

English edition

## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 2937/84  
of 19 October 1984**

**fixing the import levies on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 29 October 1975 on the common organi-  
zation of the market in cereals <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1018/84 <sup>(2)</sup>, and in particular  
Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the  
value of the unit of account and the exchange rates to  
be applied for the purposes of the common agricul-  
tural policy <sup>(3)</sup>, as last amended by Regulation (EEC)  
No 2543/73 <sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary  
Committee,

Whereas the import levies on cereals, wheat and rye  
flour, and wheat groats and meal were fixed by Regula-  
tion (EEC) No 2221/84 <sup>(5)</sup> and subsequent amending  
Regulations ;

Whereas, if the levy system is to operate normally,  
levies should be calculated on the following basis :

- in the case of currencies which are maintained in  
relation to each other at any given moment within  
a band of 2,25 %, a rate of exchange based on  
their central rate, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC)  
No 974/71 <sup>(6)</sup>, as last amended by Regulation (EEC)  
No 855/84 <sup>(7)</sup>,

- for other currencies, an exchange rate based on the  
arithmetic mean of the spot market rates of each of  
these currencies recorded for a given period in  
relation to the Community currencies referred to  
in the previous indent, and the aforesaid coeffi-  
cient ;

Whereas these exchange rates being those recorded on  
18 October 1984 ;

Whereas it follows from applying the detailed rules  
contained in Regulation (EEC) No 2221/84 to today's  
offer prices and quotations known to the Commission  
that the levies at present in force should be altered to  
the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

The import levies to be charged on products listed in  
Article 1 (a), (b) and (c) of Regulation (EEC) No  
2727/75 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 October  
1984.

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

Done at Brussels, 19 October 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 205, 1. 8. 1984, p. 1.

<sup>(6)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(7)</sup> OJ No L 90, 1. 4. 1984, p. 1.

## ANNEX

to the Commission Regulation of 19 October 1984 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	60,02
10.01 B II	Durum wheat	106,75 <sup>(1)</sup> <sup>(5)</sup>
10.02	Rye	68,72 <sup>(6)</sup>
10.03	Barley	63,34
10.04	Oats	45,16
10.05 B	Maize, other than hybrid maize for sowing	55,53 <sup>(2)</sup> <sup>(3)</sup>
10.07 A	Buckwheat	0
10.07 B	Millet	0 <sup>(4)</sup>
10.07 C	Grain sorghum	81,45 <sup>(4)</sup>
10.07 D I	Triticale	(7)
10.07 D II	Canary seed ; other cereals	0 <sup>(5)</sup>
11.01 A	Wheat or meslin flour	97,59
11.01 B	Rye flour	109,78
11.02 A I a)	Durum wheat groats and meal	178,71
11.02 A I b)	Common wheat groats and meal	104,77

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

<sup>(2)</sup> In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

<sup>(6)</sup> The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

**COMMISSION REGULATION (EEC) No 2938/84**  
of 19 October 1984

**fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 29 October 1975 on the common organ-  
ization of the market in cereals <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1018/84 <sup>(2)</sup>, and in particular  
Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the  
value of the unit of account and the exchange rates to  
be applied for the purposes of the common agricul-  
tural policy <sup>(3)</sup>, as last amended by Regulation (EEC)  
No 2543/73 <sup>(4)</sup>, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary  
Committee,

Whereas the premiums to be added to the levies on  
cereals and malt were fixed by Regulation (EEC) No  
2222/84 <sup>(5)</sup> and subsequent amending Regulations;

Whereas, if the levy system is to operate normally,  
levies should be calculated on the following basis:

- in the case of currencies which are maintained in  
relation to each other at any given moment within  
a band of 2,25 %, a rate of exchange based on  
their central rate, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC)  
No 974/71 <sup>(6)</sup>, as last amended by Regulation (EEC)  
No 855/84 <sup>(7)</sup>,

- for other currencies, an exchange rate based on the  
arithmetic mean of the spot market rates of each of  
these currencies recorded for a given period in  
relation to the Community currencies referred to  
in the previous indent, and the aforesaid coeffi-  
cient;

Whereas these exchange rates being those recorded on  
18 October 1984;

Whereas, on the basis of today's cif prices and cif  
forward delivery prices, the premiums at present in  
force, which are to be added to the levies, should be  
altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The premiums referred to in Article 15 of Regulation  
(EEC) No 2727/75 to be added to the import levies  
fixed in advance in respect of cereals and malt shall be  
as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 October  
1984.

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

Done at Brussels, 19 October 1984.

*For the Commission*

Poul DALSA GER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No 106, 30. 10. 1962, p. 2553/62.

<sup>(4)</sup> OJ No L 263, 19. 9. 1973, p. 1.

<sup>(5)</sup> OJ No L 205, 1. 8. 1984, p. 4.

<sup>(6)</sup> OJ No L 106, 12. 5. 1971, p. 1.

<sup>(7)</sup> OJ No L 90, 1. 4. 1984, p. 1.

## ANNEX

to the Commission Regulation of 19 October 1984 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CCT heading No	Description	Current	1st period	2nd period	3rd period
		10	11	12	1
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	1,62	1,62	0,54
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

## B. Malt

*(ECU/tonne)*

CCT heading No	Description	Current	1st period	2nd period	3rd period	4th period
		10	11	12	1	2
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

## COMMISSION REGULATION (EEC) No 2939/84

of 19 October 1984

amending Regulation (EEC) No 2395/84 concerning the reduction in the purchase price for wines referred to in Article 14b of Regulation (EEC) No 337/79 in respect of the 1984/85 wine-growing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine <sup>(1)</sup>, as last amended by Regulation (EEC) No 1208/84 <sup>(2)</sup>, and in particular Article 14b thereof,

Whereas Commission Regulation (EEC) No 2395/84 <sup>(3)</sup> specifies the maximum actual alcoholic strength to be taken as a basis for calculating the price in the 1984/85 wine year for wine sent for distillation under one of the schemes referred to in Articles 11, 15 and 41 of Regulation (EEC) No 337/79, where the producer of the wine has increased the alcoholic strength by adding sucrose or concentrated grape must in respect of which aid has been received under Article 14 of Regulation (EEC) No 337/79; whereas the same maximum actual alcoholic strength should be laid down for calculating the aid for the product resulting from the distillation and the quantity of alcohol which may be taken over by the intervention agency in respect of the distillation referred to in Article 41 of Regulation (EEC) No 337/79;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EEC) No 2395/84 is hereby amended as follows:

1. The following subparagraphs are added to paragraph 1:

<sup>(1)</sup> OJ No L 54, 5. 3. 1979, p. 1.  
<sup>(2)</sup> OJ No L 115, 1. 5. 1984, p. 77.  
<sup>(3)</sup> OJ No L 224, 21. 8. 1984, p. 12.

'The aid payable to the distiller for products distilled under one of the schemes referred to in the first subparagraph shall be calculated on the basis of the alcoholic strength of the distilled product, less a fraction corresponding to the difference between the actual alcoholic strength of the wine sent for distillation and the limits specified in the first subparagraph.

The quantity of product which may be taken over by the intervention agency in accordance with Article 41 of Regulation (EEC) No 337/79 shall not exceed that obtained by multiplying the total quantity of wine sent for distillation by the maximum alcoholic strength specified in the first subparagraph and by dividing the result by the alcoholic strength of the product sent for distillation.'

2. Paragraph 2 is replaced by the following:

'2. However, the alcoholic strength to be taken as a basis for the calculations referred to in paragraph 1 shall be the alcoholic strength actually achieved in wine sent for distillation by those producers who furnish evidence to the competent authorities of the Member States that, during the wine year in which the wine sent for distillation was made, they did not increase the alcoholic strength of any part of their production:

— either by the addition of concentrated grape must or rectified concentrated grape must in respect of which aid was received under Article 14 of Regulation (EEC) No 337/79,

— or by the addition of sucrose.'

*Article 2*

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

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

Done at Brussels, 19 October 1984.

*For the Commission*

Poul DALSGER

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 2940/84

of 19 October 1984

amending Regulation No 225/67/EEC on detailed rules for determining the world market price for oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EEC) No 2260/84 <sup>(2)</sup>,

Having regard to Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point <sup>(3)</sup>, as last amended by Regulation (EEC) No 1983/82 <sup>(4)</sup>, and in particular Article 7 thereof,

Whereas Commission Regulation No 225/67/EEC <sup>(5)</sup>, as last amended by Regulation (EEC) No 2037/84 <sup>(6)</sup>, fixes the yields in oil and oil cake from sunflower seeds; whereas Council Regulation (EEC) No 1102/84 of 31 March 1984 fixing for the 1984/85 marketing year the target prices and intervention prices for colza and rape seed and sunflower seed <sup>(7)</sup> modified the standard quality of sunflower seed by raising the oil content from 40 % to 42 %; whereas the value of

these yields should therefore be adapted to the new standard quality;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation No 225/67/EEC is hereby amended as follows:

1. In (b) of Article 5, '38 kilograms' and '43 kilograms' are replaced by '40 kilograms' and '41 kilograms' respectively and, in (c) of the same Article, '38 kilograms' and '59 kilograms' are replaced by '40 kilograms' and '57 kilograms' respectively.
2. In Article 8 (1) (b), '38 kilograms' and '43 kilograms' are replaced by '40 kilograms' and '41 kilograms' respectively and, in Article 8 (1) (c), '38 kilograms' and '59 kilograms' are replaced by '40 kilograms' and '57 kilograms' respectively.

*Article 2*

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

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

Done at Brussels, 19 October 1984.

*For the Commission*

Poul DALSAER

*Member of the Commission*

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 208, 3. 8. 1984, p. 1.

<sup>(3)</sup> OJ No 111, 10. 6. 1967, p. 2196/67.

<sup>(4)</sup> OJ No L 215, 23. 7. 1982, p. 6.

<sup>(5)</sup> OJ No 136, 30. 6. 1967, p. 2929/67.

<sup>(6)</sup> OJ No L 189, 17. 7. 1984, p. 15.

<sup>(7)</sup> OJ No L 113, 28. 4. 1984, p. 8.

**COMMISSION REGULATION (EEC) No 2941/84**  
of 19 October 1984

**on the acceptance of common wheat of bread-making quality submitted for  
intervention in September 1984 under Regulation (EEC) No 1810/84**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European  
Economic Community,

Having regard to Council Regulation (EEC) No  
2727/75 of 25 October 1975 on the common organi-  
zation of the market in cereals <sup>(1)</sup>, as last amended by  
Regulation (EEC) No 1018/84 <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No  
1810/84 of 28 June 1984 on a special intervention  
measure for common wheat of bread-making quality at  
the start of the 1983/84 marketing year <sup>(3)</sup>, as amended  
by Regulation (EEC) No 2440/84 <sup>(4)</sup>, and in particular  
Article 3 (2) thereof,

Whereas under Article 3 (2) of Regulation (EEC) No  
1810/84 the Commission is responsible, on the basis  
of the information provided by the Member States, for  
deciding whether the offers for intervention for each  
of the months of August, September and October  
exceed the quantities that can be bought in to inter-  
vention laid down in Article 1 (1) of Regulation (EEC)  
No 1810/84 and for laying down, if the quantities  
offered exceed the quantities that may be bought in,  
the percentage by which offers made are to be  
reduced ;

Whereas the Member States have provided the infor-  
mation required of them in Regulation (EEC) No  
1810/84 with regard to offers made in September ;  
whereas this information shows that the offers made  
exceed the quantity for the month ; whereas the  
percentage by which they are to be reduced should  
therefore be set,

HAS ADOPTED THIS REGULATION :

*Article 1*

A reduction of 95,01 % shall be applied to offers of  
common wheat of minimum bread-making quality  
submitted to the intervention agencies under Regula-  
tion (EEC) No 1810/84 during the month of  
September 1984.

*Article 2*

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

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

Done at Brussels, 19 October 1984.

*For the Commission*

Poul DALSA GER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 107, 19. 4. 1984, p. 1.

<sup>(3)</sup> OJ No L 170, 29. 6. 1984, p. 33.

<sup>(4)</sup> OJ No L 228, 25. 8. 1984, p. 8.

## COMMISSION REGULATION (EEC) No 2942/84

of 19 October 1984

on the issue of import licences for high-quality, fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2693/83 of 26 September 1983 opening a Community tariff quota for high-quality, fresh, chilled or frozen beef and veal falling within subheadings 02.01 A II a) and b) of the Common Customs Tariff<sup>(1)</sup>, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 3660/83 of 23 December 1983 laying down detailed rules for the application of import arrangements provided for by Regulations (EEC) No 2693/83 and (EEC) No 2694/83 in the beef and veal sector<sup>(2)</sup> provides in Article 7 that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector<sup>(3)</sup>, as last amended by Regulation (EEC) No 3578/82<sup>(4)</sup>;

Whereas Article 1 (1) (d) of Regulation (EEC) No 3660/83 fixes the amount of high-quality, fresh, chilled or frozen beef and veal originating in and imported from the United States of America and

Canada which may be imported on special terms in 1984 at 10 000 tonnes;

Whereas the applications received by the beginning of October 1984 cover quantities less than the quota available; whereas, therefore, these applications can be met in full,

HAS ADOPTED THIS REGULATION:

*Article 1*

All applications for import licences in respect of October 1984 for high-quality, fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EEC) No 3660/83 are hereby met in full.

*Article 2*

Applications for licences in respect of the meat referred to in Article 1 may be entered in accordance with Articles 12 and 15 of Regulation (EEC) No 2377/80 during the first 10 days of November 1984, the total quantity available being 9 454 tonnes.

*Article 3*

This Regulation shall enter into force on 20 October 1984.

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

Done at Brussels, 19 October 1984.

*For the Commission*

Poul DALSAGER

*Member of the Commission*

<sup>(1)</sup> OJ No L 267, 29. 9. 1983, p. 3.

<sup>(2)</sup> OJ No L 361, 24. 12. 1983, p. 38.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 373, 31. 12. 1982, p. 59.

## COMMISSION REGULATION (EEC) No 2943/84

of 19 October 1984

laying down to what extent applications for issue of export licences submitted during October 1984 for beef and veal products which may benefit from special import treatment in a third country may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2931/79 of 20 December 1979 on the granting of assistance for export of agricultural products which may benefit from a special import treatment in a third country<sup>(1)</sup>; and in particular Article 1 (2) thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(2)</sup>, as last amended by the Act of Accession of Greece,

Whereas Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector<sup>(3)</sup>, as last amended by Regulation (EEC) No 3578/82<sup>(4)</sup>, lays down, in Articles 14 and 15, detailed rules for export licence applications for the products referred to in Article 1 of Regulation (EEC) No 2973/79<sup>(5)</sup>; whereas Article 15 (6) (c) of Regulation (EEC) No 2377/80 requires the Commission, where the quantities in respect of which licences are applied for exceed the quantities available, to reduce the quantities requested by a fixed percentage;

Whereas Regulation (EEC) No 3582/81<sup>(6)</sup> fixed the quantities of meat which might be exported on special terms for the fourth quarter of 1984;

Whereas the quantities for which licence applications have been lodged for the fourth quarter of 1984 are equal to those available; whereas these applications can, therefore, be met in full,

HAS ADOPTED THIS REGULATION:

*Article 1*

The applications for export licences lodged for the beef and veal referred to in Regulation (EEC) No 2973/79 for the fourth quarter of 1984 shall be met in full.

*Article 2*

This Regulation shall enter into force on 20 October 1984.

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

Done at Brussels, 19 October 1984.

*For the Commission*

Poul DALSAER

*Member of the Commission*

<sup>(1)</sup> OJ No L 334, 28. 12. 1979, p. 8.

<sup>(2)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 373, 31. 12. 1982, p. 59.

<sup>(5)</sup> OJ No L 336, 29. 12. 1979, p. 44.

<sup>(6)</sup> OJ No L 359, 15. 12. 1981, p. 14.

## COMMISSION REGULATION (EEC) No 2944/84

of 19 October 1984

concerning the stopping of fishing for herring by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States <sup>(1)</sup>, as amended by Regulation (EEC) No 1729/83 <sup>(2)</sup>, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 320/84 of 31 January 1984 fixing, for certain fish stocks and groups of fish stocks occurring in the Community's fishing zone, provisional total allowable catches for 1984, the provisional share of these catches available to the Community, the allocation of that share between the Member States and the conditions under which the total allowable catches may be fished <sup>(3)</sup>, as last amended by Regulation (EEC) No 2666/84 <sup>(4)</sup>, provides for herring quotas for 1984;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of herring in the waters of ICES divisions II a (EC zone) and IV a (EC zone) by vessels flying the flag of France or registered in France

have reached the quota allocated for 1984 in the waters of ICES divisions II a (EC zone), IV a (EC zone) and IV b (EC zone);

Whereas, by virtue of Article 3a of Council Regulation (EEC) No 320/84, France effected a transfer from ICES divisions IV c and VII d to ICES division IV b of 2 300 tonnes, and catches of herring in the waters of ICES division IV b by vessels flying the flag of France or registered in France are not deemed to have exhausted the quota transferred,

HAS ADOPTED THIS REGULATION:

*Article 1*

Catches of herring in the waters of ICES divisions II a (EC zone) and IV a (EC zone) by vessels flying the flag of France or registered in France are deemed to have exhausted the quota allocated to France for 1984.

Fishing for herring in the waters of ICES divisions II a (EC zone) and IV a (EC zone) by vessels flying the flag of France or registered in France is prohibited, as well as the retention on board, the transshipment and the landing of such fish by the abovementioned vessels after the date of entry into force of this Regulation.

*Article 2*

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

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

Done at Brussels, 19 October 1984.

*For the Commission*

Giorgios CONTOGEOORGIS

*Member of the Commission*

<sup>(1)</sup> OJ No L 220, 29. 7. 1982, p. 1.

<sup>(2)</sup> OJ No L 169, 28. 6. 1983, p. 14.

<sup>(3)</sup> OJ No L 37, 8. 2. 1984, p. 1.

<sup>(4)</sup> OJ No L 253, 21. 9. 1984, p. 5.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DIRECTIVE

of 15 October 1984

on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs

(84/500/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 76/893/EEC of 23 November 1976 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs<sup>(1)</sup>, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

Whereas Article 2 of Directive 76/893/EEC provides that materials and articles must not transfer their constituents to foodstuffs in quantities which could endanger human health;

Whereas Article 3 of the same Directive provides that the Council, under the procedure provided for in Article 100 of the Treaty, shall adopt by means of

Directives special provisions applicable to certain groups of materials and articles (specific Directives);

Whereas in most of the Member States ceramic articles intended to come into contact with foodstuffs are subject to mandatory provisions for protecting human health which lay down limits for the extractable quantities of lead and cadmium;

Whereas these provisions vary from one Member State to another, thus creating obstacles to the establishment and functioning of the common market;

Whereas these obstacles may be eliminated if the placing of ceramic articles on the Community market is made subject to uniform rules; whereas it is therefore necessary to harmonize the limit values and the test and analysis methods for such articles;

Whereas the appropriate instrument for attaining this objective is a specific Directive within the meaning of Article 3 of Directive 76/893/EEC the general provisions of which also become applicable in this particular case;

Whereas the adaptation to technical progress of certain checking and analysis measures provided for in the Directive is an implementing measure the adoption of which should be entrusted to the Commission in order to simplify and expedite the procedure;

Whereas, in all cases where the Council grants the Commission powers to implement provisions concerning materials and articles intended to come into

<sup>(1)</sup> OJ No L 340, 9. 12. 1976, p. 19.

<sup>(2)</sup> OJ No C 95, 28. 4. 1975, p. 41.

<sup>(3)</sup> OJ No C 263, 17. 11. 1975, p. 66.

contact with foodstuffs, a procedure should be established to ensure close cooperation between the Member States and the Commission in the Standing Committee for Foodstuffs set up by the Council Decision of 13 November 1969,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

1. This Directive is a specific Directive within the meaning of Article 3 of Directive 76/893/EEC.
2. This Directive concerns the possible migration of lead and cadmium from ceramic articles which, in their finished state, are intended to come into contact with foodstuffs, or which are in contact with foodstuffs, and are intended for that purpose.
3. 'Ceramic articles' means articles manufactured from a mixture of inorganic materials with a generally high argillaceous or silicate content to which small quantities of organic materials may have been added. These articles are first shaped and the shape thus obtained is permanently fixed by firing. They may be glazed, enamelled and/or decorated.

#### Article 2

1. The quantities of lead and cadmium transferred from ceramic articles shall not exceed the limits laid down below.
2. The quantities of lead and cadmium transferred from ceramic articles shall be determined by means of a test, the conditions of which are specified in Annex I, using the method of analysis described in Annex II.
3. Where a ceramic article consists of a vessel fitted with a ceramic lid, the lead and/or cadmium limit which may not be exceeded (mg/dm<sup>2</sup> or mg/litre) shall be that which applies to the vessel alone.

The vessel alone and the inner surface of the lid shall be tested separately and under the same conditions.

The sum of the two lead and/or cadmium extraction levels thus obtained shall be related as appropriate to the surface area or the volume of the vessel alone.

4. A ceramic article shall be recognized as satisfying the requirements of this Directive if the quantities of lead and/or cadmium extracted during the test carried out under the conditions laid down in Annexes I and II do not exceed the following limits:

*Pb*

*Cd*

- Category 1 :  
Articles which cannot be filled and articles which can be filled, the internal depth of which, measured from the lowest point to the horizontal plane passing through the upper rim, does not exceed 25 mm 0,8 mg/dm<sup>2</sup> 0,07 mg/dm<sup>2</sup>
  - Category 2 :  
All other articles which can be filled 4,0 mg/l 0,3 mg/l
  - Category 3 :  
Cooking ware ; packaging and storage vessels having a capacity of more than three litres 1,5 mg/l 0,1 mg/l
5. However, where a ceramic article does not exceed the above quantities by more than 50 %, that article shall nevertheless be recognized as satisfying the requirements of this Directive if at least three other articles with the same shape, dimensions, decoration and glaze are subjected to a test carried out under the conditions laid down in Annexes I and II and the average quantities of lead and/or cadmium extracted from those articles do not exceed the limits set, with none of those articles exceeding those limits by more than 50 %.

#### Article 3

The amendments to be made to the Annexes in the light of developments in scientific and technical knowledge, with the exception of sections 1 and 2 of Annex I, shall be adopted in accordance with the procedure laid down in Article 10 of Directive 76/893/EEC.

#### Article 4

1. Within three years of notification<sup>(1)</sup> of this Directive, the Council shall determine in accordance with the procedure laid down in Article 100 of the Treaty :
  - (a) the limitations to be imposed on those areas of ceramic articles with which the mouth is intended to come into contact ;
  - (b) the methods for checking that the limitations provided for in (a) are complied with.
2. Within the same period, the Commission shall, on the basis of toxicological and technological data, re-examine the limits laid down in Article 2, with a view to reducing them, and the lighting conditions for the test specified in Annex I, and shall, if appropriate, submit to the Council proposals for amendments to the Directive.

<sup>(1)</sup> This Directive was notified to the Member States on 17 October 1984.

*Article 5*

1. The Member States shall, if necessary, amend their national laws to comply with this Directive so that :

- three years after the notification of this Directive, trade in ceramic articles which comply with its provisions is permitted,
- five years after the notification of this Directive, the placing on the market of ceramic articles which do not comply with its provisions is prohibited.

They shall forthwith inform the Commission of any such amendment.

2. Without prejudice to paragraph 1, Member States may prohibit or continue to prohibit the manufacture of ceramic articles which do not comply with this Directive.

*Article 6*

This Directive is addressed to the Member States.

Done at Luxembourg, 15 October 1984.

*For the Council*

*The President*

J. BRUTON



*ANNEX I***BASIC RULES FOR DETERMINING THE MIGRATION OF LEAD AND CADMIUM****1. Test liquid ('simulant')**

4 % (v/v) acetic acid, in a freshly prepared aqueous solution.

**2. Test conditions**

2.1. Carry out the test at a temperature of  $22 \pm 2$  °C for a duration of  $24 \pm 0,5$  hours.

2.2. When the migration of lead is to be determined, cover the sample by an appropriate means of protection and expose it to the usual lighting conditions in a laboratory.

When the migration of cadmium or of lead and cadmium is to be determined, cover the sample so as to ensure that the surface to be tested is kept in total darkness.

**3. Filling****3.1. *Samples which can be filled***

Fill the article with a 4 % (v/v) acetic acid solution to a level no more than 1 mm from the overflow point; the distance is measured from the upper rim of the sample.

Samples with a flat or slightly sloping rim should be filled so that the distance between the surface of the liquid and the overflow point is no more than 6 mm measured along the sloping rim.

**3.2. *Samples which cannot be filled***

The surface of the sample which is not intended to come into contact with foodstuffs is first covered with a suitable protective layer able to resist the action of the 4 % (v/v) acetic acid solution. The sample is then immersed in a recipient containing a known volume of acetic acid solution in such a way that the surface intended to come into contact with foodstuffs is completely covered by the test liquid.

**4. Determination of the surface area**

The surface area of the articles in category 1 is equal to the surface area of the meniscus formed by the free liquid surface obtained by complying with the filling requirements set out in section 3 above.

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## ANNEX II

## METHODS OF ANALYSIS FOR DETERMINING THE MIGRATION OF LEAD AND CADMIUM

## 1. Object and field of application

The method allows the specific migration of lead and/or cadmium to be determined.

## 2. Principle

The determination of the specific migration of lead and/or cadmium is carried out by atomic absorption spectrophotometry.

## 3. Reagents

- All reagents must be of analytical quality, unless otherwise specified.
- Where reference is made to water, this always means distilled water or water of equivalent quality.

## 3.1. 4 % (v/v) acetic acid, in aqueous solution

Add 40 ml of glacial acetic acid to water and make up to 1 000 ml.

## 3.2. Stock solutions

Prepare stock solutions containing 1 000 mg/litre of lead and at least 500 mg/litre of cadmium respectively in a 4 % acetic acid solution (3.1).

## 4. Instruments

## 4.1. Atomic absorption spectrophotometer

The instrument's detection limit for lead and cadmium must be equal to or lower than :

- 0,1 mg/litre for lead,
- 0,01 mg/litre for cadmium.

The detection limit is defined as the concentration of the element in 4 % acetic acid (3.1) which gives a signal equal to twice the background noise of the instrument.

## 5. Method

## 5.1. Preparation of the sample

The sample must be clean and free from grease or other matter likely to affect the test.

Wash the sample in a solution containing a household liquid detergent at a temperature of approximately 40 °C. Rinse the sample first in tapwater and then in distilled water or water of equivalent quality. Drain and dry so as to avoid any stain. The surface to be tested should not be handled after it has been cleaned.

## 5.2. Determination of lead and/or cadmium

- The sample thus prepared is tested under the conditions laid down in Annex I.
  - Before taking the test solution for determining lead and/or cadmium, homogenize the content of the sample by an appropriate method which avoids any loss of solution or abrasion of the surface being tested.
  - Carry out a blank test on the reagent used for each series of determinations.
  - Carry out determinations for lead and/or cadmium under appropriate conditions by atomic absorption spectrophotometry.
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