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I

(Information)

COUNCIL

NOTICE

Establishment by the Council of common positions under the cooperation procedure provided for by Article 149 (2) of the Treaty establishing the European Economic Community

(92/C 12/01)

The Council has established common positions on the following proposals:

Proposal for:

1. Council Directive relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles
10079/91;
2. Council Directive on efficiency requirements for new hot-water boilers fired with liquid or gaseous fuels
9889/91;
3. Decision concerning the conclusion of a Cooperation Agreement between the EEC and COST third States on five concerted action projects in the field of biotechnology (Specific research and technological development programme 'Bridge')
9745/91;
4. Decision concerning the conclusion of a Cooperation Agreement between the EEC and COST third States on 11 concerted action projects in the field of food science and technology (Specific research and technological development programme 'Flair')
9747/91;
5. Directive on sweeteners for use in foodstuffs
9406/91;
6. Directive amending Directive 89/396/EEC on indications or marks identifying the lot to which a foodstuff belongs
8993/91;
7. Council Directive amending Directive 89/336/EEC on the harmonization of the laws of the Member States relating to electromagnetic compatibility
10237/91;

8. Directive amending Directive 89/299/EEC on the own funds of credit institutions
9926/91;
9. Directive on the masses and dimensions of motor vehicles of category M₁
6047/91;
10. Directive on safety glazing and glazing materials on motor vehicles and their trailers
6889/91;
11. Directive relating to tyres for motor vehicles and their trailers
8792/91.

The texts of these common positions may be obtained from the General Secretariat of the Council, 170 rue de la Loi, B-1048 Brussels, Office 12/53; telefax 234 81 74.

The reference number of this Official Journal and the serial number of the proposal concerned should be mentioned in any request.

COMMISSION

Ecu ⁽¹⁾

17 January 1992

(92/C 12/02)

Currency amount for one ecu:

Belgian and Luxembourg franc	42,0042	Portuguese escudo	176,328
German mark	2,03993	United States dollar	1,25573
Dutch guilder	2,29748	Swiss franc	1,80637
Pound sterling	0,714498	Swedish krona	7,42765
Danish krone	7,91299	Norwegian krone	8,01596
French franc	6,95675	Canadian dollar	1,44723
Italian lira	1536,76	Austrian schilling	14,3543
Irish pound	0,765689	Finnish markka	5,55661
Greek drachma	235,085	Japanese yen	160,821
Spanish peseta	129,164	Australian dollar	1,69350
		New Zealand dollar	2,32543

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

Communication of Decisions under sundry tendering procedures in agriculture (cereals)

(92/C 12/03)

(See notice in Official Journal of the European Communities No L 360 of 21 December 1982, page 43)

Standing invitation to tender	Weekly invitation to tender	
	Date of Commission Decision	Maximum refund
Commission Regulation (EEC) No 1144/91 of 3 May 1991 opening an invitation to tender for the refund for the export of durum wheat to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands (OJ No L 112, 4. 5. 1991, p. 23)	16. 1. 1992	ECU 127,89/tonne
Commission Regulation (EEC) No 1145/91 of 3 May 1991 on a special intervention measure for barley in Spain (OJ No L 112, 4. 5. 1991, p. 26)	16. 1. 1992	Tenders rejected
Commission Regulation (EEC) No 1206/91 of 7 May 1991 opening an invitation to tender for the refund for the export of barley to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands (OJ No L 116, 9. 5. 1991, p. 31)	16. 1. 1992	ECU 91,25/tonne
Commission Regulation (EEC) No 1207/91 of 7 May 1991 opening an invitation to tender for the refund for the export of common wheat to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands (OJ No L 116, 9. 5. 1991, p. 34)	16. 1. 1992	ECU 79,25/tonne
Commission Regulation (EEC) No 2628/91 of 3 September 1991 opening an invitation to tender for the refund for the export of rye to countries of zones I, II, III, IV, V, VI, VII and VIII and the Canary Islands (OJ No L 246, 4. 9. 1991, p. 5)	16. 1. 1992	Tenders rejected
Commission Regulation (EEC) No 2844/91 of 27 September 1991 on an invitation to tender for the refund on export of wholly milled round grain rice to certain third countries (OJ No L 272, 28. 9. 1991, p. 54)	16. 1. 1992	Tenders rejected
Commission Regulation (EEC) No 2845/91 of 27 September 1991 opening an invitation tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries (OJ No L 272, 28. 9. 1991, p. 56)	16. 1. 1992	ECU 271,00/tonne
Commission Regulation (EEC) No 2846/91 of 27 September 1991 on an invitation to tender for the refund on export of wholly milled medium grain and long grain A rice to certain third countries (OJ No L 272, 28. 9. 1991, p. 58)	16. 1. 1992	ECU 263,00/tonne

Notice of initiation of a review of Commission Regulation (EEC) No 1937/90 accepting an undertaking with regard to imports of pure silk typewriter ribbon fabrics originating in the People's Republic of China, and of Council Regulation (EEC) No 3200/90 imposing a definitive anti-dumping duty on the above imports

(92/C 12/04)

The Commission has received a request for a review of the abovementioned Commission Regulation (EEC) No 1937/90 ⁽¹⁾ accepting an undertaking from an exporter in the People's Republic of China.

Previous procedure

In November 1989 the Commission initiated an anti-dumping proceeding concerning imports of pure silk typewriter ribbon fabrics originating in the People's Republic of China ⁽²⁾. This followed a complaint lodged by the International Association of Users of Yarn of Man-Made Fabrics and of Natural Silk (Aiuffass).

Following an investigation, a provisional anti-dumping duty was imposed by Commission Regulation (EEC) No 1937/90. However, by the same Regulation, the Commission accepted a price undertaking from the China National Silk Import and Export Corporation — Zhejiang Branch (the only known exporter in the Republic of China) and exempted imports of the product in question from this exporter from the provisional anti-dumping duty. They continued to be exempted from the definitive anti-dumping duty, which was subsequently imposed by Council Regulation (EEC) No 3200/90 ⁽³⁾.

Product

The product under consideration is plain woven silk fabric made out of raw silk of a weight of 40 g/m² or more, but not exceeding 50 g/m² ⁽⁴⁾. The product is used by the office supplies industry for inking and for the further manufacture of typewriter ribbon spools.

Review request

In August 1991, the only known exporter in the People's Republic of China, the China National Silk Import and Export Corporation — Zhejiang Branch, lodged a request for a review of the undertaking accepted by Regulation (EEC) No 1937/90.

Grounds for the review request

The exporter requesting the review alleges changed circumstances and contends that the only Community producer of the product has shifted production from pure silk typewriter ribbon fabrics to mixed polyester and silk fabrics.

Since both products are said to be different, Chinese imports of pure silk fabrics are alleged to no longer injure any Community production of a product like the imported products.

The exporter alleges that, for this reason, the circumstances which gave rise to the undertaking no longer exist, and it submits that the measure is no longer warranted.

Procedure

After consultation, the Commission is satisfied that there is sufficient evidence of changed circumstances to justify a review of the undertaking accepted by Commission Regulation (EEC) No 1937/90, as requested by the China National Silk Import and Export Corporation — Zhejiang Branch. Furthermore, since this exporter is the only known exporter of the product in the People's Republic of China, and the definitive anti-dumping duty imposed by Regulation (EEC) No 3200/90 was based entirely on the findings relating to this exporter, the Commission will also review this Regulation on its own initiative.

The Commission has thus re-opened the investigation in accordance with Article 14 of Council Regulation (EEC) No 2423/88 ⁽⁵⁾.

Interested parties may make known their views in writing, in particular by replying to the questionnaire addressed to the parties known to be concerned and by providing supporting evidence. Furthermore, the Commission will hear parties who so request when making their views known, provided of course that they can show that they are likely to be affected by the result of the proceeding. This notice is published in accordance with Article 7 (1) of Regulation (EEC) No 2423/88.

⁽¹⁾ OJ No L 174, 7. 7. 1990, p 27.

⁽²⁾ OJ No C 300, 29. 11. 1989, p. 3.

⁽³⁾ OJ No L 306, 6. 11. 1990, p. 21.

⁽⁴⁾ It is alleged that the goods or products under consideration fall within CN code ex 5007 20 21.

⁽⁵⁾ OJ No L 209, 2. 8. 1988, p. 1.

Time limit

Any information relating to the matter, any arguments concerning the review request, and any request for a hearing should be sent in writing to reach the Commission of the European Communities, Directorate-General for External Relations (Division I-C-2), 200 rue de la Loi, B-1049 Brussels ⁽¹⁾, not later than 30 days following the date of publication of this notice or, for parties known to be concerned, the date on which the letter accompanying the abovementioned questionnaire is received, whichever date is the later. The receipt of this

⁽¹⁾ Telex COMEU B 21877, telefax (32 2) 235 65 05.

letter is deemed to occur seven days following the date of its dispatch.

Any party which has not received a questionnaire should request such questionnaire within two weeks of the present publication. All questionnaires so requested (or requested subsequent to that date) should be sent, in completed form, to the above address, no later than 45 days after the publication of this notice.

If the required information and argumentation is not received in adequate form within the time limit specified set out above, the Community may make preliminary or final findings on the basis of the facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on colours for use in foodstuffs

(92/C 12/05)

COM(91) 444 final — SYN 368

(Submitted by the Commission on 10 December 1991)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption ⁽¹⁾, and in particular Article 3 (2) thereof,

Whereas differences between national laws relating to the conditions of use of colours in food hinder the free movement of foodstuffs; whereas this may create conditions of unfair competition;

Whereas the prime consideration for any rules on these food additives and their conditions of use should be the need to protect the consumer and to prevent him from being misled;

Whereas a food additive may only be used when there is evidence that the use of this additive has an advantage for the consumer;

Whereas colours are used to restore original appearance of food whose colour has been affected by processing, storage, packaging and distribution, whereby visual acceptability may have been impaired;

Whereas colours are used to make food more visually appealing and help identify flavours normally associated with particular foods and to give colour to food otherwise colourless;

Whereas colours are used to reinforce colours already present in food;

Whereas it is generally recognized that unprocessed foodstuffs and certain other basic foodstuffs should be free from food additives;

Whereas, having regard to the most recent scientific and toxicological information on additives, some of these are to be permitted only for certain foodstuffs and under certain conditions of use;

Whereas it is necessary to lay down strict rules for the use of additives in food for infants and young children;

Whereas the Commission should adapt certain Community provisions to accord with the rules laid down in this Directive;

Whereas the Scientific Committee for Food has been consulted for those substances not yet being the subject of a Community provision;

Whereas it is desirable that when a decision is taken on whether a particular foodstuff belongs to a certain category of foods, the procedure for consultation of the Standing Committee for Food be followed;

Whereas this Directive replaces partially the Council Directive of 23 October 1962 on the approximation of

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27.

the rules of the Member States concerning the colouring matters authorized for use in foodstuffs intended for human consumption, as last amended by the Act of Accession of Spain and Portugal⁽¹⁾;

Whereas the modification of existing purity criteria on colouring matters and new specifications for those where no purity criteria exist will be proposed in accordance with the procedure laid down in Article 11 of Directive 89/107/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive is a specific Directive forming a part of the comprehensive Directive within the meaning of Article 3 of Directive 89/107/EEC.

2. Colours are substances which add or restore colour in a food, and include natural components of foodstuffs and natural sources, which are normally not consumed as foodstuffs as such and not normally used as characteristic ingredients of food.

3. The following substances shall not be considered colours for the purposes of this Directive:

- foodstuffs, flavourings and their components, incorporated during the manufacturing of compound foodstuffs, because of their aromatic, spiced or nutritive properties together with a secondary colouring effect, such as paprika, turmeric and saffron,
- colours used for the colouring of egg shells and for stamping meat and the inedible external parts of foodstuffs, such as cheese coatings and sausage casings.

Article 2

1. Only the substances listed in Annex I may be used as colours in foodstuffs.

2. Colours may be used only in the foodstuffs listed in Annexes III, IV and V and under the conditions specified therein.

3. Colours may not be used in the foodstuffs listed in Annex II except where specifically provided for in Annex III, Annex IV or Annex V.

4. Colours permitted for certain uses only are listed in Annex IV.

5. Colours permitted in general in foodstuffs and the conditions of use therefor are listed in Annex V.

6. Maximum levels indicated in the Annexes refer to foodstuffs as marketed, unless otherwise stated.

Article 3

Without prejudice to other Community provisions, the presence of a colour in a foodstuff is permissible:

— in a compound foodstuff other than one mentioned in Annex II to the extent that the colour is permitted in one of the ingredients of the compound foodstuff,

or

— if the foodstuff is destined to be used solely in the preparation of a compound foodstuff and to such an extent that the compound foodstuff conforms to the provisions of this Directive.

Article 4

It may be decided by the procedure laid down in Article 6 whether a particular foodstuff belongs to a category of foods mentioned in Article 2 (2), (3), (4) and (5), and whether substances are colours in the meaning of Article 1.

Article 5

Any provision necessary to adapt existing Community provisions to the rules laid down in this Directive shall be adopted within six months of notification, in accordance with the procedure laid down in Article 6.

Article 6

Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Standing Committee for Foodstuffs, hereinafter referred to as 'the committee', either on his own initiative or at the request of the representative of a Member State.

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.

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.

⁽¹⁾ Official Journal, English Special Edition, p. 2645/62.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 7

In accordance with the general criteria of point 4 of Annex II to Directive 89/107/EEC, within five years from the adoption of this Directive the Commission shall review the conditions of use mentioned in this Directive, and propose modifications where necessary.

Article 8

Articles 1 to 7, Article 8 (1), second indent and (2), and Articles 9 to 15 of the Directive of 23 October 1962 are hereby repealed.

References to the repealed provisions shall be construed as references to the corresponding provisions of this Directive.

Article 9

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 November 1992 in order to:

- allow trade in and use of products conforming to this Directive not later than 1 November 1993,
- prohibit trade in and use of products not conforming to this Directive not later than 1 November 1994.

They shall at once inform the Commission thereof.

When Member States adopt these measures, these shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The procedure for such reference shall be laid down by Member States.

Article 10

This Directive is addressed to the Member States.

ANNEX I

LIST OF PERMITTED FOOD COLOURS

Note: Aluminium lakes prepared from colours mentioned in this Annex are authorized.

EEC No	Common name	Colour index number (*) or description
E 100	Curcumin	75300
E 101	(i) Riboflavin (ii) Riboflavin-5'-phosphate	
E 102	Tartrazine	19140
E 104	Quinoline yellow	47005
E 110	Sunset yellow FCF, orange yellow S	15985
E 120	Cochineal, carminic acid, carmines	75470
E 122	Azorubine, carmoisine	14720
E 123	Amaranth	16185
E 124	Ponceau 4R, cochineal red A	16255
E 127	Erythrosine	45430

(*) Colour index numbers are taken from the third edition 1982, volumes 1-7, 1315. Also amendments 37-40 (125), 41-44 (127-50), 45-48 (130), 49-52 (132-50), 53-56 (135).

EEC No	Common name	Colour index number (*) or description
E 128	Red 2G	18050
E 129	Allura red AC	16035
E 131	Patent blue V	42051
E 132	Indigotine, indigo carmine	73015
E 133	Brilliant blue FCF	42090
E 140	Chlorophylls and chlorophyllins	75810 75815
	(i) Chlorophylls	
	(ii) Chlorophyllins	
E 141	Copper complexes of chlorophylls and chlorophyllins	75815
	(i) Copper complexes of chlorophylls	
	(ii) Copper complexes of chlorophyllins	
E 142	Green S	44090
E 150a	Plain caramel (*)	
E 150b	Caustic sulphite caramel	
E 150c	Ammonia caramel	
E 150d	Sulphite ammonia caramel	
E 151	Brilliant black BN, black PN	28440
E 153	Vegetable carbon	
E 154	Brown FK	
E 155	Brown HT	20285
E 160a	Carotenes	
	(i) Mixed carotenes	75130
	(ii) Beta-carotene	40800
E 160b	Annatto, bixin, norbixin	75120
E 160c	Paprika extract, capsanthin, capsorubin	
E 160d	Lycopene	
E 160e	Beta-apo-8'-carotenal (C 30)	40820
E 160f	Ethyl ester of beta-apo-8'-carotenic acid (C 30)	40825
E 161b	Lutein	
E 161g	Canthaxanthin	
E 162	Beetroot red, betanin	
E 163	Anthocyanins	Prepared by physical means from fruits and vegetables
E 170	Calcium carbonate	77220
E 171	Titanium dioxide	77891

(*) Colour index numbers are taken from the third edition 1982, volumes 1-7, 1315. Also amendments 37-40 (125), 41-44 (127-50), 45-48 (130), 49-52 (132-50), 53-56 (135).

(*) The term 'caramel' relates to products of a more or less intense brown colour which are intended for colouring. It does not correspond to the sugary aromatic product obtained from heating sugar and which is used for flavouring food (e.g. confectionery, pastry, alcoholic drinks).

EEC No	Common name	Colour index number (1) or description
E 172	Iron oxides and hydroxides	77491, 77492, 77499
E 173	Aluminium	
E 174	Silver	
E 175	Gold	
E 180	Litholrubine BK	

(1) Colour index numbers are taken from the third edition 1982, volumes 1-7, 1315. Also amendments 37-40 (125), 41-44 (127-50), 45-48 (130), 49-52 (132-50), 53-56 (135).

ANNEX II

FOODSTUFFS WHICH MAY NOT CONTAIN ADDED COLOURS, EXCEPT WHERE SPECIFICALLY PROVIDED FOR IN ANNEX III, ANNEX IV OR ANNEX V

Unprocessed foodstuffs (*)

Mineral water as mentioned in Directive 80/777/EEC (1)

Milk, semi-skimmed and skimmed milk, pasteurized or sterilized (including UHT sterilization) (**)

Fermented milk (**)

Preserved milks as mentioned in Directive 76/118/EEC (**)(2)

Buttermilk (**)

Cream and cream powder (**)

Virgin oils and olive oil

Egg yolk, egg white, whole egg and egg powder

Flour and starch

Bread

Pasta

Sugars as defined in Directive 73/437/EEC (3)

Tomato paste and tomato preserves

Fruit juice and fruit nectar as mentioned in Directive 75/726/EEC (4)

Fruit preserves

(*) Within the meaning of this Directive, unprocessed foodstuffs are foodstuffs that have not undergone any treatment resulting in a substantial change in the original state of the foodstuffs. However, they may have been, for example, divided, parted, severed, boned, skinned, pared, peeled, ground, cut, cleaned, trimmed, frozen or chilled.

(**) Unflavoured.

(1) OJ No L 229, 30. 8. 1980, p. 1.

(2) OJ No L 24, 30. 1. 1976, p. 49.

(3) OJ No L 356, 27. 12. 1973, p. 71.

(4) OJ No L 311, 1. 12. 1975, p. 40.

Extra jam, extra jelly, and chestnut puree as mentioned in Directive 79/693/EEC (*)

Fish, meat and poultry

Cocoa and chocolate products as mentioned in Directive 73/241/EEC (*)

Coffee, including instant coffee

Tea, tea extracts and infusions, including instant tea mixes

Spices

Wine as defined by Regulation (EEC) No 822/87 (*)

Foods for infants and young children as mentioned in Directive 89/398/EEC (*)

Honey

(*) OJ No L 205, 13. 8. 1979, p. 5.

(*) OJ No L 63, 5. 3. 1974, p. 34.

(*) OJ No L 84, 27. 3. 1987, p. 1.

(*) OJ No L 186, 30. 6. 1989, p. 27.

ANNEX III

FOODSTUFFS TO WHICH ONLY CERTAIN PERMITTED COLOURS MAY BE ADDED

Foodstuffs	Permitted colour	Maximum level
Wholemeal, brown or malt bread	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	<i>quantum satis</i>
Beer	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	<i>quantum satis</i>
Butter (including reduced fat butter and concentrated butter)	E 160a Carotenes E 160b Annatto, bixin, norbixin	<i>quantum satis</i>
Margarine, minarine, other fat emulsions, and fats essentially free from water	E 100 Curcumin E 160a Carotenes E 160b Annatto, bixin, norbixin	<i>quantum satis</i>
Cheese	E 131 Patent blue V E 140 Chlorophylls and chlorophyllins E 141 Copper complexes of chlorophylls and chlorophyllins E 153 Vegetable carbon E 160a Carotenes E 160b Annatto, bixin, norbixin E 171 Titanium dioxide	<i>quantum satis</i>

Foodstuffs	Permitted colour	Maximum level
Refined vegetables oils except olive oil (for colour restoration only)	E 100 Curcumin E 160a Carotenes E 160b Annatto, bixin, norbixin	<i>quantum satis</i>
Chorizo	E 120 Cochineal, carminic acid, carmines E 124 Ponceau 4R, cochineal red A	200 mg/kg 250 mg/kg
Sobrasada	E 110 Sunset yellow FCF E 124 Ponceau 4R, cochineal red A	135 mg/kg 200 mg/kg
'Pasturmas' (edible external coating)	E 100 Curcumin E 101 (i) Riboflavin (ii) Riboflavin-5'-phosphate E 120 Cochineal, carminic acid, carmines	<i>quantum satis</i>
Sausages (including, for example, salami, cervelat, hot dog), patés, meat pies and luncheon meat, burger meat containing minimum content meat/fat of 82 % and a minimum of 6 % of cereals	E 100 Curcumin E 110 Sunset yellow E 120 Cochineal, carminic acid, carmines E 124 Ponceau 4R E 129 Allura red E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel E 160a Carotenes E 160b Annatto, bixin, norbixin E 160c Paprika extract, capsanthin, capsorubin E 162 Beetroot red, betanin	20 mg/kg 50 mg/kg 100 mg/kg 40 mg/kg 150 mg/kg <i>quantum satis</i> <i>quantum satis</i> <i>quantum satis</i> <i>quantum satis</i> 20 mg/kg 20 mg/kg 10 mg/kg <i>quantum satis</i>

ANNEX IV

COLOURS PERMITTED FOR CERTAIN USES ONLY

Colour	Foodstuffs	Maximum level
E 127 Erythrosine	Cocktail cherries and candied cherries Cherries in syrup and cherries in cocktails	200 mg/kg 150 mg/kg
E 128 Red 2G	Sausages and burgers with a starch content of more than 6 % Decorations and coatings Vegetable protein flour	20 mg/kg 50 mg/kg 150 mg/kg
E 154 Brown FK	Smoked and cured fish	20 mg/kg
E 161g Canthaxanthin	Cooked sausages	30 mg/kg
E 173 Aluminium	External coating of sugar confectionery for the decoration of cakes and pastries	<i>quantum satis</i>

Colour	Foodstuffs	Maximum level
E 174 Silver	External coating of confectionery (chocolate excluded) Liqueurs	<i>quantum satis</i>
E 175 Gold	External coating of confectionery (chocolate excluded) Liqueurs	<i>quantum satis</i>
E 180 Litholrubine BK	Edible cheese surface	<i>quantum satis</i>

ANNEX V

COLOURS PERMITTED IN FOODSTUFFS OTHER THAN THOSE MENTIONED IN ANNEXES II AND III

1. The following colours may be used in all foodstuffs other than those listed in Annexes II and III at *quantum satis*.

- E 101 (i) Riboflavin
- (ii) Riboflavin-5'-phosphate
- E 140 Chlorophylls and chlorophyllins
- E 141 Copper complexes of chlorophylls and chlorophyllins
- E 150a Plain caramel
- E 150b Caustic sulphite caramel
- E 150c Ammonia caramel
- E 150d Sulphite ammonia caramel
- E 153 Vegetable carbon
- E 160a Carotenes
- E 160c Paprika extract, capsanthin, capsorubin
- E 162 Beetroot red, betanin
- E 163 Anthocyanins
- E 170 Calcium carbonate
- E 171 Titanium dioxide
- E 172 Iron oxides and hydroxides

2. The following colours may be used singly or in combination in the following foods up to the maximum level specified in the table.

- E 100 Curcumin
- E 102 Tartrazine
- E 104 Quinoline yellow
- E 110 Sunset yellow FCF, orange yellow S
- E 120 Cochineal, carminic acid, carmines
- E 122 Azorubine, carmoisine
- E 123 Amaranth (*)

(*) For E 123 amaranth the maximum level should not exceed 30 mg/kg or 30 mg/l as appropriate.

- E 124 Ponceau 4R, cochineal red A
 E 129 Allura red AC
 E 131 Patent blue V
 E 132 Indigotine, indigo carmine
 E 133 Brilliant blue FCF
 E 142 Green S
 E 151 Brilliant black BN, black PN
 E 155 Brown HT
 E 160b Annatto, bixin, norbixin
 E 160d Lycopene
 E 160e Beta-apo-8'-carotenal (C 30)
 E 160f Ethyl ester of beta-apo-8'-carotenic acid (C 30)
 E 161b Lutein

Foodstuffs	Maximum level
Non-alcoholic flavoured drinks (*)	100 mg/l
Jam, jellies, marmalades and other similar fruit preparations	200 mg/kg
Candied fruits	200 mg/kg
Preserves of red fruits	200 mg/kg
Confectionery	300 mg/kg
Decorations and coatings (*)	500 mg/kg
Breakfast cereals	200 mg/kg
Fine bakery wares (e.g. viennoiserie, biscuits, cakes and wafers) (*)	200 mg/kg
Edible ices (*)	150 mg/kg
Processed cheese	200 mg/kg
Desserts (*)	150 mg/kg
Vegetables and fruits in vinegar, brine or oil	150 mg/kg
Sauces, seasonings and condiments (*)	500 mg/kg
Mustard	300 mg/kg
Fish and crustacean pastes, fish roe, salmon substitute, surimi, smoked or preserved fish	500 mg/kg
Ready-to-eat savouries	200 mg/kg
Edible cheese rind and edible collagen casings	<i>quantum satis</i>
Fruit wines, aromatized wines and spirits (*)	200 mg/l
Cider or perry	100 mg/l
Formulae for particular nutritional uses (*)	50 mg/kg
Dietary supplements	<i>quantum satis</i>
Soups and broths (*)	300 mg/kg
Canned mushy and processed legumes	200 mg/kg
Vegetable protein flour	100 mg/kg

(*) Maximum levels refer to ready-for-consumption foodstuffs prepared according to the manufacturer's instructions.

Amended proposal for a Council Regulation (EEC) concerning a Community award scheme for an eco-label ⁽¹⁾

(92/C 12/06)

COM(91) 544 final

(Submitted by the Commission pursuant to Article 149 (3) of the EEC Treaty on 12 December 1991)

⁽¹⁾ OJ No C 75, 20. 3. 1991, p. 23.

ORIGINAL TEXT

AMENDED TEXT

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Unchanged

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the objectives and principles of the Community's environment policy, as set out in the European Community Action Programmes on the Environment ⁽¹⁾, aim, in particular, at preventing, reducing and as far as possible eliminating pollution, particularly at source, and ensuring sound management of raw materials resources, on the basis also of the 'polluter pays' principle; whereas the Fourth European Community Action Programme on the Environment (1987 to 1991) ⁽²⁾ highlights the opportunity to develop a policy towards clean products;

Whereas the Council resolution of 7 May 1990 ⁽³⁾ invited the Commission to submit as soon as possible a proposal for a Community-wide eco-labelling scheme covering the environmental impact during the life cycle of the product;

⁽¹⁾ OJ No C 112, 20. 12. 1973, p. 1.

OJ No C 139, 13. 6. 1977, p. 1.

OJ No C 46, 17. 2. 1983, p. 1.

OJ No C 70, 18. 3. 1987, p. 3.

⁽²⁾ OJ No C 328, 7. 12. 1987, p. 1.

⁽³⁾ OJ No C 122, 18. 5. 1990, p. 2.

ORIGINAL TEXT

AMENDED TEXT

Whereas the European Parliament, in its resolution of 19 June 1987 on waste and landfill policy ⁽¹⁾, supported a Community environmental label for eco-products;

Whereas there is increased public interest in information about products which are environmentally less harmful; whereas at least one Member State has already an award scheme for such products and several other Member States are considering the setting up of such a scheme;

Whereas a system to award an eco-label for environmentally less harmful products will highlight more benign alternatives and therefore provide consumers and users with guidance;

Whereas such guidance can best be achieved by establishing uniform criteria for the award scheme which apply throughout the Community; whereas existing or future independent award schemes can continue to exist for a period of five years, and at the end of this period the Commission should re-examine this solution in the light of the experience gained;

Whereas the award scheme should be based on voluntary application; whereas such an approach, in relying on the market forces, will also contribute to research and development, in particular of less polluting technologies, and therefore innovation;

Whereas uniform application of the criteria and compliance with procedures should be ensured throughout the Community;

Whereas the award scheme for the eco-label will take into account the interests of all groups concerned, industry, commerce, consumers and environmentalist, and therefore should provide for involvement of these groups in the award procedure to individual products which conform to the established criteria;

Whereas this label should complement other existing or future Community labelling systems in particular those giving information on energy consumption;

Whereas this Regulation is intended to create the basis for uniform eco-labelling in the Community;

Unchanged

Whereas the award scheme should be based on voluntary application; whereas such an approach, in relying on market forces, will also contribute to research and development, in particular of less polluting technologies, and therefore innovation; whereas the eco-label will thus encourage European firms to incorporate the environment factor into their strategy, thereby improving their international competitive position;

Unchanged

Whereas the award scheme for the eco-label will take into account the interests of all groups concerned, industry, commerce, consumers and environmentalist, and therefore should provide for involvement of these groups in the selection of product groups for which the label will be awarded and the award criteria;

Unchanged

⁽¹⁾ OJ No C 190, 20. 7. 1987, p. 154.

ORIGINAL TEXT

AMENDED TEXT

Whereas the European Environment Agency should be made responsible for certain tasks in connection with the preparation of environmental labels and criteria for the award of such labels to products, technologies, goods, services and programmes which preserve natural resources,

HAS ADOPTED THIS REGULATION:

CHAPTER I

OBJECTIVES AND FIELD OF APPLICATION

*Article 1***Objectives**

1. This Regulation establishes a Community award scheme for an eco-label with a view to promoting products which are environmentally less harmful, and therefore have an overall environmental impact significantly less than that of other products in the same product group.

2. The award scheme is designed to:

- encourage manufacturers to design and produce products which have a reduced environmental impact during manufacturing, distribution, consumption and use as well as during disposal after use,
- provide consumers with better information on the environmental performance of products.

These environmentally more benign product alternatives should not compromise product or workers' safety nor significantly affect the fitness for use of the product.

3. The reduction of environmental impact will be achieved through the minimization of:

- use of natural resources and energy resources,
- emissions into air, water and to soil,
- generation of waste and noise,

and through the maximization of product life and, where applicable, through the use of clean technologies to ensure a high level of environmental protection.

1. This Regulation establishes a Community award scheme for an eco-label with a view to promoting the development, manufacture, marketing and use of environmentally-friendly products which therefore have an overall environmental impact significantly less than that of other products in the same product group.

2. The award scheme is designed to:

- encourage manufacturers to design and produce products which have a reduced environmental impact during manufacturing, distribution, consumption and use as well as during disposal after use,
- to encourage consumers to choose products and technologies which respect the environment.

These environmentally-friendly products should not compromise product safety or workers' and consumers' health and safety nor significantly affect the fitness for use of the product.

3. The reduction of environmental impact will be achieved through the minimization of:

- use of natural resources and energy resources,
- use of raw materials,
- emissions into air, water and to soil,
- generation of waste and noise,

and through the use of clean, lowest-risk, sustainable technologies to ensure a high level of environmental protection and to prevent destruction of the ecosystem.

ORIGINAL TEXT

AMENDED TEXT

Article 2

Unchanged

Field of application

This Regulation shall not apply to food, drink or pharmaceuticals.

*Article 3***Definitions**

For the purpose of this Regulation:

- (a) 'substance' means chemical elements and their compounds as defined in Article 2 of Council Directive 67/548/EEC ⁽¹⁾;
- (b) 'preparation' means mixtures or solutions as defined in Article 2 of Council Directive 88/379/EEC ⁽²⁾;
- (c) 'product group' means products which serve similar purposes and which have equivalence of use;
- (d) 'cradle to grave' means the life cycle of a product from manufacturing, distribution, consumption and use to disposal after use.

*Article 4***Other Community provisions**

The provisions laid down in this Regulation shall apply without prejudice either to other Community provisions relating to the classification, packaging and labelling of products or to the provisions laid down in Council Directive 83/189/EEC ⁽³⁾.

CHAPTER II

ESTABLISHMENT OF PRODUCT GROUPS AND CRITERIA*Article 5***Product groups**

1. Product groups shall be established in accordance with the procedure laid down in Article 9.
2. Each product group shall be defined in such a way as to ensure that all competing products which serve similar purposes and which have equivalence of use are included in the same group.
3. General and specific criteria for each product group shall conform to the requirements of Articles 6 and 7.

1. The product groups and their period of validity shall be established in accordance with the procedure laid down in Articles 8 and 9.
2. Each product group shall be defined in such a way as to ensure that all products which serve the same purposes and which have equivalence of use are included in the same group.
3. The specific environmental criteria for each product group shall conform to the requirements of Articles 6 and 7.

⁽¹⁾ OJ No L 196, 16. 8. 1967, p. 1.

⁽²⁾ OJ No L 187, 16. 7. 1988, p. 14.

⁽³⁾ OJ No L 109, 26. 4. 1983, p. 8.

ORIGINAL TEXT

AMENDED TEXT

4. Requests for the establishment of a new product group shall be addressed to the competent bodies referred to in Article 11. The competent body shall decide if it wishes to request the Commission to submit a proposal to the advisory committee referred to in Article 9.

Unchanged

*Article 6***General principles**

1. The eco-label shall only be awarded to products which do not contravene Community health, safety and environment requirements.

1. The eco-label may be awarded to products which satisfy Community health, safety and environment requirements.

2. The eco-label shall not be awarded to substances and preparations classified as dangerous in accordance with Directive 67/548/EEC. Nor shall the eco-label be awarded to products containing a substance or preparation classified as dangerous in accordance with the said Directive and likely to harm man and/or the environment.

Unchanged

3. The eco-label shall only be conferred on products manufactured by a process which does not contravene Community environmental legislation and is unlikely to harm significantly man and/or the environment.

3. The eco-label shall not be conferred on products manufactured by a process which contravenes Community environmental legislation or that of any Member State or which significantly harms man and/or the environment.

4. The eco-label shall be awarded to products which meet the objectives set out in Article 1 and represent a 'state of the art' approach in contributing to an improvement in the quality of the environment.

Unchanged

5. Products for which the eco-label have been requested imported into the Community shall be subject to the same stringent requirements as products manufactured in the Community.

*Article 7***Elaboration of specific criteria**

1. Specific environmental criteria for each product group shall be established using a 'cradle to grave' approach including consideration of the objectives set out in Article 1. The criteria shall be established by reference to the matrix format shown in Annex I, shall be based on the use of clean technologies where applicable and shall ensure a high level of environmental protection.

1. Specific environmental criteria for each product group shall be established using a 'cradle to grave' approach subject to the provisions of Articles 1 and 6. The criteria shall be established by reference to the matrix format shown in Annex I; they must be clear, precise and stringent and based on the use of clean, lowest-risk, sustainable technologies and shall ensure a high level of environmental protection.

2. The European Environment Agency, hereinafter referred to as the 'Agency', shall undertake, at the request of the Commission, preparatory work of a scientific and technical nature necessary for the establishment of criteria.

Unchanged

ORIGINAL TEXT

AMENDED TEXT

Article 7a

1. In order to define the product groups and specific environmental criteria referred to in Article 7, and before establishing a draft to be presented to the committee referred to in Article 9, the Commission shall consult the main interested groups who will meet to this end within a consultative forum.

2. Representatives at the Community level of at least the following interest groups shall belong to the forum:

- industry,
- retailers,
- consumers' organizations,
- environmental organizations,
- independent scientists.

Each of these groups shall have a maximum of three seats.

The interest groups which are parties to the forum must ensure an appropriate representation depending on the categories of products concerned.

3. The Commission shall take account of the opinion delivered by the forum when preparing the draft which is submitted to the committee referred to in Article 9.

*Article 8***Adoption of the specific criteria**

Without prejudice to Article 22, the specific environmental criteria referred to in Article 7 for each product group shall be adopted by the Commission in accordance with the procedure laid down in Article 9.

*Article 9***Advisory committee**

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

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.

Unchanged

ORIGINAL TEXT

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.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

2. The Commission may consult the committee on any matter related to the operation of the award scheme for an eco-label.

CHAPTER III

AWARD OF AN ECO-LABEL TO INDIVIDUAL PRODUCTS

*Article 10***The eco-label**

1. To achieve the objectives set out in Article 1, the eco-label, illustrated in Annex II, shall be awarded to products best fulfilling the requirements of Articles 6 and 7.

2. Applications for the use of the label shall be made in accordance with the procedures set out in Article 12.

The decision to award a label to individual products amongst those which best fulfil the criteria referred to in Articles 6 and 7 shall be taken by the jury established under Article 13.

3. The main reasons for granting the eco-label shall be mentioned, if possible, in or near the label in code form and shall form an integral part of the label in accordance with the procedure set out in Article 9.

4. The label shall be awarded for a fixed period of time, dependent on the period of validity of the criteria, which may be altered where necessary after review.

5. The eco-label shall not be used under any circumstances before a contract on the conditions of use has been concluded with the competent body to which the product application was submitted.

6. The eco-label shall not be used in a manner likely to mislead the consumer.

AMENDED TEXT

1. To achieve the objectives set out in Article 1, the eco-label, illustrated in Annex II, shall be awarded as a logo to products fulfilling the requirements of Articles 6 and 7.

2. Applications for the use of the label shall be made in accordance with the procedures set out in Article 12.

The decision to award a label to individual products amongst those which fulfil the criteria referred to in Articles 6 and 7 shall be taken by the competent body referred to in Article 11 in accordance with the procedure pursuant to Article 12.

3. To provide consumers with sufficiently clear information, the main reasons for granting the eco-label shall be mentioned on the label in accordance with the details of the procedure set out in Article 9.

Unchanged

ORIGINAL TEXT

AMENDED TEXT

*Article 11***Designation of competent bodies**

Each Member State shall designate the body or bodies, hereinafter referred to as the 'competent body', responsible for carrying out the tasks detailed in Article 12 and inform the Commission thereof. The competent body shall be independent from industrial or commercial interests.

*Article 12***Requests for award of an eco-label**

1. Manufacturers or importers may apply for award of a label to the competent body in the Member State in which the product is manufactured or into which the product is imported.

The competent body shall assess the environmental performance of the product by reference to the agreed general principles and specific performance criteria for the product group.

2. The competent body may also request that applicants for a label submit all or part of the product for testing.

3. After the product assessment the competent body shall decide if a request for the award of a label shall be submitted to the jury provided for in Article 13.

4. If an application for a label is rejected the competent body shall advise the applicant of the reasons for rejection.

Member States shall provide for an appeal procedure in such cases.

5. An undertaking may withdraw an application for a new label, or cease to use an existing label, after notifying the competent body.

1. Manufacturers or importers may apply for award of a label to the competent body in the Member State in which the product is manufactured or into which the product is imported.

The competent body shall assess the environmental performance of the product by reference to the agreed general principles and specific environmental criteria for the product group. If a product satisfies all the criteria, the eco-label shall be awarded.

2. The applicant shall forward to the competent body all information required for an assessment of the product and shall, if necessary, make all or part of the product available for testing.

3. After the product assessment the competent body shall decide on the award of the label. If it decides to award the label, it shall inform the Commission of its decision and of the results of its assessment. The Commission shall immediately notify the other Member States. After a period of 45 days after such notification, the competent body may award the eco-label unless the Commission or a Member State submits to it, within this period, reasoned objections to the award of the label. If such objections are made, the Commission shall, at the request of the competent body, forward to the committee set up pursuant to Article 9 the proposal for the award of the label; the committee shall then decide.

Unchanged

ORIGINAL TEXT

AMENDED TEXT

*Article 13***The jury****The jury**

A jury is hereby established for the award of labels to individual products amongst those which best meet the requirements of Articles 6 and 7.

1. The jury shall consist of 18 full members, there being for each Member State one representative and one representative of the following interest groups:
 - industry,
 - commerce,
 - consumer organizations,
 - environmental organizations,
 - workers' organizations,
 - media.
2. An alternate member shall be appointed for each full member.
3. Full members and alternate members of the jury shall be nominated by the Council on the basis of:
 - a proposal from the Member States for the representatives of Member States,
 - a proposal from the Commission for the representative of the interest groups.

The Council in nominating the members of the jury shall endeavour to achieve a fair balance in the composition of the jury between the various interest groups.

4. The list of the members and the alternate members shall be published in the *Official Journal of the European Communities* for information purposes.

6. On receipt of an application for award of the eco-label, the competent body may decide that the product belongs to none of the product groups for which criteria have already been established. In this case, the competent body shall decide whether to submit to the Commission for approval a proposal for establishing a new product group.

7. The competent bodies shall keep records of all applications received and submitted for assessment and of all applications granted and rejected. Each competent body shall forward to the other competent bodies at regular intervals a summary of such data in a form jointly established with the Commission.

8. The members of the competent body responsible for assessing an application for the label may in no circumstances have any links with the firms concerned or have interests in such firms.

Unchanged

Deleted

ORIGINAL TEXT

AMENDED TEXT

5. The term of office of full members and alternate members shall be three years. Their appointments shall be renewable.
6. On expiry of their term of office, the full members and alternate members shall remain in office until they are replaced or their appointments are renewed.
7. A member's term of office shall end before the expiry of the three year period with his resignation or following a communication from the Member State concerned indicating that the term of office is terminated.

For the remainder of the term of office, a member shall be replaced in accordance with the procedure laid down in paragraph 3.

8. The jury shall elect a chairman and an alternate and adopt its rules of procedure.
9. The jury shall take all decisions on the basis of a two-thirds majority of the members.
10. In considering the proposals from the competent bodies the jury shall, in awarding labels, select those products which best meet the requirements set out in Articles 6 and 7.
11. If the jury decides not to award the label to an individual product, the reasons for the rejection shall be stated.
12. The jury shall communicate its reasoned decisions to the applicants and to the Commission. The Commission shall publish them in the *Official Journal of the European Communities* to enable all interested parties to make their comments.

The Commission may of its own initiative raise an objection to such decisions, within a period of two months, if it identifies a manifest error of judgement or in case of major violation of procedures. In this case it shall return the matter to the jury for reconsideration.

Furthermore, any person for whom the decision of the jury constitutes a grievance may within a period of 30 days from publication of the decision in the *Official Journal of the European Communities* notify the Commission of a request to revise the decision on grounds of manifest error or major violation of procedures. The Commission shall examine this request in the framework of the appeal procedure laid down in the second subparagraph. The Commission shall return the case to the jury for reconsideration if it considers that the request should be accepted and shall inform the applicant accordingly. If the request cannot be accepted the Commission shall notify the applicant of the decision to reject the request.

The decision of the jury shall be considered approved by the Commission if the latter has not made any objection within the two-month period.

ORIGINAL TEXT

AMENDED TEXT

Article 14

Unchanged

The European Environment Agency

1. The Agency shall undertake, in consultation with appropriate specialized scientific and technical bodies, preparatory work necessary for the establishment of the specific criteria as laid down in Article 7 (2).

2. The Agency, in cooperation with the competent bodies, shall provide suggestions on the format and scope of the information to be provided to the competent body by an applicant as set out in Article 12 (1) and on the procedures to be followed by competent bodies when evaluating and transmitting the request for an eco-label.

3. The Agency shall assist the jury in carrying out its tasks.

Deleted

Article 15

Unchanged

Terms of use

1. The competent body shall issue contracts for the terms of use of the label.

2. The terms and conditions of the use for the label shall include the fee to be paid by the applicant for the use of the label. This fee should be set at a level to cover all the reasonable costs incurred by the competent body and the jury.

2. The terms and conditions of the use for the label shall include the fee to be paid by the applicant for the use of the label. This fee should be set at a level to cover all the reasonable costs incurred by the competent body.

These terms of use shall also include provisions for withdrawing the authorization to use the label.

These terms of use shall also include provisions for withdrawing the authorization to use the label.

3. The duration of the authorization for the use of the label shall not exceed the period of validity of the criteria for the product group.

Unchanged

CHAPTER IV

OTHER PROVISIONS

*Article 16***Confidentiality**

1. If the manufacturer or importer considers the information obtained in pursuance of Article 12 to be confidential, commercially sensitive and, if released, likely to cause his business industrial or commercial harm, the applicant for a label may indicate what specific details of the information should be kept secret from all other persons other than the competent bodies, the members of the jury and the Commission. Full justification must be given in such cases.

1. If the manufacturer or importer considers the information obtained in pursuance of Article 12 to be confidential, commercially sensitive and, if released, likely to cause his business industrial or commercial harm, the applicant for a label may indicate what specific details of the information should be kept secret from all other persons other than the competent bodies and the Commission. Full justification must be given in such cases.

ORIGINAL TEXT

AMENDED TEXT

2. The competent body receiving the application shall decide which information should be kept secret and inform the applicant for the label.

Unchanged

3. In all cases, the following information shall be made available:

- the name of the product,
- the manufacturer or importer of the product,
- the reasons and relevant information for awarding or refusing the label.

4. Competent bodies and the jury members shall be required not to disclose information to which they have gained access through the proceedings.

Article 17

Publication

1. The Commission shall publish the product groups and the associated specific criteria in the *Official Journal of the European Communities*.

1. The Commission shall publish the product groups and the associated specific environmental criteria, and their period of validity in the *Official Journal of the European Communities*.

2. The Commission shall also ensure that the list of products for which an eco-label has been granted and the name of the relevant manufacturers or importers is published.

Unchanged

3. The Commission shall also publish the names of the competent bodies in the *Official Journal of the European Communities*.

Article 18

Information

Member States shall ensure that consumers and undertakings are informed about the following:

- (a) the objectives of the Community award scheme for an eco-label;
- (b) product groups which have been selected;
- (c) the general and specific criteria for product groups;
- (d) the products which have been awarded an eco-label;
- (e) the procedures for applying for a label;
- (f) the competent body in the Member State.

ORIGINAL TEXT

AMENDED TEXT

*Article 19***Advertising**

1. References to the eco-label in advertising shall only be made once a label has been granted and only in relation to the specific product for which the label has been granted.

2. Any advertising or labelling which might lead to confusion with the eco-label should be prohibited.

*Article 20***Implementation**

Member States shall inform the Commission on measures they have taken to ensure compliance with this Regulation.

*Article 21***Free circulation within the Communities**

The fact that an eco-label has been awarded or refused to a product shall not impede, prohibit or restrict the marketing of this product.

*Article 22***Revision**

Not later than five years after the entry into force of this Regulation the Commission shall review the scheme in the light of experience gained during its operation, and in particular:

- whether it is appropriate that national systems should continue to exist alongside the Community system,
- the field of application of the scheme as laid down in Article 2.

The Commission shall, if necessary, propose modifications to this Regulation.

2. Any advertising or labelling which might lead to confusion in substance or form with the eco-label should be prohibited. Where appropriate, the Member States shall apply their legislation on trading practices, misleading advertising or counterfeit goods.

Unchanged

Extension of the scope of application

Not later than five years after the entry into force of this Regulation the Commission shall review the scheme in the light of experience gained during its operation, and shall report to the European Parliament and the Council on the application of this Regulation. Where appropriate it shall propose suitable amendments to this Regulation.

Deleted

Unchanged

ORIGINAL TEXT

AMENDED TEXT

In its proposals presented in accordance with Article 20 of Council Regulation (EEC) No 1210/90⁽¹⁾ and not later than five years after the entry into force of this Regulation, the Commission shall propose the transfer to the Agency of the task of determining the specific criteria referred to in Article 8.

*Article 23***Entry into force**

This Regulation shall enter into force on 1 October 1991.

It shall apply with effect from 1 October 1992.

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

⁽¹⁾ OJ No L 120, 11. 5. 1990, p. 1.

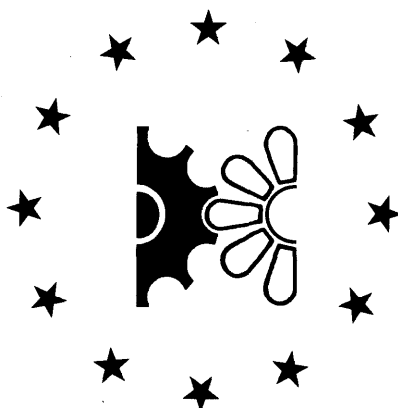
*ANNEX I***Assessment matrix**

Product life cycle Environmental fields	Production	Distribution	Utilization	Disposal
Waste relevance				
Soil pollution and degradation				
Water contamination				
Air contamination				
Noise				
Consumption of energy				
Consumption of natural resources				

NB: For a simplified model the following criteria are suggested:

0: almost none, negligible pollution; 1: moderate pollution; 2: considerable pollution.

ANNEX II



III

(Notices)

COMMISSION

Announcement on the launching of studies in the area of telecommunications regulation and ONP**Invitation for expression of interest**

(92/C 12/07)

1. In the context of the implementation of the telecommunications policy proposals laid down in COM(87)290 and COM(88)48 on the development of the common market for telecommunications services and equipment, the subsequent council resolution⁽¹⁾ and the council Directive 90/387/EEC⁽²⁾, the Commission of the European Communities intends to launch, in the near future, studies in the area of telecommunications regulation and Open Network Provision (ONP).

2. The three studies will cover:

1) The application of Open Network Provision to metropolitan area networks (MANs), frame relay and advanced transmission networks (eg. SDH), and their services.

2) The economic and market impacts of applying the principles of Open Network Provision to specific interfaces in ISDN.

3) The application of Open Network Provision concepts to the local loop of the public telephone network. The analysis of all aspects of the availability of the local loop, in current and future technologies, in relation to the provision of telecommunications services and in relation to the application of ONP.

3. Organisations interested in this work should send their applications, within 21 days of this announcement, to:

Commission of the European Communities, DG XIII/D, for the attention of Mr. P. Picard, 200 Rue de la Loi, B-1049 Brussels, tel. (32) 2 236 83 42.

4. The invitation to tender for each of the studies mentioned in 2 will be sent, in due course to those who have expressed an interest as per 3.

⁽¹⁾ OJ No C 257, 4. 10. 1988, pag. 1.

⁽²⁾ OJ No L 192, 24. 7. 1990, pags. 1-9.

Call for tenders for the provision of studies and general support in the field of satellite telecommunications policy

(92/C 12/08)

1. **Awarding authority:** Commission of the European Communities, Directorate-General for Telecommunication, Information Industries and Innovation, XIII/D, for the attention of Mr. P. Picard, BA29 3/47, rue de la Loi 200, B-1049 Brussels. Tel. (32 2) 236 83 42, facsimile: (32 2) 236 83 93.
 - commercial, technical, political or any other relevant factors;
 - managerial assistance with regard to the consultation of different parties on element of the proposed Community Space Telecommunications policy.

2. **Award procedure:** Accelerated restricted invitation to tender.

3. a)
 - b) **Description of the services to be provided:** In the context of the discussion on the 'Green Paper on a common approach in the field of satellite communications in the European Community' (COM(90) 490 final), and the policy guide-lines as expressed in the Council Resolution of 4. 11. 1991 'on the development of the common market for satellite communications services and equipment', the European Commission intends to launch several studies in the near future with regard to the regulation of satellite communication in Europe.

These studies concern:

 - a) an economic assessment of European orbit and related frequency resources;
 - b) regulatory requirements for 'one-stop authorisation' for Satellite News Gathering in Europe;
 - c) economic impact of competing space segments;
 - d) impact of non-european competitors on a deregulated European common satellite market.

In addition it is the Commission's intention to conclude framework contracts for support to the Commission services with regard to analytical, managerial and legal work related to satellite telecommunications policy.

The services to be provided involve:

 - the examination of rules and practices with regard to procedures for awarding licenses and authorisations;
 - legal assistance in the drafting of specific proposals for Community legislation;
 - research and analysis with regard to the dynamics influencing the satellite communications market. These dynamics may include

4. **Durations:**
 - studies under items:
 3. a): 6 months,
 3. b): 4 months,
 3. c): 3 months,
 3. d): 3 months,
 - support programme: to be determined.

5. **Legal form in the case of group bidders:** Tenders may be submitted individually or jointly. If two or more applicants submit a joint bid, one must be designated as the lead contractor and agent responsible.

6. a) **Deadline for receipt of applications:** 15. 2. 1992; date of postmark or, in the case of applications delivered by hand, date of the receipt.
 - b) **Address:** As in 1, for the attention of Mr. P. Picard, Room BA29 3/47, tel. (32 2) 236 83 42, facsimile (32 2) 236 83 93.

7. **Date for dispatch of invitations to tender:** The invitations to tender corresponding to the studies mentioned under item 3 will be sent, by 28. 2. 1992 at the latest to the organisations which have sent the Commission a notice expressing their interest, in line with the requirements mentioned under item 6.

Detailed specifications will be sent no later than the date of dispatch.

8. **Minimum requirement:** Applications must include a list of similar studies, proof of expertise in this area and of Community coverage.

9. **Award criteria:** Criteria for the evaluation of bids will be sent out in the invitation to tender.

10. **Other information:** Tenderers may apply for one or more studies and/or the support programme.

11. **Date of dispatch of the notice:** 14. 1. 1992.

Implementation of a Pilot telecommunications project for data exchange between national administrations and Commission department in the framework of the CADDIA programme (National Servers)

(92/C 12/09)

1. **Awarding authority:** Commission of the European Communities, Directorate-General for Telecommunications, Information Industries and Innovation, Departement XIII/D/5, Caddia programme, 200 rue de la Loi, B-1049 Brussels.
2. a) **Awarding procedure:** Accelerated restricted invitation to tender.
 - b)
 - c)
3. a)
 - b) **Goods:** The purpose of this call for tenders is to implement pilot OSI telecommunication facilities using the X.400 protocols for the national administrations concerned of the following Member States: Denmark, France, Greece, Luxembourg, United Kingdom and their Commission partners in DG VI, DG XXI and Eurostat.
 The principal aims are to harmonize the implementation of data communications and to support existing applications (file transfer and inter personal messaging).
 The project covers the selection of platforms running an Operating System conformant to the X-OPEN CAE guidelines (XPG/3) and to the POSIX Standard Operating System Interface Guidelines (ISO 9945-1).
 The higher level software are: X.400, software, the software modules required for the provision of directory, routing, security, administration and accounting services to be installed.
 Additionally, the migration of one application per sector, and a transport service to interconnect all the systems must be provided.
 A global management structure has to be put in place to manage the development, installation, training, operation, and support of the whole system.
 The implementations should use as far as it is possible the common guidance parameter values agreed between Member States Procurement Agencies for X.25 and X.400. The parameters are given in the 'European Procurement Handbook for Open Systems'.
- c) **Division into lots:** Tenders may cover one or more lots but each lot should be priced independently.
- d)
4. **Delivery deadline:** Project to start: July 1992 - Project to be completed: end 1993.
5. **Legal form in case of group bidders:** tenderers may apply individually or in association with others. If several candidates make a joint bid, one of them must be designated as prime contractor and solely responsible for the contract.
6. a) **Deadline for receipt of applications:** 4. 2. 1992.
 - b) **Address:** as in 1, for the attention of Mr Peeters, office B24 1/28, tel. (32 2) 299 22 46, facsimile (32 2) 299 02 86, telex 63425.
 - c)
7. **Qualifications:** Applications must include details of the identity of the tenderers and their competence in the area concerned.
8. **Deadline for sending the invitation to tender and detailed specifications:** 7. 2. 1992.
9. **Award criteria (other than price):** The invitation to tender will indicate the criteria to be used to evaluate bids.
10. **Further information:** An information meeting will be held in the Commission premises beginning of March 1992.
 The deadline for sending the tenders: 31. 3. 1992.
 The project will be completely funded by DG XIII of the C.E.C.
11. **Notice postmarked:** 14. 1. 1992.
12. **Notice received on:** 14. 1. 1992.

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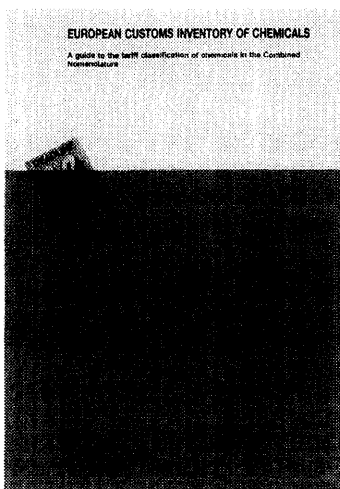


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