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Information and Notices

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I

(Information)

COMMISSION

Ecu ⁽¹⁾

24 November 1993

(93/C 318/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,6808	United States dollar	1,13002
Danish krone	7,62709	Canadian dollar	1,50406
German mark	1,92160	Japanese yen	122,268
Greek drachma	276,132	Swiss franc	1,68599
Spanish peseta	155,875	Norwegian krone	8,35087
French franc	6,66148	Swedish krona	9,44755
Irish pound	0,799111	Finnish markka	6,55300
Italian lira	1897,58	Austrian schilling	13,5128
Dutch guilder	2,15642	Icelandic krona	81,0904
Portuguese escudo	195,991	Australian dollar	1,70312
Pound sterling	0,758252	New Zealand dollar	2,06021

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) and an automatic fax answering service (No 296 10 97) providing daily data concerning calculation of the conversion rates applicable 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).

Average prices and representative prices for table wines at the various marketing centres

(93/C 318/02)

(Established on 23 November 1993 for the application of Article 30 (1) of Regulation (EEC) No 822/87)

Type of wine and the various marketing centres	ECU per % vol/hl	Type of wine and the various marketing centres	ECU per % vol/hl
R I		A I	
Heraklion	No quotation	Athens	No quotation ⁽¹⁾
Patras	No quotation	Heraklion	No quotation
Requena	1,996	Patras	No quotation
Reus	No quotation	Alcázar de San Juan	1,554
Villafranca del Bierzo	No quotation ⁽¹⁾	Almendralejo	1,548
Bastia	No quotation	Medina del Campo	No quotation ⁽¹⁾
Béziers	2,944	Ribadavia	No quotation
Montpellier	3,107	Villafranca del Penedés	No quotation
Narbonne	3,007	Villar del Arzobispo	No quotation ⁽¹⁾
Nîmes	2,982	Villarobledo	1,604
Perpignan	2,900	Bordeaux	No quotation
Asti	No quotation	Nantes	No quotation
Florence	No quotation ⁽¹⁾	Bari	No quotation
Lecce	No quotation	Castelli	No quotation ⁽¹⁾
Pescara	No quotation	Chieti	No quotation ⁽¹⁾
Reggio Emilia	No quotation ⁽¹⁾	Ravenna (Lugo, Faenze)	1,934
Treviso	2,024	Trapani (Alcamo)	No quotation
Verona (for local wines)	No quotation	Treviso	2,024
Representative price	2,922	Representative price	1,795
R II			
Heraklion	No quotation		
Patras	No quotation		
Calatayud	No quotation		
Falset	No quotation ⁽¹⁾		
Jumilla	No quotation ⁽¹⁾		
Navalcarnero	No quotation ⁽¹⁾		
Requena	No quotation		
Toro	No quotation		
Villena	No quotation ⁽¹⁾		
Bastia	No quotation	A II	
Brignoles	No quotation	Rheinpfalz (Oberhaardt)	35,222
Bari	No quotation	Rheinhessen (Hügelland)	36,611
Barletta	No quotation	The wine-growing region of the Luxembourg Moselle	No quotation ⁽¹⁾
Castelli	No quotation ⁽¹⁾	Representative price	36,073
Lecce	No quotation		
Taranto	No quotation		
Representative price	No quotation ⁽¹⁾		
	ECU/hl		
R III		A III	
Rheinpfalz-Rheinhessen (Hügelland)	No quotation ⁽¹⁾	Mosel-Rheingau	No quotation
		The wine-growing region of the Luxembourg Moselle	No quotation
		Representative price	No quotation

⁽¹⁾ Quotation not taken into account in accordance with Article 10 of Regulation (EEC) No 2682/77.

**Commission communication pursuant to Article 9 (9) of Council Regulation (EEC) No 3420/83
of 14 November 1983**

(93/C 318/03)

By virtue of Article 9 (1) of Council Regulation (EEC) No 3420/83 of 14 November 1983 on import arrangements for products originating in State-trading countries, not liberalized at Community level ⁽¹⁾, the Commission adopted the following changes to the import arrangements applied in Italy with regard to the People's Republic of China on 17 November 1993.

Exceptional opening of import facilities for the following products:

— Industrial sewing machines (CN code ex 8452 29 00)	2 000 units
— Other parts of industrial sewing machines (CN code ex 8452 90 00)	180 000 units
— Ball bearings (CN code ex 8482 10 90)	ECU 57 350

⁽¹⁾ OJ No L 346, 8. 12. 1983, p. 6.

**Standing invitation to tender pursuant to Commission Regulation (EEC) No 570/88 of
16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter
and concentrated butter for use in the manufacture of pastry products, ice-cream and other
foodstuffs**

(93/C 318/04)

*(See notice in Official Journal of the European Communities No L 55 of 1 March 1988,
page 31)*

Tender No: 126

Date of Commission Decision: 12 November 1993

Formula			A/C—D		B	
			With tracers	Without tracers	With tracers	Without tracers
Incorporation procedure						
Minimum price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	100	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	211	—	—	—
Maximum aid amount	Butter ≥ 82 %		134	131	—	131
	Butter < 82 %		130	127	—	—
	Concentrated butter		173	170	173	170
	Cream		—	—	57	—
Processing security	Butter		148	—	—	—
	Concentrated butter		191	—	191	—
	Cream		—	—	63	—

(ECU/100 kg)

Communication of Decisions under sundry tendering procedures in agriculture (milk and milk products)

(93/C 318/05)

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

(ECU/100 kg)

Standing invitation to tender	Tender No	Date of Commission Decision	Maximum buying-in price
Commission Regulation (EEC) No 1589/87 of 5 June 1987 on the sale by tender of butter to intervention agencies (OJ No L 146, 6. 6. 1987, p. 27)	147	12. 11. 1993	252,30

(ECU/100 kg)

Standing invitation to tender	Tender No	Date of Commission Decision	<i>(ECU/100 kg)</i>	
			Maximum aid	End-use security
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 (OJ No L 45, 21. 2. 1990, p. 8)	86	12. 11. 1993	195	227

(ECU/100 kg)

Standing invitation to tender	Tender No	Date of Commission Decision	Minimum selling price
Commission Regulation (EEC) No 2839/93 of 18 October 1993 on the special sale of intervention butter for export to the Republics of the former Soviet Union	2	15. 11. 1993	Tenders rejected

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Directive on articles of precious metal

(93/C 318/06)

COM(93) 322 final — SYN 472

(Submitted by the Commission on 18 October 1993)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European 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,

Whereas it is important that measures be adopted for the gradual establishment of the internal market; whereas the internal market is an area free of internal frontiers in which goods, persons, services and capital can move freely;

Whereas the national technical rules applying to articles of precious metal have raised barriers to the free movement of goods;

Whereas, in compliance with the principle of subsidiarity, the Community becomes involved only if the aims of a proposed measure cannot adequately be achieved by means of action at Member-State level and may thus be better achieved by action at Community level;

Whereas certain aspects of the sector must therefore be harmonized in order to remove those barriers and ensure the free movement of articles of precious metal within the Community;

Whereas the means and measures implemented by the Community are proportional to the aim pursued and must thus be restricted to the essential requirements; whereas those requirements must replace the corresponding national provisions;

Whereas an appropriate level of consumer protection and fair trading need to be ensured in the field of articles of precious metal;

Whereas, in accordance with the principles laid down in the Council resolution of 7 May 1985 on a new

approach to technical harmonization and standards⁽¹⁾ and those dictated by the principle of subsidiarity, rules on articles of precious metal should be confined to essential requirements; whereas these requirements must replace the corresponding national provisions;

Whereas harmonized standards would be useful in establishing a presumption of conformity with the essential requirements and with other provisions; whereas, at Community level, such harmonized standards are drawn up by bodies governed by private law and must retain their status of non-compulsory texts; whereas, to this end, the European Committee for Standardization (CEN) and the European Committee for Electro-technical Standardization (Cenelec) are recognized as the bodies competent to adopt harmonized standards in accordance with the general guidelines on cooperation between those bodies and the Commission signed on 13 November 1984;

Whereas, in confirming the appeal of international standardization which generates standards that are in practice applied by all partners in international trade and which meets the requirements of Community policy, the Community invites the European standardization bodies to continue their cooperation with the international standardization organizations;

Whereas, for the purposes of this Directive, a harmonized standard is a technical specification (European standard or harmonization document) adopted by one or both of these bodies on a mandate from the Commission in accordance with Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽²⁾, as last amended by Directive 88/182/EEC⁽³⁾, and by virtue of the abovementioned guidelines; whereas, as regards any amendments to harmonized standards, the Commission should be assisted by the standing committee set up by Directive 83/189/EEC;

⁽¹⁾ OJ No C 136, 4. 6. 1985, p. 1.

⁽²⁾ OJ No L 109, 26. 4. 1983, p. 8.

⁽³⁾ OJ No L 81, 26. 3. 1988, p. 75.

Whereas manufacturers shall have the option of applying one of the conformity attestation procedures foreseen by this Directive and may call upon one of the certification bodies amongst those published by the Commission; whereas Member States must accept products that have satisfied one of the certification procedures foreseen by this Directive; whereas these means should be based on the provisions of Council Decision 90/683/EEC ⁽¹⁾ and ensure a level of quality sufficient to meet the needs of those responsible for placing articles on the Community market; whereas, therefore, these means must always involve checks by a notified body; whereas the notification of a certification body is an option open to Member States, their duty being to ensure that the notified body meets the assessment criteria laid down in this Directive;

Whereas articles must, as a general rule, be struck with a fineness mark and a sponsor's mark; whereas the fineness mark indicates that they comply with the provisions of this Directive; whereas there is therefore no need for those products to bear the CE marking; whereas the sponsor's mark, registered in the Member States in the interests of decentralized management, must make it possible to identify the person responsible for placing the article concerned on the market; whereas, where marking is technically difficult, articles must be accompanied by a certificate;

Whereas, to ensure the transparency of the market, the number of standards which may be used for each precious metal should be restricted; whereas it would therefore be expedient to take account of existing international standards and of practices in the Member States;

Whereas a distinctive sign has been laid down for each precious metal in order that the type of metal used may be identified; whereas the sponsor's mark must be accompanied by a small letter 'e', identifying articles which comply with the provisions of this Directive;

Whereas information given in marks is in coded form; whereas, accordingly, Member States need to take appropriate steps to provide clear information to the purchaser at the point of ultimate sale;

Whereas there should be a transitional period for the disposal of stocks of articles manufactured in accordance with national rules in force on the date of adoption of the Directive,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

Scope, placing on the market and free movement

Article 1

1. This Directive covers provisions relating to indication of the standard of fineness of articles of precious metal, finished or semi-finished, intended for the ultimate consumer.
2. For the purposes of this Directive:
 - (a) precious metals are platinum, gold, palladium and silver in the pure state and their alloys;
 - (b) an article of precious metal is any item of jewellery, goldsmith's ware or watchmaker's ware and any other object made entirely or in part from a precious metal;
 - (c) an article comprising various precious metals is any item of jewellery, goldsmith's ware or watchmaker's ware and any other object made entirely or in part from various precious metals;
 - (d) a mixed article is an article comprising parts of precious metal and parts of base metal or other substances;
 - (e) an alloy of a precious metal is a solid solution of a precious metal and one or more other metals;
 - (f) standard of fineness is the fine precious-metal content expressed in parts per thousand in relation to the total mass of the alloy concerned;
 - (g) the nominal standard of fineness is the standard of fineness of the alloy shown by a punched mark on the article or entered on the Community certificate of conformity;
 - (h) a precious metal coating is a coat of precious metal applied to all or part of an object by a chemical, electrochemical, mechanical or physical process;
 - (i) the manufacturer is the person who assumes responsibility for the manufacture of the articles which he places on the Community market under his own name, and for their compliance with the applicable provisions;
 - (j) the importer is the person who places a qualifying article from a third country on the Community market;
 - (k) the authorized representative is the natural or legal person established within the Community who, explicitly designated by the manufacturer, acts on behalf of the latter in performing duly defined tasks;
 - (l) the person responsible for placing articles on the market is any natural or legal person established within the Community who assumes responsibility for the conformity with the applicable provisions of the articles which he places on the Community market under his own name;

⁽¹⁾ OJ No L 380, 31. 12. 1990, p. 13.

- (m) placing on the market is the first time that an article is made available on the Community market whether by way of payment or free of charge, with a view to distribution and/or use on Community territory;
- (n) the sponsor's mark is the mark identifying, on the one hand, the manufacturer or person responsible for placing articles on the market and, on the other, the notified body which has checked the conformity of an article;
- (o) the fineness mark is the mark indicating the nominal standard of fineness of the precious metal, set within the appropriate surround;
- (p) a notified body: a body responsible for carrying out the conformity assessment procedures.

3. This Directive does not apply to:

- (a) articles of precious metal for dental prostheses or for medical use, as defined in Council Directive 93/42/EEC⁽¹⁾;
- (b) objects of precious metal for scientific or technical use;
- (c) musical instruments or parts of such instruments made from precious metal;
- (d) legal tender made of precious metal and collectors' coins and medals;
- (e) ingots or granules of precious metal for banking use;
- (f) objects made of metals other than precious metal and coated with precious metal.

4. Articles made of precious metal or comprising various precious metals, finished or semi-finished, are hereinafter referred to as 'articles'.

Article 2

Member States shall adopt all provisions to ensure that, with regard to indication of the standard of fineness, only articles complying with this Directive may be placed on the market.

Article 3

Articles must satisfy the essential requirements which apply to them. Those requirements are set out in Annex II.

Article 4

Member States may not, with regard to the indication of the standard of fineness, prohibit, restrict or hinder the placing on the market of articles which bear the marks referred to in Articles 10 and 11 or which are accompanied by the Community certificate of conformity referred to in Article 13 (3).

Article 5

1. Member States shall presume articles to conform to this Directive if they satisfy the relevant provisions of the national standards which transpose the harmonized standards whose references shall be published in the *Official Journal of the European Communities*.

2. Member States shall publish the references to the national standards transposing the harmonized standards referred to in paragraph 1.

Article 6

Where a Member State or the Commission considers that the standards referred to in Article 5 (1) do not afford conformity with the corresponding provisions of this Directive, the Commission or the Member State concerned shall bring this to the attention of the committee set up by Directive 83/189/EEC, hereinafter referred to as 'the Committee', setting out the reasons. The Committee shall give an opinion as a matter of urgency.

The Commission shall, in the light of the Committee's opinion, notify the Member States as to whether or not the standards in question must be withdrawn from the publications referred to in Article 5 (2).

Article 7

1. Where a Member State finds that articles bearing the fineness mark referred to in Article 11 or accompanied by the Community certificate of conformity referred to in Article 13 (3) do not correspond to the provisions of this Directive it shall take all appropriate measures to withdraw those articles from the market or to prohibit or restrict their being placed on the market.

The Member State concerned shall inform the Commission of such measures forthwith and shall indicate the reasons for its decision and, in particular, whether the non-conformity results from:

- (a) non-compliance with the essential requirements referred to in Article 3, where the standards referred to in Article 5 (1) have not been applied;
- (b) incorrect application of the standards referred to in Article 5 (1);
- (c) shortcomings in the standards referred to in Article 5 (1).

2. The Commission shall consult the parties concerned as soon as possible. Where the Commission, after consultation, finds that the measures referred to in paragraph 1 are justified, it shall forthwith inform the Member State which took the measures and the other Member States.

⁽¹⁾ OJ No L 169, 12. 7. 1993, p. 1.

Where the decision referred to in paragraph 1 is attributed to shortcomings in the standards, the Commission shall, after consulting the parties concerned, refer the matter to the Committee within a period of two months if the Member State which took the measures intends to maintain them, and shall initiate the procedure referred to in Article 6.

Where the Commission finds, after consultation, that the measure is unjustified it shall forthwith inform the Member State which took the initiative thereof, as well as the manufacturer or his authorized representative or the person responsible for placing goods on the market.

3. The Member State concerned shall take the appropriate measures against any person who has improperly affixed the fineness mark or drawn up the Community certificate of conformity and shall inform the Commission and the other Member States thereof.

4. The Commission shall ensure that the Member States are kept informed of the progress and outcome of the procedure.

CHAPTER II

Conformity attestation procedures

Article 8

1. Before placing them on the market, the manufacturer or his authorized representative must ensure the conformity of the articles. In order to do so he has the option of:

- (a) following the procedure for the Community declaration of conformity based on a system of product quality assurance as referred to in Annex III; or
- (b) following the procedure for the Community declaration of conformity referred to in Annex IV; or
- (c) submitting the articles for verification as referred to in Annex V.

2. The conformity assessment procedure referred to in Annex V may also be requested by the person responsible for placing the articles on the market.

3. The manufacturer, his authorized representative or, where appropriate, the person responsible for placing articles on the market shall select a notified body from amongst those notified pursuant to Article 9 to carry out the checks prescribed in whichever conformity assessment procedure is used.

4. The dossiers and correspondence relating to the conformity assessment procedures referred to in paragraph 1 shall be written in an official language of the Member State in which the notified body is established or in a language accepted by that body.

Article 9

1. Member States shall notify to the other Member States and to the Commission the bodies responsible for carrying out the procedures referred to in Article 8 and their specific tasks in the matter.

The Commission shall publish in the *Official Journal of the European Communities*, for information, the list of notified bodies and the tasks for which they have been notified. The Commission shall be responsible for updating this list.

2. Member States which designate certification bodies to implement the procedures specified in Article 8 shall apply the criteria set out in Annex VI for the designation of those bodies. Bodies which meet the assessment criteria laid down in the national standards which transpose the relevant harmonized standards shall be presumed to satisfy the criteria which apply to them.

3. A Member State which has notified a body must withdraw that notification if it finds that the body in question no longer satisfies the criteria referred to in paragraph 2. It shall forthwith inform the other Member States and the Commission thereof.

4. Without prejudice to Articles 4 and 8, Member States are not obliged to set up on their territory the procedures specified in Article 8.

CHAPTER III

Marking

Article 10

1. Articles must be struck with the sponsor's mark before being placed on the market. This mark shall be accompanied by a small letter 'e'.

2. The manufacturer or the person responsible for placing the articles on the market must apply to a Member State for his sponsor's mark to be registered and must, where appropriate, communicate to it the decision referred to in point 3.3 of Annex III.

3. Member States must register the sponsor's mark and make sure, in collaboration with the applicant, that there is an unequivocal correspondence between that mark and the applicant.

Registration of the sponsor's mark must make it possible to identify the applicant, the notified body chosen by the applicant to implement the procedures referred to in Article 8, the conformity procedure applied and the date of registration.

4. Data relating to the registration of sponsor's marks shall be made available by the Member States.

Article 11

Articles deemed to satisfy the essential requirements referred to in Article 3 must, prior to being placed on the market, be struck with one or more fineness marks by the manufacturer or, where appropriate, by his authorized representative, the person responsible for placing on the market or the notified body which carried out the verification referred to in Article V.

The specific surrounds to be used for each precious metal, within which the standard of fineness as set out in Annex I must be indicated, are set out in Annex VII.

Article 12

1. The informative content of the fineness and sponsor's marks and the letter 'e' must be visible, legible and durable and at least 0,5 mm high.

2. Existing traditional marks may also be struck on articles as long as they do not lead to confusion with fineness marks or sponsor's marks or the letter 'e'.

Article 13

1. The obligation to strike fineness marks, sponsor's marks and the letter 'e' shall not apply in respect of:

- small articles or those which are too fragile upon which it is technically difficult to strike marks,
- semi-finished articles.

2. The obligation to strike the fineness mark shall not apply in respect of those parts of articles consisting of various precious metals upon which it is technically difficult to strike such a mark.

3. The articles referred to in paragraphs 1 and 2 must be accompanied by a Community certificate of conformity issued by the manufacturer, or where appropriate, by his authorized representative, the person responsible for placing on the market or the notified body which carried out the verification referred to in Annex V. The information to be given on the certificate is set out in Annex VIII.

Article 14

Where it is found that a fineness mark has been affixed improperly or that a Community certificate of conformity has been issued improperly, the notified body which checked the conformity shall take the necessary measures and shall forthwith inform the Member State concerned thereof. The latter shall inform the other Member States and the Commission thereof.

CHAPTER IV

Labelling

Article 15

Member States shall take the appropriate measures to ensure that purchasers are provided with proper information at the place of sale to the ultimate consumer regarding the standard of fineness of articles, particularly where, in accordance with Article 13, articles do not bear marks.

CHAPTER V

Final provisions

Article 16

1. Precise grounds must be given for any decision relating to the indication of standards of fineness taken by virtue of this Directive which results in articles of precious metal being withdrawn from the market or in a ban or restriction being applied to their being placed on the market.

2. The decision shall be notified to the party concerned as soon as possible, together with an indication of the means of appeal available under the laws in force in the Member State in question and the period within which such appeal must be made.

Article 17

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 1995 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Member States shall apply these provisions from 1 January 1996.

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

2. Member States shall, for the period up to 1 January 1998, authorize the placing on the market of articles of precious metal which are in conformity with the rules in force on their territory on the date of adoption of this Directive.

Article 18

This Directive is addressed to the Member States.

ANNEX I

NOMINAL STANDARDS OF FINENESS FOR ARTICLES OF PRECIOUS METAL

Precious metals and their alloys	Nominal fineness (parts per thousand)
Gold	333
	375
	500
	585
	750
	800
	840
	916
	990
	999
Platinum	850
	900
	950
	999
Palladium	500
	950
	999
Silver	800
	835
	925
	999

ANNEX II

ESSENTIAL REQUIREMENTS

1. Articles of precious metal covered by this Directive must be manufactured and marked in such a way as to minimize the risk to consumers of confusion or fraud in respect of the precious metal content.
2. Articles must bear a fineness mark or, in the cases referred to in Article 13, be accompanied by a Community certificate of conformity indicating a nominal standard of fineness corresponding to one of the standards set out in Annex I.

The standard of fineness of precious metals must be expressed in parts per thousand.

3. **Marking and certificates**

- 3.1. Articles of a single precious metal must bear a fineness mark.
- 3.2. Articles comprising various precious metals must bear the relevant fineness mark on each part.
- 3.3. Mixed articles must bear the corresponding fineness mark on the part made of precious metal or of various precious metals.

Parts made of non-precious metal must be easily recognizable or clearly identified.

- 3.4. In the cases provided for in Article 13 (1) and (2), articles must be accompanied by a Community certificate of conformity.
4. Articles of precious metal, where coated with other metals, must bear the fineness mark of the base precious metal alloy. They must also bear an indication of the type of coating or be accompanied by a document giving that information where it cannot be indicated on the article.

5. No negative tolerance is permissible in relation to the nominal standard of fineness. Thus a given precious metal alloy in an article must, with the exception of the solder, have a standard of fineness at least equal to that indicated.
6. Precious metals in an article must be soldered using an alloy of the same standard of fineness and of the same precious metal as the rest of the article. Where this is technically not possible, soldering may be carried out using an alloy of a lower standard of fineness or another material.
7. Mechanisms or elements made of non-precious metal may be used to satisfy essential technical requirements. Where they are visible, such mechanisms must be easily recognizable or clearly identified.

ANNEX III

PRODUCT QUALITY ASSURANCE

1. The manufacturer shall operate the approved quality system for final product control as specified in point 3 and shall be subject to inspection as specified in point 4.
2. (a) The manufacturer shall meet the obligations set out in point 1 and shall ensure and make a declaration to the effect that the articles concerned satisfy the provisions of this Directive which apply to them.

The manufacturer shall strike upon the articles the fineness mark, within the surrounds set out in Annex VII, and the registered sponsor's mark, together with the letter 'e' and shall, where appropriate, draw up a Community certificate of conformity.

- (b) The manufacturer shall draw up such technical documentation as to permit the conformity of the articles with the requirements of the Directive to be assessed.

This documentation shall include:

- a list of the standards referred to in Article 5 which are applied,
- the means employed to ensure the quality of the alloys used,
- where appropriate, the soldering methods.

The manufacturer or his authorized representative shall keep this documentation available for inspection by the national authorities for as long as the decision referred to in points 3.3 and 3.4 remains valid.

3. **Quality system**

- 3.1. The manufacturer shall lodge an application for the assessment of his quality system for the articles concerned with a single notified body of his choice.

The application shall include:

- all appropriate information on the articles,
- the documentation relating to the quality system,
- an undertaking to discharge the obligations arising from the quality system as approved,
- an undertaking to maintain the approved quality system in such a way that it remains appropriate and effective.

- 3.2. The quality system must ensure that the articles conform to the requirements of the Directive which apply to them.

All provisions adopted by the manufacturer must be documented in a systematic and orderly manner in the form of written measures, procedures and instructions. This quality system documentation shall ensure a common understanding of the quality programmes, plans, manuals and records.

It shall contain in particular a proper description of:

- the quality objectives,
- the examinations and tests which will be carried out,
- the means of monitoring the effective operation of the quality system,
- the quality records.

- 3.3. The notified body shall audit the quality system to determine whether it satisfies the requirements referred to in point 3.2. It shall presume conformity with these requirements in respect of quality systems which implement the relevant harmonized standard.

The auditing team shall include at least one member with experience in assessing the technology concerned. The assessment procedure shall include a visit to the manufacturer's premises.

The decision shall be notified to the manufacturer. It shall contain the conclusions of the examination and the reasoned assessment.

- 3.4. The manufacturer shall inform the notified body which approved the quality system of any plan to introduce changes in the quality system.

The notified body shall assess the proposed modifications and determine whether the modified quality system will still satisfy the requirements referred to in point 3.2 or whether a reassessment is required.

It shall notify its decision to the manufacturer. The notification shall contain, where appropriate, the conclusions of the examination and the reasoned assessment decision.

4. Inspection

- 4.1. The purpose of inspection is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.
- 4.2. The manufacturer shall allow the notified body access for inspection purposes to the places of inspection, testing and storage and shall provide it with all the appropriate information.
- 4.3. The notified body shall periodically carry out audits to ensure that the manufacturer is applying the quality system and shall provide an audit report to the manufacturer.

5. Administrative provisions

- 5.1. The manufacturer shall keep the following at the disposal of the national authorities:
- the documentation referred to in point 3.1,
 - the documentation on the changes referred to in point 3.4,
 - the decisions and reports from the notified body which are referred to in points 3.3, 3.4 and 4.3.
- 5.2. Each notified body shall forward to the other notified bodies any relevant information concerning the issue and withdrawal of quality system approvals.

ANNEX IV

COMMUNITY DECLARATION OF CONFORMITY

1. The manufacturer, or his authorized representative, who carries out the obligations laid down in point 2 shall ensure and make a declaration to the effect that the articles concerned satisfy the requirements of the Directive which apply to them.

The manufacturer or his authorized representative shall strike upon the articles the fineness mark, within the surrounds referred to in Annex VII, and the registered sponsor's mark together with the letter 'e' or shall, where appropriate, draw up a Community certificate of conformity.

2. The manufacturer shall draw up such technical documentation as to permit the conformity of the product with the requirements of the Directive to be assessed.

This documentation shall include:

- a list of the standards referred to in Article 5 which are applied,
- the means employed to ensure the quality of the alloys used,
- where appropriate, the soldering methods.

The manufacturer or his authorized representative shall keep this documentation available for inspection by the national authorities.

Where neither the manufacturer nor his authorized representative is established within the Community, the obligation to keep the technical documentation available shall fall to the person responsible for placing the article on the market.

3. The manufacturer shall take all measures necessary in order that the manufacturing process shall ensure compliance of the manufactured articles with the technical documentation referred to in point 2 and with the requirements of the Directive which apply to them.
4. A notified body chosen by the manufacturer shall carry out or have carried out product checks at random intervals. An appropriate sample of the finished articles, taken on site by the notified body, shall be examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, shall be carried out to check the conformity of the articles with the requirements of the Directive.

In those cases where one or more of the articles checked does not conform, the notified body shall take appropriate measures.

ANNEX V

THIRD PARTY VERIFICATION

1. Verification is the act by which a notified body checks and attests that articles satisfy the essential requirements set out in this Directive which apply to them.
2. Verification may be carried out either by examination and testing of every product as specified in point 3 or by examination and testing of products on a statistical basis as specified in point 4, at the choice of the manufacturer or the person responsible for placing on the market.
3. **Verification by examination and testing of every product**
 - 3.1. Each product bearing the registered sponsor's mark together with the letter 'e' shall be examined and appropriate tests as set out in the relevant standards referred to in Article 5, or equivalent tests, shall be carried out in order to verify its conformity with the essential requirements of the Directive which apply to it.
 - 3.2. The notified body shall strike the fineness mark, within the surrounds set out in Annex VII, upon each approved article or shall, where appropriate, draw up a Community certificate of conformity.
4. **Statistical verification**
 - 4.1. Having taken all the measures necessary to ensure the homogeneity of each lot, the manufacturer, his authorized representative or the person responsible for placing on the market shall present his articles in the form of homogeneous lots already bearing the registered sponsor's mark together with the letter 'e'.
 - 4.2. The notified body shall strike the fineness mark, within the surrounds set out in Annex VII, upon each article in the accepted lot or shall, where appropriate, draw up a Community certificate of conformity for each accepted article or for several articles, duly identified.
 - 4.3. Articles shall be submitted for statistical checking by essential characteristics. They shall be grouped in identifiable lots and each lot shall be checked. The articles in a sample shall be individually examined and appropriate tests as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, shall be carried out in order to determine whether the lot is accepted or rejected.

A sampling plan with the following operational characteristics shall be applied:

 - a standard quality level corresponding to a 95 % probability of acceptance with a non-conformity percentage of less than 1 %,
 - a limit quality corresponding to a 5 % probability of acceptance with a non-conformity percentage of less than 5 %.
 - 4.4. If a lot is rejected, the notified body shall take appropriate measures to prevent the placing on the market of that lot. In the event of frequent rejection of lots the notified body may suspend the statistical verification.

*ANNEX VI***CRITERIA FOR THE ASSESSMENT OF THE BODIES TO BE NOTIFIED**

Bodies designated by Member States must satisfy the following conditions:

- availability of staff and of the necessary means and equipment,
- technical competence and professional integrity of the staff,
- in carrying out tests, drafting reports, issuing attestations and carrying out inspections in accordance with this Directive, the management and technical staff must be independent of all circles, groupings or persons with a direct or indirect interest in the area concerned,
- staff must be bound by professional secrecy,
- third party insurance must be taken out unless such liability is covered by the State under national law.

The conditions referred to in the first two indents above shall be periodically checked by the competent authorities of the Member States or by bodies designated by the Member States.

*ANNEX VII***FINENESS MARK SURROUNDS**

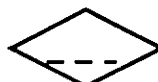
1. The surrounds specific to each precious metal and which must surround the standard of fineness of the precious metals and their alloys set out in Annex I are given below:



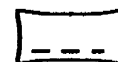
GOLD



SILVER



PLATINUM



PALLADIUM

2. The standard of fineness must be indicated within these surrounds along the axis of the dashes.

*ANNEX VIII***CONTENTS OF COMMUNITY CERTIFICATE OF CONFORMITY**

The Community certificate of conformity must be drawn up in an official language of the Member State in which the articles are marketed and must include the following:

- name and address of the manufacturer or his authorized representative or the person responsible for placing on the market,
 - the letter 'e',
 - a description of the article or of the semi-finished articles,
 - the standard of fineness in parts per thousand of the precious metal or precious metals concerned,
 - the name and address of the notified body involved in the conformity attestation procedures referred to in Article 8 and the procedure applied.
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