558/1999****of 16 July 1999****fixing the maximum purchasing price for butter for the 243rd invitation to tender carried out under the standing invitation to tender governed by Regulation (EEC) No 1589/87**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular the first subparagraph of Article 7a(1) first indent and Article 7a(3) thereof,

(1) Whereas Article 5 of Commission Regulation (EEC) No 1589/87 of 5 June 1987 on the sale by tender of butter to intervention agencies <sup>(3)</sup>, as last amended by Regulation (EC) No 124/1999 <sup>(4)</sup>, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the intervention price applicable and that it may also be decided not to proceed with the invitation to tender;

(2) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 243rd invitation to tender issued under Regulation (EEC) No 1589/87, for which tenders had to be submitted not later than 13 July 1999, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 17 July 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 148, 28.6.1968, p. 13.

<sup>(2)</sup> OJ L 206, 16.8.1996, p. 21.

<sup>(3)</sup> OJ L 146, 6.6.1987, p. 27.

<sup>(4)</sup> OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1559/1999****of 16 July 1999****fixing the maximum aid for concentrated butter for the 207th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 7a(3) thereof,

(1) Whereas, in accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community <sup>(3)</sup>, as last amended by Regulation (EC) No 124/1999 <sup>(4)</sup>, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; whereas Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly;

(2) Whereas, in the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly;

(3) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 207th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

|                     |                 |
|---------------------|-----------------|
| — maximum aid:      | 117 EUR/100 kg  |
| — end-use security: | 129 EUR/100 kg. |

*Article 2*

This Regulation shall enter into force on 17 July 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28.6.1968, p. 13.

<sup>(2)</sup> OJ L 206, 16.8.1996, p. 21.

<sup>(3)</sup> OJ L 45, 21.2.1990, p. 8.

<sup>(4)</sup> OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1560/1999****of 16 July 1999****fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 35th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 6(3) and (6) and Article 12(3) thereof,

(1) Whereas the intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(3)</sup>, as last amended by Regulation (EC) No 494/1999 <sup>(4)</sup>, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter; whereas Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter; whereas it is further stipulated that the price or aid may vary

according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted; whereas the amount(s) of the processing securities must be fixed accordingly;

(2) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum aid and processing securities applying for the 35th individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 17 July 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28.6.1968, p. 13.

<sup>(2)</sup> OJ L 206, 16.8.1996, p. 21.

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(4)</sup> OJ L 59, 6.3.1999, p. 17.

## ANNEX

to the Commission Regulation of 16 July 1999 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 35th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

| Formula                 |                     |              | A            |                 | B            |                 |
|-------------------------|---------------------|--------------|--------------|-----------------|--------------|-----------------|
| Incorporation procedure |                     |              | With tracers | Without tracers | With tracers | Without tracers |
| Minimum selling price   | Butter $\geq$ 82 %  | Unaltered    | —            | —               | —            | —               |
|                         |                     | Concentrated | —            | —               | —            | —               |
| Processing security     | Unaltered           |              | —            | —               | —            | —               |
|                         | Concentrated        |              | —            | —               | —            | —               |
| Maximum aid             | Butter $\geq$ 82 %  |              | 95           | 91              | —            | 91              |
|                         | Butter < 82 %       |              | 92           | 88              | —            | 88              |
|                         | Concentrated butter |              | 117          | 113             | 117          | 113             |
|                         | Cream               |              | —            | —               | 40           | 38              |
| Processing security     | Butter              |              | 105          | —               | —            | —               |
|                         | Concentrated butter |              | 129          | —               | 129          | —               |
|                         | Cream               |              | —            | —               | 44           | —               |

**COMMISSION REGULATION (EC) No 1561/1999****of 16 July 1999****laying down to what extent applications for issue of export licences submitted during July 1999 for beef and veal products which may benefit from special import treatment in a third country may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 <sup>(1)</sup>, as last amended by Regulation (EC) No 2648/98 <sup>(2)</sup>, and in particular Article 12(8) thereof,

- (1) Whereas Regulation (EC) No 1445/95 lays down, in Article 12, detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EEC) No 2973/79 <sup>(3)</sup>, as last amended by Regulation (EC) No 2648/98;
- (2) Whereas Regulation (EEC) No 2973/79 fixed the quantities of meat which might be exported on special terms for the third quarter of 1999; whereas no applications were submitted for export licences for beef and veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

No applications for export licences were lodged for the beef and veal referred to in Regulation (EEC) No 2973/79 for the third quarter of 1999.

*Article 2*

Applications for licences in respect of the meat referred to in Article 1 may be lodged in accordance with Article 12 of Regulation (EC) No 1445/95 during the first 10 days of the fourth quarter of 1999 the total quantity available being 5 000 tonnes.

*Article 3*

This Regulation shall enter into force on 17 July 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 143, 27.6.1995, p. 35.

<sup>(2)</sup> OJ L 335, 10.12.1998, p. 39.

<sup>(3)</sup> OJ L 336, 29.12.1979, p. 44.

**COMMISSION REGULATION (EC) No 1562/1999**  
**of 16 July 1999**  
**on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1303/1999 <sup>(2)</sup>, and in particular Article 5(5) thereof,

- (1) Whereas Commission Regulation (EC) No 1304/1999 <sup>(3)</sup>, as last amended by Regulation (EC) No 1504/1999 <sup>(4)</sup>, fixes the indicative quantities for system B export licences other than those sought in the context of food aid;
- (2) Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for oranges will shortly be exceeded; whereas this overrun will prejudice the proper

working of the export refund scheme in the fruit and vegetables sector;

- (3) Whereas, to avoid this situation, applications for system B licences for oranges exported after 16 July 1999 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for system B export licences for oranges submitted pursuant to Article 1 of Regulation (EC) No 1304/1999, export declarations for which are accepted after 16 July and before 16 September 1999, are hereby rejected.

*Article 2*

This Regulation shall enter into force on 17 July 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 292, 15.11.1996, p. 12.

<sup>(2)</sup> OJ L 155, 22.6.1999, p. 29.

<sup>(3)</sup> OJ L 155, 22.6.1999, p. 30.

<sup>(4)</sup> OJ L 175, 10.7.1999, p. 5.

## COMMISSION REGULATION (EC) No 1563/1999

of 16 July 1999

**amending Regulation (EC) No 1758/98 increasing to 1 450 000 tonnes the quantity of wheat of breadmaking quality held by the French intervention agency for which a standing invitation to tender for export has been opened**

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 organisation of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999 <sup>(2)</sup>, and in particular Article 5 thereof,

- (1) Whereas Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as last amended by Regulation (EC) No 39/1999 <sup>(4)</sup>, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;
- (2) Whereas Commission Regulation (EC) No 1758/98 <sup>(5)</sup>, as last amended by Regulation (EC) No 1394/1999 <sup>(6)</sup>, opened a standing invitation to tender for the export of 1 250 000 tonnes of wheat of breadmaking quality held by the French intervention agency; whereas France informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of wheat of breadmaking quality held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 1 450 000 tonnes;
- (3) Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions

and quantities in store; whereas Annex I to Regulation (EC) No 1758/98 must therefore be amended;

- (4) 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 1758/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

1. The invitation to tender shall cover a maximum of 1 450 000 tonnes of wheat of breadmaking quality to be exported to all third countries.

2. The regions in which the 1 450 000 tonnes of wheat of breadmaking quality are stored are stated in Annex I to this Regulation.'

2. Annex I is replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on the day of 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, 16 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 191, 31.7.1993, p. 76.

<sup>(4)</sup> OJ L 5, 9.1.1999, p. 64.

<sup>(5)</sup> OJ L 221, 8.8.1998, p. 3.

<sup>(6)</sup> OJ L 163, 29.6.1999, p. 31.

## ANNEX

## 'ANNEX I

(tonnes)

| Place of storage | Quantity |
|------------------|----------|
| Amiens           | 256 000  |
| Clermont         | 1 000    |
| Châlons          | 79 000   |
| Dijon            | 23 000   |
| Lille            | 221 000  |
| Orléans          | 396 000  |
| Paris            | 182 000  |
| Poitiers         | 54 000   |
| Rouen            | 190 000  |
| Rennes           | 12 000   |
| Nantes           | 16 000   |
| Nancy            | 20 000   |

**COMMISSION REGULATION (EC) No 1564/1999****of 16 July 1999****fixing the minimum import prices applicable to dried grapes during the 1999/2000 marketing year as well as the countervailing charges to be imposed where that price is not observed**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products <sup>(1)</sup>, as amended by Regulation (EC) No 2199/97 <sup>(2)</sup>, and in particular Article 13(8) thereof,

- (1) Whereas, in accordance with Article 13(1) of Regulation (EC) No 2201/96, the minimum import price for dried grapes is to be determined having regard to:
- the free-at-frontier price on import into the Community,
  - the prices obtained in international trade,
  - the situation on the internal Community market,
  - the trend of trade with third countries;
- (2) Whereas Article 13(6) of the same Regulation provides that countervailing charges are to be fixed in reference to a scale of import prices; whereas the maximum countervailing charge is to be determined on the basis of the most favourable prices applied on the world market for

significant quantities by the most representative non-member countries;

- (3) Whereas a minimum import price must be fixed for currants and other dried grapes;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The minimum import price applicable to dried grapes during the 1999/2000 marketing year, which begins on 1 September 1999 and ends on 31 August 2000, shall be as set out in Annex I.

2. The countervailing charge to be imposed where the minimum import price referred to in paragraph 1 is not observed shall be as set out in Annex II.

*Article 2*

This Regulation shall enter into force on 1 September 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29.

<sup>(2)</sup> OJ L 303, 6.11.1997, p. 1.

## ANNEX I

## MINIMUM IMPORT PRICES

| <i>(EUR per tonne)</i> |   |                      |
|------------------------|---|----------------------|
| CN code                | Description   | Minimum import price |
| 0806 20                | – Dried grapes:<br>– – In immediate containers of a net capacity of 2 kg or less: |                      |
| 0806 20 11             | – – – Currants  | 1 038,18             |
| 0806 20 12             | – – – Sultanas  | 1 086,10             |
| 0806 20 18             | – – – Other   | 1 086,10             |
|                        | – – Other:  |                      |
| 0806 20 91             | – – – Currants  | 870,57               |
| 0806 20 92             | – – – Sultanas  | 910,75               |
| 0806 20 98             | – – – Other   | 910,75               |

## ANNEX II

## COUNTERVAILING CHARGES

## 1. Currants falling within CN code 0806 20 11:

(EUR per tonne)

| Import price applied |                   | Countervailing charge to be levied |
|----------------------|-------------------|------------------------------------|
| less than            | but not less than |                                    |
| 1 038,18             | 1 027,80          | 10,38                              |
| 1 027,80             | 1 007,03          | 31,15                              |
| 1 007,03             | 975,89            | 62,29                              |
| 975,89               | 944,74            | 84,99                              |
| 944,74               |                   | 84,99                              |

## 2. Currants falling within CN code 0806 20 91:

(EUR per tonne)

| Import price applied |                   | Countervailing charge to be levied |
|----------------------|-------------------|------------------------------------|
| less than            | but not less than |                                    |
| 870,57               | 861,86            | —                                  |
| 861,86               | 844,45            | —                                  |
| 844,45               | 818,34            | —                                  |
| 818,34               | 792,22            | —                                  |
| 792,22               |                   | —                                  |

## 3. Dried grapes falling within CN codes 0806 20 12 and 0806 20 18:

(EUR per tonne)

| Import price applied |                   | Countervailing charge to be levied |
|----------------------|-------------------|------------------------------------|
| less than            | but not less than |                                    |
| 1 086,10             | 1 075,24          | 10,86                              |
| 1 075,24             | 1 053,52          | 32,58                              |
| 1 053,52             | 1 020,93          | 65,17                              |
| 1 020,93             | 988,35            | 97,75                              |
| 988,35               |                   | 132,91                             |

## 4. Dried grapes falling within CN codes 0806 20 92 and 0806 20 98:

(EUR per tonne)

| Import price applied |                   | Countervailing charge to be levied |
|----------------------|-------------------|------------------------------------|
| less than            | but not less than |                                    |
| 910,75               | 901,64            | —                                  |
| 901,64               | 883,43            | —                                  |
| 883,43               | 856,10            | —                                  |
| 856,10               | 828,78            | —                                  |
| 828,78               |                   | —                                  |

**COMMISSION REGULATION (EC) No 1565/1999****of 16 July 1999****fixing for the 1999/2000 marketing year the buying-in price to be paid by storage agencies for unprocessed dried grapes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products <sup>(1)</sup>, as amended by Regulation (EC) No 2199/97 <sup>(2)</sup>, and in particular Article 9(8) thereof,

- (1) Whereas the criteria for fixing the prices at which storage agencies buy dried grapes are laid down in Article 9(2)(b) of Regulation (EC) No 2201/96; whereas the buying-in price for unprocessed dried grapes should be set for the 1999/2000 marketing year at the same level as for the 1998/1999 marketing year given the stability of the minimum import price;
- (2) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management

Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1999/2000 marketing year, the buying-in price referred to in Article 9(2) of Regulation (EC) No 2201/96 for unprocessed dried grapes shall be EUR 46,91 per 100 kg net.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 September 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 297, 21.11.1996, p. 29.<sup>(2)</sup> OJ L 303, 6.11.1997, p. 1.

**COMMISSION REGULATION (EC) No 1566/1999**  
**of 16 July 1999**  
**amending Regulation (EC) No 194/97 setting maximum levels for certain contaminants in food-**  
**stuffs**  
 (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 315/93 of 8 February 1993 laying down Community procedures for contaminants in food <sup>(1)</sup>, and in particular Article 2(3) thereof,

- (1) Whereas Commission Regulation (EC) No 194/97 of 31 January 1997 setting maximum levels for certain contaminants in foodstuffs <sup>(2)</sup>, as last amended by Regulation (EC) No 864/1999 <sup>(3)</sup>, establishes maximum limits of aflatoxins for, *inter alia*, nuts and dried fruit and cereals;
- (2) Whereas the maximum limits of aflatoxin B1 and aflatoxin total laid down for nuts and dried fruit to be subjected to sorting, or other physical treatment, before human consumption or use as an ingredient in foodstuffs have to be reconsidered before 1 July 1999 according to the progress of scientific and technological knowledge; whereas only limited information has been submitted; whereas commitments were made to submit more relevant information and to continue the ongoing research; it is therefore appropriate to extend the period of time to submit this information;
- (3) Whereas it is foreseen to fix a specific limit for cereals to be subjected to sorting or other physical treatment, before human consumption or use as an ingredient in foodstuffs before 1 July 1999; whereas in the case of cereals, it cannot be excluded that sorting methods or

other physical treatments can reduce the level of contamination of aflatoxins; that in order to be able to check the efficiency of these methods, data justifying the fixing of a specific maximum limit for unprocessed cereals were requested; whereas as the result of extensive monitoring, no high levels of aflatoxins were detected in cereals in the year 1998 to 1999; consequently, the efficiency of sorting methods or other physical treatments to reduce the level of contamination of aflatoxins could not be demonstrated; taking into account the fact that the degree of contamination can vary from year to year, it is therefore appropriate to extend the period of time to submit these data;

- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Foodstuffs,

HAS ADOPTED THIS REGULATION:

*Article 1*

The date of '1 July 1999' in footnotes 5 and 6 in the Annex to Regulation (EC) No 194/97 shall be replaced by '1 July 2001'.

*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 30 June 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*  
 Franz FISCHLER  
 Member of the Commission

<sup>(1)</sup> OJ L 37, 13.2.1993, p. 1.

<sup>(2)</sup> OJ L 31, 1.2.1997, p. 48.

<sup>(3)</sup> OJ L 108, 27.4.1999, p. 16.

**COMMISSION REGULATION (EC) No 1567/1999**  
**of 16 July 1999**  
**amending representative prices and additional duties for the import of certain products in the**  
**sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1148/98 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses <sup>(3)</sup>, as last amended by Regulation (EC) No 624/98 <sup>(4)</sup>, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

(1) Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1441/1999 <sup>(5)</sup>, as amended by Regulation (EC) No 1492/1999 <sup>(6)</sup>;

(2) Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 17 July 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 177, 1.7.1981, p. 4.

<sup>(2)</sup> OJ L 159, 3.6.1998, p. 38.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 16.

<sup>(4)</sup> OJ L 85, 20.3.1998, p. 5.

<sup>(5)</sup> OJ L 166, 1.7.1999, p. 77.

<sup>(6)</sup> OJ L 172, 8.7.1999, p. 36.

## ANNEX

**to the Commission Regulation of 16 July 1999 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99**

(EUR)

| CN code                   | Amount of representative prices per 100 kg net of product concerned | Amount of additional duty per 100 kg net of product concerned |
|---------------------------|---|---|
| 1701 11 10 <sup>(1)</sup> | 13,56   | 10,15   |
| 1701 11 90 <sup>(1)</sup> | 13,56   | 16,51   |
| 1701 12 10 <sup>(1)</sup> | 13,56   | 9,92  |
| 1701 12 90 <sup>(1)</sup> | 13,56   | 15,94   |
| 1701 91 00 <sup>(2)</sup> | 19,05   | 17,07   |
| 1701 99 10 <sup>(2)</sup> | 19,05   | 11,62   |
| 1701 99 90 <sup>(2)</sup> | 19,05   | 11,62   |
| 1702 90 99 <sup>(3)</sup> | 0,19  | 0,45  |

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10.4.1968, p. 3).

<sup>(2)</sup> For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21.4.1972, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 1568/1999**  
**of 16 July 1999**  
**amending the import duties in the cereals sector**

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 organisation of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1253/1999<sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector<sup>(3)</sup>, as last amended by Regulation (EC) No 2519/98<sup>(4)</sup>, and in particular Article 2 (1) thereof,

(1) Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1423/1999<sup>(5)</sup>, as last amended by Regulation (EC) No 1523/1999<sup>(6)</sup>;

(2) Whereas Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1423/1999,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 1423/1999 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 17 July 1999.

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

Done at Brussels, 16 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 160, 26.6.1999, p. 18.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 315, 25.11.1998, p. 7.

<sup>(5)</sup> OJ L 166, 1.7.1999, p. 33.

<sup>(6)</sup> OJ L 177, 13.7.1999, p. 19.

## ANNEX I

## Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

| CN code    | Description  | Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne) | Import duty by air or by sea from other ports <sup>(2)</sup> (EUR/tonne) |
|------------|--|--|--|
| 1001 10 00 | Durum wheat high quality                                       | 11,67  | 1,67   |
|            | medium quality <sup>(1)</sup>                                  | 21,67  | 11,67  |
| 1001 90 91 | Common wheat seed  | 35,78  | 25,78  |
| 1001 90 99 | Common high quality wheat other than for sowing <sup>(3)</sup> | 35,78  | 25,78  |
|            | medium quality   | 76,14  | 66,14  |
|            | low quality  | 95,04  | 85,04  |
| 1002 00 00 | Rye  | 84,61  | 74,61  |
| 1003 00 10 | Barley, seed   | 84,61  | 74,61  |
| 1003 00 90 | Barley, other <sup>(3)</sup>                                   | 84,61  | 74,61  |
| 1005 10 90 | Maize seed other than hybrid                                   | 102,80   | 94,32  |
| 1005 90 00 | Maize other than seed <sup>(3)</sup>                           | 102,80   | 94,32  |
| 1007 00 90 | Grain sorghum other than hybrids for sowing                    | 95,46  | 85,46  |

<sup>(1)</sup> In the case of durum wheat not meeting the minimum quality requirements for durum wheat of medium quality, referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

<sup>(2)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

<sup>(3)</sup> The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

## ANNEX II

**Factors for calculating duties**

(for 15 July 1999)

## 1. Averages over the two-week period preceding the day of fixing:

| Exchange quotations                   | Minneapolis | Kansas-City  | Chicago | Chicago | Minneapolis | Minneapolis        | Minneapolis |
|---------------------------------------|-------------|--------------|---------|---------|-------------|--------------------|-------------|
| Product (% proteins at 12 % humidity) | HRS2. 14 %  | HRW2. 11,5 % | SRW2    | YC3     | HAD2        | Medium quality (*) | US barley 2 |
| Quotation (EUR/t)                     | 118,34      | 97,05        | 88,28   | 74,96   | 156,85 (**) | 146,85 (**)        | 83,94 (**)  |
| Gulf premium (EUR/t)                  | —           | 7,12         | - 3,02  | 11,87   | —           | —                  | —           |
| Great Lakes premium (EUR/t)           | 14,43       | —            | —       | —       | —           | —                  | —           |

(\*) A discount of EUR 10 per tonne (Article 4(1) of Regulation (EC) No 1249/96).

(\*\*) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 14,44 EUR/t; Great Lakes — Rotterdam: 26,22 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)  
0,00 EUR/t (SRW2).

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 28 June 1999

laying down the procedures for the exercise of implementing powers conferred on the Commission (\*)

(1999/468/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third indent of Article 202 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas:

- (1) in the instruments which it adopts, the Council has to confer on the Commission powers for the implementation of the rules which the Council lays down; the Council may impose certain requirements in respect of the exercise of these powers; it may also reserve to itself the right, in specific and substantiated cases, to exercise directly implementing powers;
- (2) the Council adopted Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(3)</sup>; that Decision has provided for a limited number of procedures for the exercise of such powers;
- (3) declaration No 31 annexed to the Final Act of the Intergovernmental Conference which adopted the Amsterdam Treaty calls on the Commission to submit to the Council a proposal amending Decision 87/373/EEC;
- (4) for reasons of clarity, rather than amending Decision 87/373/EEC, it has been considered more appropriate to replace that Decision by a new Decision and, therefore, to repeal Decision 87/373/EEC;
- (5) the first purpose of this Decision is, with a view to achieving greater consistency and predictability in the choice of type of committee, to provide for criteria

relating to the choice of committee procedures, it being understood that such criteria are of a non-binding nature;

- (6) in this regard, the management procedure should be followed as regards management measures such as those relating to the application of the common agricultural and common fisheries policies or to the implementation of programmes with substantial budgetary implications; such management measures should be taken by the Commission by a procedure ensuring decision-making within suitable periods; however, where non-urgent measures are referred to the Council, the Commission should exercise its discretion to defer application of the measures;
- (7) the regulatory procedure should be followed as regards measures of general scope designed to apply essential provisions of basic instruments, including measures concerning the protection of the health or safety of humans, animals or plants, as well as measures designed to adapt or update certain non-essential provisions of a basic instrument; such implementing measures should be adopted by an effective procedure which complies in full with the Commission's right of initiative in legislative matters;
- (8) the advisory procedure should be followed in any case in which it is considered to be the most appropriate; the advisory procedure will continue to be used in those cases where it currently applies;
- (9) the second purpose of this Decision is to simplify the requirements for the exercise of implementing powers conferred on the Commission as well as to improve the involvement of the European Parliament in those cases where the basic instrument conferring implementation

(\*) Three statements in the Council minutes relating to this Decision are set out in OJ C 203 of 17 June, page 1.

<sup>(1)</sup> OJ C 279, 8.9.1998, p. 5.

<sup>(2)</sup> Opinion delivered on 6 May 1999 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 197, 18.7.1987, p. 33.

powers on the Commission was adopted in accordance with the procedure laid down in Article 251 of the Treaty; it has been accordingly considered appropriate to reduce the number of procedures as well as to adjust them in line with the respective powers of the institutions involved and notably to give the European Parliament an opportunity to have its views taken into consideration by, respectively, the Commission or the Council in cases where it considers that, respectively, a draft measure submitted to a committee or a proposal submitted to the Council under the regulatory procedure exceeds the implementing powers provided for in the basic instrument;

- (10) the third purpose of this Decision is to improve information to the European Parliament by providing that the Commission should inform it on a regular basis of committee proceedings, that the Commission should transmit to it documents related to activities of committees and inform it whenever the Commission transmits to the Council measures or proposals for measures to be taken;
- (11) the fourth purpose of this Decision is to improve information to the public concerning committee procedures and therefore to make applicable to committees the principles and conditions on public access to documents applicable to the Commission, to provide for a list of all committees which assist the Commission in the exercise of implementing powers and for an annual report on the working of committees to be published as well as to provide for all references to documents related to committees which have been transmitted to the European Parliament to be made public in a register;
- (12) the specific committee procedures created for the implementation of the common commercial policy and the competition rules laid down by the Treaties that are not currently based upon Decision 87/373/EEC are not in any way affected by this Decision,

HAS DECIDED AS FOLLOWS:

#### Article 1

Other than in specific and substantiated cases where the basic instrument reserves to the Council the right to exercise directly certain implementing powers itself, such powers shall be conferred on the Commission in accordance with the relevant provisions in the basic instrument. These provisions shall stipulate the essential elements of the powers thus conferred.

Where the basic instrument imposes specific procedural requirements for the adoption of implementing measures, such requirements shall be in conformity with the procedures provided for by Articles 3, 4, 5 and 6.

#### Article 2

The choice of procedural methods for the adoption of implementing measures shall be guided by the following criteria:

- (a) management measures, such as those relating to the application of the common agricultural and common fisheries policies, or to the implementation of programmes with substantial budgetary implications, should be adopted by use of the management procedure;
- (b) measures of general scope designed to apply essential provisions of basic instruments, including measures concerning the protection of the health or safety of humans, animals or plants, should be adopted by use of the regulatory procedure; where a basic instrument stipulates that certain non-essential provisions of the instrument may be adapted or updated by way of implementing procedures, such measures should be adopted by use of the regulatory procedure;
- (c) without prejudice to points (a) and (b), the advisory procedure shall be used in any case in which it is considered to be the most appropriate.

#### Article 3

##### Advisory procedure

1. The Commission shall be assisted by an advisory committee composed of the representatives of the Member States and chaired by the representative of the Commission.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time-limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.
3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.
4. The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which the opinion has been taken into account.

#### Article 4

##### Management procedure

1. The Commission shall be assisted by a management committee composed of the representatives of the Member States and chaired by the representative of the Commission.
2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty, in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall, without prejudice to Article 8, adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission may defer application of the measures which it has decided on for a period to be laid down in each basic instrument but which shall in no case exceed three months from the date of such communication.

4. The Council, acting by qualified majority, may take a different decision within the period provided for by paragraph 3.

#### Article 5

##### Regulatory procedure

1. The Commission shall be assisted by a regulatory committee composed of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall, without prejudice to Article 8, adopt the measures envisaged if they are in accordance with the opinion of the committee.

4. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken and shall inform the European Parliament.

5. If the European Parliament considers that a proposal submitted by the Commission pursuant to a basic instrument adopted in accordance with the procedure laid down in Article 251 of the Treaty exceeds the implementing powers provided for in that basic instrument, it shall inform the Council of its position.

6. The Council may, where appropriate in view of any such position, act by qualified majority on the proposal, within a period to be laid down in each basic instrument but which shall in no case exceed three months from the date of referral to the Council.

If within that period the Council has indicated by qualified majority that it opposes the proposal, the Commission shall re-examine it. It may submit an amended proposal to the Council, re-submit its proposal or present a legislative proposal on the basis of the Treaty.

If on the expiry of that period the Council has neither adopted the proposed implementing act nor indicated its opposition to

the proposal for implementing measures, the proposed implementing act shall be adopted by the Commission.

#### Article 6

##### Safeguard procedure

The following procedure may be applied where the basic instrument confers on the Commission the power to decide on safeguard measures:

- (a) the Commission shall notify the Council and the Member States of any decision regarding safeguard measures. It may be stipulated that before adopting its decision, the Commission shall consult the Member States in accordance with procedures to be determined in each case;
- (b) Any Member State may refer the Commission's decision to the Council within a time-limit to be determined within the basic instrument in question;
- (c) the Council, acting by a qualified majority, may take a different decision within a time-limit to be determined in the basic instrument in question. Alternatively, it may be stipulated in the basic instrument that the Council, acting by qualified majority, may confirm, amend or revoke the decision adopted by the Commission and that, if the Council has not taken a decision within the abovementioned time-limit, the decision of the Commission is deemed to be revoked.

#### Article 7

1. Each committee shall adopt its own rules of procedure on the proposal of its chairman, on the basis of standard rules of procedure which shall be published in the *Official Journal of the European Communities*.

Insofar as necessary existing committees shall adapt their rules of procedure to the standard rules of procedure.

2. The principles and conditions on public access to documents applicable to the Commission shall apply to the committees.

3. The European Parliament shall be informed by the Commission of committee proceedings on a regular basis. To that end, it shall receive agendas for committee meetings, draft measures submitted to the committees for the implementation of instruments adopted by the procedure provided for by Article 251 of the Treaty, and the results of voting and summary records of the meetings and lists of the authorities and organisations to which the persons designated by the Member States to represent them belong. The European Parliament shall also be kept informed whenever the Commission transmits to the Council measures or proposals for measures to be taken.

4. The Commission shall, within six months of the date on which this Decision takes effect, publish in the *Official Journal of the European Communities*, a list of all committees which assist the Commission in the exercise of implementing powers. This list shall specify, in relation to each committee, the basic instrument(s) under which the committee is established. From 2000 onwards, the Commission shall also publish an annual report on the working of committees.

5. The references of all documents sent to the European Parliament pursuant to paragraph 3 shall be made public in a register to be set up by the Commission in 2001.

*Article 8*

If the European Parliament indicates, in a Resolution setting out the grounds on which it is based, that draft implementing measures, the adoption of which is contemplated and which have been submitted to a committee pursuant to a basic instrument adopted under Article 251 of the Treaty, would exceed the implementing powers provided for in the basic instrument, the Commission shall re-examine the draft measures. Taking the Resolution into account and within the time-limits of the procedure under way, the Commission may submit new draft measures to the committee, continue with the procedure or submit a proposal to the European Parliament and the Council on the basis of the Treaty.

The Commission shall inform the European Parliament and the committee of the action which it intends to take on the

Resolution of the European Parliament and of its reasons for doing so.

*Article 9*

Decision 87/373/EEC shall be repealed.

*Article 10*

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 28 June 1999.

*For the Council*

*The President*

M. NAUMANN

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# COMMISSION

## COMMISSION DECISION

of 25 June 1999

### on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards products related to concrete, mortar and grout

(notified under document number C(1999) 1480)

(Text with EEA relevance)

(1999/469/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products<sup>(1)</sup>, as amended by Directive 93/68/EEC<sup>(2)</sup>, and in particular Article 13(4) thereof,

(1) Whereas the Commission is required to select, as between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required;

(2) Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

(3) Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must

be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

(4) Whereas the procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex III, and the procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annex III;

(5) Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

HAS ADOPTED THIS DECISION:

#### Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

#### Article 2

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 12.

<sup>(2)</sup> OJ L 220, 30.8.1993, p. 1.

*Article 3*

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonised standards.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 25 June 1999.

*For the Commission*  
Martin BANGEMANN  
*Member of the Commission*

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## ANNEX I

**Fibres**

For use other than those specified in Annex II.

**Concrete protection and repair products**

For use with low performance requirements in buildings and civil engineering works, for which the reaction to fire class, if required, is not A <sup>(1)</sup>, B <sup>(1)</sup>, C <sup>(1)</sup>.

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## ANNEX II

**Fibres**

For structural use in concrete, mortar and grout.

**Concrete protection and repair products**

For use in buildings and civil engineering works other than those specified in Annex I.

**Admixtures:****Additions (Type I)****Additions (Type II)**

For use in concrete, mortar and grout.

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<sup>(1)</sup> Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

## ANNEX III

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

## PRODUCT FAMILY:

**PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT (1/2)****Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s).

| Product  | Intended use  | Level/s or class/es | Attestation of conformity system |
|--|---|---------------------|----------------------------------|
| <b>Admixtures</b>                              | for concrete, mortar and grout  | —                   | 2+                               |
| <b>Additions (Type I)</b>                      | for concrete, mortar and grout  | —                   | 2+                               |
| <b>Additions Type II)</b>                      | for concrete, mortar and grout  | —                   | 1+                               |
| <b>Fibres</b>                                  | for structural uses in concrete, mortar and grout                                   | —                   | 1                                |
|  | for other uses in concrete, mortar and grout  | —                   | 3                                |
| <b>Concrete protection and repair products</b> | For uses with low performance requirements in buildings and civil engineering works | —                   | 4                                |
|  | for other uses in buildings and civil engineering works                             | —                   | 2+                               |

System 1+: See Directive 89/106/EEC, Annex III(2)(i), with audit-testing of samples.

System 1: See Directive 89/106/EEC, Annex III(2)(i), without audit-testing of samples.

System 2+: See Directive 89/106/EEC, Annex III(2)(ii), first possibility, including certification of the factory production control by an approved body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance, assessment and approval of factory production control.

System 3: See Directive 89/106/EEC, Annex III(2)(ii), second possibility.

System 4+: See Directive 89/106/EEC, Annex III(2)(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, point 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY:

**PRODUCTS RELATED TO CONCRETE, MORTAR AND GROUT (2/2)****Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

| Product  | Intended use                                     | Level/s or class/es (reaction to fire)                 | Attestation of conformity system |
|--|--|--|----------------------------------|
| <b>Concrete protection and repair products</b> | for uses subject to reaction to fire regulations | A <sup>(1)</sup> , B <sup>(1)</sup> , C <sup>(1)</sup> | 1                                |
|  |  | A <sup>(2)</sup> , B <sup>(2)</sup> , C <sup>(2)</sup> | 3                                |
|  |  | A <sup>(3)</sup> , D, E, F                             | 4                                |

System 1: See Directive 89/106/EEC, Annex III.2.(i), without audit-testing of samples.

System 3: See Directive 89/106/EEC, Annex III.2.(ii), second possibility.

System 4: See Directive 89/106/EEC, Annex III.2.(ii), third possibility.

<sup>(1)</sup> Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

<sup>(2)</sup> Materials for which the reaction to fire performance is not susceptible to change during the production process.

<sup>(3)</sup> Materials of class A that according to the Decision 96/603/EC do not require to be tested for reaction to fire.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## COMMISSION DECISION

of 29 June 1999

**on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards construction adhesives**

(notified under document number C(1999) 1478)

(Text with EEA relevance)

(1999/470/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Having regard to the Treaty establishing the European Community,

- (4) Whereas the procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of section 2 of Annex III, and the procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of section 2 of Annex III;

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products<sup>(1)</sup>, as amended by Directive 93/68/EEC<sup>(2)</sup>, and in particular Article 13(4) thereof,

- (5) Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

- (1) Whereas the Commission is required to select, as between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory-production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required;

HAS ADOPTED THIS DECISION:

*Article 1*

- (2) Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory-production control system ensuring that the product is in conformity with the relevant technical specifications.

*Article 2*

- (3) Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory-production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 12.

<sup>(2)</sup> OJ L 220, 30.8.1993, p. 1.

*Article 3*

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonised standards.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 29 June 1999.

*For the Commission*  
Martin BANGEMANN  
*Member of the Commission*

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## ANNEX I

**Adhesives for tiles (in particular hydraulic binders, cementitious binders, dispersion polymers, reaction resins)**

For internal and external use in buildings and other civil engineering works, excluding those subject to reaction to fire regulations for products made of materials falling into classes A <sup>(1)</sup>, B <sup>(1)</sup>, C <sup>(1)</sup>.

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## ANNEX II

**Adhesives for tiles (in particular hydraulic binders, cementitious binders, dispersion polymers, reaction resins)**

For use subject to reaction to fire regulations for products made of materials falling into classes A <sup>(1)</sup>, B <sup>(1)</sup>, C <sup>(1)</sup>.

**Structural adhesives (in particular epoxy resins, polyurethane resins, acrylic resins, aminoplastic resins, phenolic resins)**

For structural use in buildings and other civil engineering works.

—

<sup>(1)</sup> Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

## ANNEX III

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

## PRODUCT FAMILY

**CONSTRUCTION ADHESIVES (1/2)****Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s).

| Product              | Intended use  | Level/s or class/es | Attestation of conformity system |
|----------------------|---|---------------------|----------------------------------|
| Structural adhesives | For structural uses in buildings and other civil engineering works            | —                   | 2+                               |
| Adhesives for tiles  | For internal and external uses in buildings and other civil engineering works | —                   | 3                                |

System 2+: See Directive 89/106/EEC, Annex III(2)(ii), first possibility, including certification of the factory production control by an approved body on the basis of initial inspection of factory and of factory production control as well as of continuous surveillance, assessment and approval of factory production control.

System 3: See Directive 89/106/EEC, Annex III(2)(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, point 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

## CONSTRUCTION ADHESIVES (2/2)

**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

| Product              | Intended use                                     | Level/s or class/es<br>(reaction to fire)              | Attestation<br>of conformity<br>system(s) |
|----------------------|--|--|---|
| Structural adhesives | For uses subject to reaction to fire regulations | A <sup>(1)</sup> , B <sup>(1)</sup> , C <sup>(1)</sup> | 1   |
| Adhesives for tiles  |  | A <sup>(2)</sup> , B <sup>(2)</sup> , C <sup>(2)</sup> | 3   |
|                      |  | A <sup>(3)</sup> , D, E, F                             | 4   |

System 1: See Directive 89/106/EEC, Annex III(2)(i), without audit-testing of samples.

System 3: See Directive 89/106/EEC, Annex III(2)(ii), second possibility.

System 4: See Directive 89/106/EEC, Annex III(2)(ii), third possibility.

<sup>(1)</sup> Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, for example fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

<sup>(2)</sup> Materials for which the reaction to fire performance is not susceptible to change during the production process.

<sup>(3)</sup> Materials of class A that according to the Decision 96/603/EC does not require to be tested for reaction to fire.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, point 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

**COMMISSION DECISION**  
**of 29 June 1999**  
**on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of**  
**Council Directive 89/106/EEC as regards space heating appliances**

(notified under document number C(1999) 1479)

(Text with EEA relevance)

(1999/471/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Having regard to the Treaty establishing the European Community,

- (4) Whereas the procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of section 2 of Annex III, and the procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of section 2 of Annex III;

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products<sup>(1)</sup>, as amended by Directive 93/68/EEC<sup>(2)</sup>, and in particular Article 13(4) thereof,

- (5) Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

- (1) Whereas the Commission is required to select, as between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory-production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required;

HAS ADOPTED THIS DECISION:

*Article 1*

- (2) Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory-production control system ensuring that the product is in conformity with the relevant technical specifications.

*Article 2*

- (3) Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory-production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 12.

<sup>(2)</sup> OJ L 220, 30.8.1993, p. 1.

*Article 3*

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonised standards.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 29 June 1999.

*For the Commission*  
Martin BANGEMANN  
*Member of the Commission*

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## ANNEX I

**Space heating appliances without internal energy source <sup>(1)</sup> (in particular radiators, convectors, fan convectors including fan coil units, skirting heaters, ceiling mounted panels and other static heat emitters, wall and floor-heating kits)**

For use in buildings, excluding those subject to reaction to fire regulations for products made of materials falling into classes A <sup>(2)</sup>, B <sup>(2)</sup>, C <sup>(2)</sup>.

**Space heating appliances burning solid and liquid fuels <sup>(3)</sup> (in particular flued oil stoves, residential cookers, room-heaters, fireplace stoves, heating inserts, sauna stoves)**

For use in buildings, excluding those subject to reaction to fire regulations for products made of materials falling into classes A <sup>(2)</sup>, B <sup>(2)</sup>, C <sup>(2)</sup>.

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## ANNEX II

**Space heating appliances without internal energy source <sup>(1)</sup> (in particular radiators, convectors, fan convectors including fan coil units, skirting heaters, ceiling mounted panels and other static heat emitters, wall and floor heating kits)**

For use subject to reaction to fire regulations for products made of materials falling into classes A <sup>(2)</sup>, B <sup>(2)</sup>, C <sup>(2)</sup>.

**Space heating appliances burning solid and liquid fuels <sup>(3)</sup> (in particular flued oil stoves, residential cookers, room-heaters, fireplace stoves, heating inserts, sauna stoves)**

For use subject to reaction to fire regulations for products made of materials falling into classes A <sup>(2)</sup>, B <sup>(2)</sup>, C <sup>(2)</sup>.

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<sup>(1)</sup> Excluding electrical space heating appliances.

<sup>(2)</sup> Materials for which the reaction to fire performance is susceptible to change during production (in general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

<sup>(3)</sup> Excluding appliances burning gaseous fuels and appliances specifically designed for use in industrial processes carried out on industrial premises.

## ANNEX III

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

## PRODUCT FAMILY

## SPACE HEATING APPLIANCES (1/2)

## 1. Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

| Product(s)   | Intended use(s) | Level(s) or class(es) | Attestation of conformity system(s) |
|--|-----------------|-----------------------|-------------------------------------|
| <b>Space heating appliances without internal energy source<br/>Space heating appliances burning solid and liquid fuels</b> | in buildings    | —                     | 3                                   |

System 3: See Directive 89/106/EEC, Annex III(2)(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, point 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

## SPACE HEATING APPLIANCES (2/2)

## 1. Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

| Product(s)   | Intended use(s)                                  | Level(s) or classe(es)<br>(reaction to fire)           | Attestation of<br>conformity system(s) |
|--|--|--|--|
| <b>Space heating appliances without internal energy source</b><br><b>Space heating appliances burning solid and liquid fuels</b> | for uses subject to reaction to fire regulations | A <sup>(1)</sup> , B <sup>(1)</sup> , C <sup>(1)</sup> | 1                                      |
|  |  | A <sup>(2)</sup> , B <sup>(2)</sup> , C <sup>(2)</sup> | 3                                      |
|  |  | A <sup>(3)</sup> , D, E, F                             | 4                                      |

System 1: See Directive 89/106/EEC, Annex III(2)(i), without audit-testing of samples.

System 3: See Directive 89/106/EEC, Annex III(2)(ii), second possibility.

System 4: See Directive 89/106/EEC, Annex III(2)(ii), third possibility.

<sup>(1)</sup> Materials, for which the reaction to fire performance is susceptible to change during production (in general those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance)

<sup>(2)</sup> Materials for which the reaction to fire performance is not susceptible to change during the production process.

<sup>(3)</sup> Materials of class A that according to Decision 96/603/EC do not require to be reaction to fire.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, point 1.2.3 of the interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## COMMISSION DECISION

of 1 July 1999

**on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards pipes, tanks and ancillaries not in contact with water intended for human consumption**

(notified under document number C(1999) 1482)

(Text with EEA relevance)

(1999/472/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Having regard to the Treaty establishing the European Community,

- (4) Whereas the procedure referred to in point (a) of Article 13(3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of section 2 of Annex III, and the procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of section 2 of Annex III;

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products <sup>(1)</sup>, as amended by Directive 93/68/EEC <sup>(2)</sup>, and in particular Article 13(4) thereof,

- (5) Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Construction,

- (1) Whereas the Commission is required to select, as between the two procedures under Article 13(3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory-production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4), the intervention of an approved certification body is required;

HAS ADOPTED THIS DECISION:

*Article 1*

- (2) Whereas Article 13(4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

*Article 2*

- (3) Whereas the two procedures provided for in Article 13(3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

<sup>(1)</sup> OJ L 40, 11.2.1989, p. 12.

<sup>(2)</sup> OJ L 220, 30.8.1993, p. 1.

*Article 3*

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonised standards.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 1 July 1999.

*For the Commission*  
Karel VAN MIERT  
*Member of the Commission*

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## ANNEX I

**Piping kits, pipes, tanks, leakage alarm systems, overfill prevention devices, fittings, adhesives, joints, joint sealings, gaskets, ducts and conduits for protection, pipe/duct supports, valves and taps, safety ancillaries**

For use in installations for the transport/distribution/storage of gas/fuel intended for the supply of building heating/cooling systems, from the external storage reservoir or the last pressure reduction unit of the network to the inlet of the heating/cooling systems of the building, and in installations for the transport/disposal/storage of water not intended for human consumption, and for heating systems, other than those specified in Annex II.

## ANNEX II

**Tanks, ducts and conduits for protection**

For use in areas subject to resistance to fire regulations, in installations for the transport/distribution/storage of gas/fuel intended for the supply of building heating/cooling systems, from the external storage reservoir or the last pressure reduction unit of the network to the inlet of the heating/cooling systems of the building.

**Piping kits, pipes, tanks, leakage alarm systems, overfill prevention devices, fittings, adhesives, joints, joint sealings, gaskets, ducts and conduits for protection, pipe/duct supports, valves and taps, safety ancillaries**

For use in areas subject to reaction to fire regulations, in installations for the transport/distribution/storage of gas/fuel intended for the supply of building heating/cooling systems, from the external storage reservoir or the last pressure reduction unit of the network to the inlet of the heating/cooling systems of the building, and in installations for the transport/disposal/storage of water not intended for human consumption for products for which the reaction to fire class is A <sup>(1)</sup>, B <sup>(1)</sup> or C <sup>(1)</sup>.

<sup>(1)</sup> Materials for which the reaction to fire performance is susceptible to change during production (In general, those subject to chemical modification, e.g. fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

## ANNEX II

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

## PRODUCT FAMILY

**PIPES, TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION (1/5)****Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

| Product(s)  | Intended use(s)   | Level(s)<br>or class(es)<br>(Reaction to fire) | Attestation<br>of conformity<br>system(s) |
|---|---|--|---|
| <ul style="list-style-type: none"> <li>— Piping kits</li> <li>— Pipes</li> <li>— Tanks</li> <li>— leakage alarm systems and overfill prevention devices</li> <li>— Fittings, adhesives, joints, joint sealings and gaskets</li> <li>— Ducts and conduits for protection</li> <li>— Pipe/duct supports</li> <li>— Valves and taps</li> <li>— Safety ancillaries</li> </ul> | in installations for the transport/distribution/storage of gas/fuel intended for the supply of building heating/cooling systems, from the external storage reservoir or the last pressure reduction unit of the network to the inlet of the heating/cooling systems of the building | —  | 3   |

System 3: See Directive 89/106/EEC, Annex III(2)(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, point 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

**PIPES, TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION (2/5)****Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

| Product(s)  | Intended use(s)   | Level(s) or class(es)<br>(Reaction to fire) | Attestation of conformity system(s) |
|---|---|---|-------------------------------------|
| <ul style="list-style-type: none"> <li>— Piping kits</li> <li>— Pipes</li> <li>— Tanks</li> <li>— Leakage alarm systems and overfill prevention devices</li> <li>— Fittings, adhesives, joints, joint sealings and gaskets</li> <li>— Ducts and conduits for protection</li> <li>— Pipe/duct supports</li> <li>— Valves and taps</li> <li>— Safety ancillaries</li> </ul> | in installations for the transport/disposal/storage of water not intended for human consumption | —   | 4                                   |

System 4: See Directive 89/106/EEC, Annex III.2(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of Directive 89/160/EEC and where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

**PIPES, TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION (3/5)****Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

| Product(s)   | Intended use(s)  | Level(s) or class(es)<br>(Fire resistance) | Attestation of conformity system(s) |
|--|--|--|-------------------------------------|
| <ul style="list-style-type: none"> <li>— Tanks</li> <li>— Ducts and conduits for protection</li> </ul> | in installations in areas subject to resistance to fire regulations, used for the transport/distribution/storage of gas/fuel intended for the supply of building heating/cooling systems, from the external storage reservoir or the last pressure reduction unit of the network to the inlet of the heating/cooling systems of the building | any  | 1                                   |

System 1: See Directive 89/106/EEC, Annex III(2)(l), without audit-testing of samples.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of Directive 89/160/EEC and where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

**PIPES, TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION (4/5)****Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

| Product(s)  | Intended use(s)  | Level(s) or class(es)<br>(Reaction to fire)            | Attestation of conformity system(s) |
|---|--|--|-------------------------------------|
| <ul style="list-style-type: none"> <li>— Piping kits</li> <li>— Pipes</li> <li>— Tanks</li> <li>— Leakage alarm systems and overflow prevention devices</li> <li>— Fittings, adhesives, joints, joint sealings and gaskets</li> <li>— Ducts and conduits for protection</li> <li>— Pipe/duct supports</li> <li>— Valves and taps</li> <li>— Safety ancillaries</li> </ul> | in installations in areas subject to reaction to fire regulations, used for the transport/distribution/storage of gas/fuel intended for the supply of building heating/cooling systems, from the external storage reservoir or the last pressure reduction unit of the network to the inlet of the heating/cooling systems of the building | any  | 1                                   |
|   | in installations in areas subject to reaction to fire regulations, used for the transport/disposal/storage of water not intended for human consumption   | A <sup>(1)</sup> , B <sup>(1)</sup> , C <sup>(1)</sup> | 1                                   |
|   |  | A <sup>(2)</sup> , B <sup>(2)</sup> , C <sup>(2)</sup> | 3                                   |
|   |  | A <sup>(3)</sup> , D, E, F                             | 4                                   |

System 1: See Directive 89/106/EEC, Annex II(2)(l), without audit-testing of samples.

System 3: See Directive 89/106/EEC, Annex III(2)(ii), second possibility.

System 4: See Directive 89/106/EEC, Annex III(2)(ii), third possibility.

<sup>(1)</sup> Materials for which the reaction to fire performance is susceptible to change during production (In general, those subject to chemical modification, for example fire retardants, or where changes of composition may lead to changes in reaction to fire performance).

<sup>(2)</sup> Materials for which the reaction to fire performance is not susceptible to change during the production process.

<sup>(3)</sup> Materials of class A that according to Decision 96/603/EC do not require to be tested for reaction to fire.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of Directive 89/160/EEC and where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## PRODUCT FAMILY

**PIPES, TANKS AND ANCILLARIES NOT IN CONTACT WITH WATER INTENDED FOR HUMAN CONSUMPTION (5/5)****Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

| Product(s)  | Intended use(s)   | Level(s) or class(es)<br>(Reaction to fire) | Attestation of conformity system(s) |
|---|---|---|-------------------------------------|
| <ul style="list-style-type: none"> <li>— Piping kits</li> <li>— Pipes</li> <li>— Tanks</li> <li>— Leakage alarm systems and overflow prevention devices</li> <li>— Fittings, adhesives, joints, joint sealings and gaskets</li> <li>— Ducts and conduits for protection</li> <li>— Pipe/duct supports</li> <li>— Valves and taps</li> <li>— Safety ancillaries</li> </ul> | in installations subject to regulation on energy conservation, used for the transport/disposal/storage of water not intended for human consumption, and for heating systems | —   | 3                                   |

System 3: See Directive 89/106/EEC, Annex III(2)(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such a characteristic (see Article 2(1) of Directive 89/160/EEC and where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

## CORRIGENDA

**Corrigendum to Council Regulation (EC) No 2820/98 of 21 December 1998 applying a multiannual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001**

*(Official Journal of the European Communities L 357 of 30 December 1998)*

Page 5, Article 1(6) third line:

*for:* '... by virtue of paragraph 5 shall not...';

*read:* '... by virtue of paragraph 4 shall not...';

Page 15:

*for:* 'ANNEX (1)(2)';

*read:* 'ANNEX I (1)(2)';

Page 80, Annex III:

*for:* 'TZ Tajikistan CQ Equatorial Guinea (2)';

*read:* 'TJ Tajikistan GQ Equatorial Guinea (2)';

Page 83, Annex VI, Title:

*for:* '... of Article 29(3)';

*read:* '... of Article 28(3)';

Page 86, Annex VII, part 1:

*for:* '0407 00 11— For hatching';

*read:* '0407 00 11— For hatching (!)';

Page 95, Annex VII, part 4:

*for:* 'ex 0707 00 05(!) Cucumbers, fresh...';

*read:* 'ex 0707 05 00 Cucumbers, fresh...';

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