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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 474/97****of 13 March 1997****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 2375/96<sup>(2)</sup>, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 March 1997.

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

Done at Brussels, 13 March 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 325, 14. 12. 1996, p. 5.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 13 March 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value	
0702 00 15	204	57,7	
	212	95,7	
	624	149,3	
	999	100,9	
0709 10 10	220	197,0	
	999	197,0	
0709 90 73	052	96,7	
	204	81,0	
	999	88,8	
0805 10 01, 0805 10 05, 0805 10 09	052	51,9	
	204	43,8	
	212	46,5	
	448	25,0	
	600	58,8	
	624	51,6	
	999	46,3	
0805 30 20	052	54,6	
	600	75,6	
	999	65,1	
0808 10 51, 0808 10 53, 0808 10 59	060	62,0	
	388	103,8	
	400	93,5	
	404	95,0	
	508	94,6	
	512	88,4	
	528	96,9	
	999	90,6	
	0808 20 31	039	97,7
		388	68,9
400		85,2	
512		62,0	
528		69,4	
999		76,6	

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

## COMMISSION REGULATION (EC) No 475/97

of 13 March 1997

## fixing the export refunds 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 Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 95/96<sup>(4)</sup>;

Whereas export possibilities exist for a quantity of 75 000 tonnes of maize to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95<sup>(5)</sup>, as last amended by Regulation (EC) No 1527/96<sup>(6)</sup>, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of

cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 14 March 1997.

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

Done at Brussels, 13 March 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ No L 18, 24. 1. 1996, p. 10.

<sup>(5)</sup> OJ No L 117, 24. 5. 1995, p. 2.

<sup>(6)</sup> OJ No L 190, 31. 7. 1996, p. 23.

## ANNEX

## to the Commission Regulation of 13 March 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
0709 90 60	—	—	1008 20 00 9000	—	—
0712 90 19	—	—	1101 00 11 9000	—	—
1001 10 00 9200	—	—	1101 00 15 9100	01	8,00
1001 10 00 9400	01	0	1101 00 15 9130	01	7,50
1001 90 91 9000	—	—	1101 00 15 9150	01	7,00
1001 90 99 9000	03	1,50	1101 00 15 9170	01	6,50
	02	0	1101 00 15 9180	01	6,00
1002 00 00 9000	03	25,00	1101 00 15 9190	—	—
	02	0	1101 00 90 9000	—	—
1003 00 10 9000	—	—	1102 10 00 9500	01	41,00
1003 00 90 9000	03	18,50	1102 10 00 9700	—	—
	02	0	1102 10 00 9900	—	—
1004 00 00 9200	—	—	1103 11 10 9200	01	9,00 (2)
1004 00 00 9400	—	—	1103 11 10 9400	—	— (2)
1005 10 90 9000	—	—	1103 11 10 9900	—	—
1005 90 00 9000	03	10,00 (3)	1103 11 90 9200	01	9,00 (2)
	04	15,00 (3)	1103 11 90 9800	—	—
	02	—			
1007 00 90 9000	—	—			

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland and Liechtenstein,
- 04 Slovenia, Czech Republic, Slovakia and Poland.

(2) No refund is granted when this product contains compressed meal.

(3) Refund fixed under the procedure laid down in Article 7 (4) of Regulation (EC) No 1162/95 in respect of a quantity of 75 000 tonnes of maize.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

**COUNCIL DIRECTIVE 97/11/EC**

of 3 March 1997

**amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s (1) thereof,

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

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 189c of the Treaty <sup>(4)</sup>,

by the Commission on 2 April 1993, shows that it is necessary to introduce provisions designed to clarify, supplement and improve the rules on the assessment procedure, in order to ensure that the Directive is applied in an increasingly harmonized and efficient manner;

(5) Whereas projects for which an assessment is required should be subject to a requirement for development consent; whereas the assessment should be carried out before such consent is granted;

(6) Whereas it is appropriate to make additions to the list of projects which have significant effects on the environment and which must on that account as a rule be made subject to systematic assessment;

(7) Whereas projects of other types may not have significant effects on the environment in every case; whereas these projects should be assessed where Member States consider they are likely to have significant effects on the environment;

(8) Whereas Member States may set thresholds or criteria for the purpose of determining which such projects should be subject to assessment on the basis of the significance of their environmental effects; whereas Member States should not be required to examine projects below those thresholds or outside those criteria on a case-by-case basis;

(9) Whereas when setting such thresholds or criteria or examining projects on a case-by-case basis for the purpose of determining which projects should be subject to assessment on the basis of their significant environmental effects, Member States should take account of the relevant selection criteria set out in this Directive; whereas, in accordance with the subsidiarity principle, the Member States are in the best position to apply these criteria in specific instances;

(10) Whereas the existence of a location criterion referring to special protection areas designated by Member States pursuant to Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds <sup>(6)</sup> and 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora <sup>(7)</sup> does not imply necessarily that projects in those areas are to be automatically subject to an assessment under this Directive;

(1) Whereas Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment <sup>(5)</sup> aims at providing the competent authorities with relevant information to enable them to take a decision on a specific project in full knowledge of the project's likely significant impact on the environment; whereas the assessment procedure is a fundamental instrument of environmental policy as defined in Article 130r of the Treaty and of the Fifth Community Programme of policy and action in relation to the environment and sustainable development;

(2) Whereas, pursuant to Article 130r (2) of the Treaty, Community policy on the environment is based on the precautionary principle and on the principle that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay;

(3) Whereas the main principles of the assessment of environmental effects should be harmonized and whereas the Member States may lay down stricter rules to protect the environment;

(4) Whereas experience acquired in environmental impact assessment, as recorded in the report on the implementation of Directive 85/337/EEC, adopted

<sup>(1)</sup> OJ No C 130, 12. 5. 1994, p. 8 and OJ No C 81, 19. 3. 1996, p. 14.

<sup>(2)</sup> OJ No C 393, 31. 12. 1994, p. 1.

<sup>(3)</sup> OJ No C 210, 14. 8. 1995, p. 78.

<sup>(4)</sup> European Parliament Opinion of 11 October 1995 (OJ No C 287, 30. 10. 1995, p. 101), Council common position of 25 June 1996 (OJ No C 248, 26. 8. 1996, p. 75) and European Parliament Decision of 13 November 1996 (OJ No C 362, 2. 12. 1996, p. 103).

<sup>(5)</sup> OJ No L 175, 5. 7. 1985, p. 40. Directive as last amended by the 1994 Act of Accession.

<sup>(6)</sup> OJ No L 103, 25. 4. 1979, p. 1. Directive as last amended by the 1994 Act of Accession.

<sup>(7)</sup> OJ No L 206, 22. 7. 1992, p. 7.

- (11) Whereas it is appropriate to introduce a procedure in order to enable the developer to obtain an opinion from the competent authorities on the content and extent of the information to be elaborated and supplied for the assessment; whereas Member States, in the framework of this procedure, may require the developer to provide, *inter alia*, alternatives for the projects for which it intends to submit an application;
- (12) Whereas it is desirable to strengthen the provisions concerning environmental impact assessment in a transboundary context to take account of developments at international level;
- (13) Whereas the Community signed the Convention on Environmental Impact Assessment in a Transboundary Context on 25 February 1991,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

Directive 85/337/EEC is hereby amended as follows:

1. Article 2 (1) shall be replaced by the following:

'1. Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. These projects are defined in Article 4.;

2. The following paragraph shall be inserted in Article 2:

'2a. Member States may provide for a single procedure in order to fulfil the requirements of this Directive and the requirements of Council Directive 96/61/EC of 24 September 1996 on integrated pollution prevention and control<sup>(1)</sup>.

<sup>(1)</sup> OJ No L 257, 10. 10. 1996, p. 26.;

3. The first subparagraph of Article 2 (3) shall read as follows:

'3. Without prejudice to Article 7, Member States may, in exceptional cases, exempt a specific project in whole or in part from the provisions laid down in this Directive.;

4. In Article 2 (3) (c) the words 'where appropriate' shall be replaced by the words 'where applicable';

5. Article 3 shall be replaced by the following:

#### Article 3

The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11, the direct and indirect effects of a project on the following factors:

- human beings, fauna and flora;
- soil, water, air, climate and the landscape;
- material assets and the cultural heritage;
- the interaction between the factors mentioned in the first, second and third indents.;

6. Article 4 shall be replaced by the following:

#### Article 4

1. Subject to Article 2 (3), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.

2. Subject to Article 2 (3), for projects listed in Annex II, the Member States shall determine through:

(a) a case-by-case examination,

or

(b) thresholds or criteria set by the Member State

whether the project shall be made subject to an assessment in accordance with Articles 5 to 10.

Member States may decide to apply both procedures referred to in (a) and (b).

3. When a case-by-case examination is carried out or thresholds or criteria are set for the purpose of paragraph 2, the relevant selection criteria set out in Annex III shall be taken into account.

4. Member States shall ensure that the determination made by the competent authorities under paragraph 2 is made available to the public.;

7. Article 5 shall be replaced by the following:

#### Article 5

1. In the case of projects which, pursuant to Article 4, must be subjected to an environmental impact assessment in accordance with Articles 5 to 10, Member States shall adopt the necessary measures to ensure that the developer supplies in an appropriate form the information specified in Annex IV inasmuch as:

(a) the Member States consider that the information is relevant to a given stage of the consent procedure and to the specific characteristics of a particular project or type of project and of the environmental features likely to be affected;

(b) the Member States consider that a developer may reasonably be required to compile this information having regard *inter alia* to current knowledge and methods of assessment.

2. Member States shall take the necessary measures to ensure that, if the developer so requests before submitting an application for development consent, the competent authority shall give an opinion on the information to be supplied by the developer in accordance with paragraph 1. The competent authority shall consult the developer and authorities referred to



in Article 6 (1) before it gives its opinion. The fact that the authority has given an opinion under this paragraph shall not preclude it from subsequently requiring the developer to submit further information.

Member States may require the competent authorities to give such an opinion, irrespective of whether the developer so requests.

3. The information to be provided by the developer in accordance with paragraph 1 shall include at least:

- a description of the project comprising information on the site, design and size of the project,
- a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects,
- the data required to identify and assess the main effects which the project is likely to have on the environment,
- an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects,
- a non-technical summary of the information mentioned in the previous indent.

4. Member States shall, if necessary, ensure that any authorities holding relevant information, with particular reference to Article 3, shall make this information available to the developer.;

8. Article 6 (1) shall be replaced by the following:

'1. Member States shall take the measures necessary to ensure that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities are given an opportunity to express their opinion on the information supplied by the developer and on the request for development consent. To this end, Member States shall designate the authorities to be consulted, either in general terms or on a case-by-case basis. The information gathered pursuant to Article 5 shall be forwarded to those authorities. Detailed arrangements for consultation shall be laid down by the Member States.;

Article 6 (2) shall be replaced by the following:

'2. Member States shall ensure that any request for development consent and any information gathered pursuant to Article 5 are made available to the public within a reasonable time in order to give the public concerned the opportunity to express an opinion before the development consent is granted.;

9. Article 7 shall be replaced by the following:

*Article 7*

1. Where a Member State is aware that a project is likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, the Member State in whose territory the project is intended to be carried out shall send to the affected Member State as soon as possible and no later than when informing its own public, *inter alia*:

- (a) a description of the project, together with any available information on its possible transboundary impact;
- (b) information on the nature of the decision which may be taken,

and shall give the other Member State a reasonable time in which to indicate whether it wishes to participate in the Environmental Impact Assessment procedure, and may include the information referred to in paragraph 2.

2. If a Member State which receives information pursuant to paragraph 1 indicates that it intends to participate in the Environmental Impact Assessment procedure, the Member State in whose territory the project is intended to be carried out shall, if it has not already done so, send to the affected Member State the information gathered pursuant to Article 5 and relevant information regarding the said procedure, including the request for development consent.

3. The Member States concerned, each insofar as it is concerned, shall also:

- (a) arrange for the information referred to in paragraphs 1 and 2 to be made available, within a reasonable time, to the authorities referred to in Article 6 (1) and the public concerned in the territory of the Member State likely to be significantly affected; and
- (b) ensure that those authorities and the public concerned are given an opportunity, before development consent for the project is granted, to forward their opinion within a reasonable time on the information supplied to the competent authority in the Member State in whose territory the project is intended to be carried out.

4. The Member States concerned shall enter into consultations regarding, *inter alia*, the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and shall agree on a reasonable time frame for the duration of the consultation period.

5. The detailed arrangements for implementing the provisions of this Article may be determined by the Member States concerned.;

10. Article 8 shall be replaced by the following:

*Article 8*

The results of consultations and the information gathered pursuant to Articles 5, 6 and 7 must be taken into consideration in the development consent procedure.;

11. Article 9 shall be replaced by the following:

*Article 9*

1. When a decision to grant or refuse development consent has been taken, the competent authority or authorities shall inform the public thereof in accordance with the appropriate procedures and shall make available to the public the following information:

- the content of the decision and any conditions attached thereto,
- the main reasons and considerations on which the decision is based,
- a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects.

2. The competent authority or authorities shall inform any Member State which has been consulted pursuant to Article 7, forwarding to it the information referred to in paragraph 1.;

12. Article 10 shall be replaced by the following:

*Article 10*

The provisions of this Directive shall not affect the obligation on the competent authorities to respect the limitations imposed by national regulations and administrative provisions and accepted legal practices with regard to commercial and industrial confidentiality, including intellectual property, and the safeguarding of the public interest.

Where Article 7 applies, the transmission of information to another Member State and the receipt of information by another Member State shall be subject to the limitations in force in the Member State in which the project is proposed.;

13. Article 11 (2) shall be replaced by the following:

2. In particular, Member States shall inform the Commission of any criteria and/or thresholds adopted for the selection of the projects in question, in accordance with Article 4 (2).;

14. Article 13 shall be deleted;

15. Annexes I, II and III shall be replaced by Annexes I, II, III and IV as they appear in the Annex.

*Article 2*

Five years after the entry into force of this Directive, the Commission shall send the European Parliament and the Council a report on the application and effectiveness of Directive 85/337/EEC as amended by this Directive. The report shall be based on the exchange of information provided for by Article 11 (1) and (2).

On the basis of this report, the Commission shall, where appropriate, submit to the Council additional proposals with a view to ensuring further coordination in the application of this Directive.

*Article 3*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 March 1999 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, they 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.

2. If a request for development consent is submitted to a competent authority before the end of the time limit laid down in paragraph 1, the provisions of Directive 85/337/EEC prior to these amendments shall continue to apply.

*Article 4*

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

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 3 March 1997.

*For the Council*

*The President*

M. DE BOER

## ANNEX

## ANNEX I

## PROJECTS SUBJECT TO ARTICLE 4 (1)

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2. — Thermal power stations and other combustion installations with a heat output of 300 megawatts or more, and
  - nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors (\*) (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. (a) Installations for the reprocessing of irradiated nuclear fuel.
  - (b) Installations designed:
    - for the production or enrichment of nuclear fuel,
    - for the processing of irradiated nuclear fuel or high-level radioactive waste,
    - for the final disposal of irradiated nuclear fuel,
    - solely for the final disposal of radioactive waste,
    - solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.
4. — Integrated works for the initial smelting of cast-iron and steel;
  - Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20 000 tonnes of finished products, for friction material, with an annual production of more than 50 tonnes of finished products, and for other uses of asbestos, utilization of more than 200 tonnes per year.
6. Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are:
  - (i) for the production of basic organic chemicals;
  - (ii) for the production of basic inorganic chemicals;
  - (iii) for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers);
  - (iv) for the production of basic plant health products and of biocides;
  - (v) for the production of basic pharmaceutical products using a chemical or biological process;
  - (vi) for the production of explosives.
7. (a) Construction of lines for long-distance railway traffic and of airports (1) with a basic runway length of 2 100 m or more;
  - (b) Construction of motorways and express roads (2);
  - (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 km or more in a continuous length.
8. (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tonnes;
  - (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tonnes.

(\*) Nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.

(1) For the purposes of this Directive, 'airport' means airports which comply with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (Annex 14).

(2) For the purposes of the Directive, 'express road' means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975.

9. Waste disposal installations for the incineration, chemical treatment as defined in Annex IIA to Directive 75/442/EEC<sup>(1)</sup> under heading D9, or landfill of hazardous waste (i.e. waste to which Directive 91/689/EEC<sup>(2)</sup> applies).
10. Waste disposal installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day.
11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.
12. (a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year;  
(b) In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 % of this flow.  
In both cases transfers of piped drinking water are excluded.
13. Waste water treatment plants with a capacity exceeding 150 000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC<sup>(3)</sup>.
14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes/day in the case of petroleum and 500 000 m<sup>3</sup>/day in the case of gas.
15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.
16. Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km.
17. Installations for the intensive rearing of poultry or pigs with more than:
  - (a) 85 000 places for broilers, 60 000 places for hens;
  - (b) 3 000 places for production pigs (over 30 kg); or
  - (c) 900 places for sows.
18. Industrial plants for the
  - (a) production of pulp from timber or similar fibrous materials;
  - (b) production of paper and board with a production capacity exceeding 200 tonnes per day.
19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.
20. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.
21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 tonnes or more.

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<sup>(1)</sup> OJ No L 194, 25. 7. 1975, p. 39. Directive as last amended by Commission Decision 94/3/EC (OJ No L 5, 7. 1. 1994, p. 15).

<sup>(2)</sup> OJ No L 377, 31. 12. 1991, p. 20. Directive as last amended by Directive 94/31/EC (OJ No L 168, 2. 7. 1994, p. 28).

<sup>(3)</sup> OJ No L 135, 30. 5. 1991, p. 40. Directive as last amended by the 1994 Act of Accession.

## ANNEX II

## PROJECTS SUBJECT TO ARTICLE 4 (2)

1. **Agriculture, silviculture and aquaculture**

- (a) Projects for the restructuring of rural land holdings;
- (b) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;
- (c) Water management projects for agriculture, including irrigation and land drainage projects;
- (d) Initial afforestation and deforestation for the purposes of conversion to another type of land use;
- (e) Intensive livestock installations (projects not included in Annex I);
- (f) Intensive fish farming;
- (g) Reclamation of land from the sea.

2. **Extractive industry**

- (a) Quarries, open-cast mining and peat extraction (projects not included in Annex I);
- (b) Underground mining;
- (c) Extraction of minerals by marine or fluvial dredging;
- (d) Deep drillings, in particular:
  - geothermal drilling,
  - drilling for the storage of nuclear waste material,
  - drilling for water supplies,with the exception of drillings for investigating the stability of the soil;
- (e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.

3. **Energy industry**

- (a) Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I);
- (b) Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex I);
- (c) Surface storage of natural gas;
- (d) Underground storage of combustible gases;
- (e) Surface storage of fossil fuels;
- (f) Industrial briquetting of coal and lignite;
- (g) Installations for the processing and storage of radioactive waste (unless included in Annex I);
- (h) Installations for hydroelectric energy production;
- (i) Installations for the harnessing of wind power for energy production (wind farms).

4. **Production and processing of metals**

- (a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting;
- (b) Installations for the processing of ferrous metals:
  - (i) hot-rolling mills;
  - (ii) smitheries with hammers;
  - (iii) application of protective fused metal coats;
- (c) Ferrous metal foundries;

- (d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.);
- (e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;
- (f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;
- (g) Shipyards;
- (h) Installations for the construction and repair of aircraft;
- (i) Manufacture of railway equipment;
- (j) Swaging by explosives;
- (k) Installations for the roasting and sintering of metallic ores.

#### 5. Mineral industry

- (a) Coke ovens (dry coal distillation);
- (b) Installations for the manufacture of cement;
- (c) Installations for the production of asbestos and the manufacture of asbestos-products (projects not included in Annex I);
- (d) Installations for the manufacture of glass including glass fibre;
- (e) Installations for smelting mineral substances including the production of mineral fibres;
- (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

#### 6. Chemical industry (Projects not included in Annex I)

- (a) Treatment of intermediate products and production of chemicals;
- (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;
- (c) Storage facilities for petroleum, petrochemical and chemical products.

#### 7. Food industry

- (a) Manufacture of vegetable and animal oils and fats;
- (b) Packing and canning of animal and vegetable products;
- (c) Manufacture of dairy products;
- (d) Brewing and malting;
- (e) Confectionery and syrup manufacture;
- (f) Installations for the slaughter of animals;
- (g) Industrial starch manufacturing installations;
- (h) Fish-meal and fish-oil factories;
- (i) Sugar factories.

#### 8. Textile, leather, wood and paper industries

- (a) Industrial plants for the production of paper and board (projects not included in Annex I);
- (b) Plants for the pretreatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles;
- (c) Plants for the tanning of hides and skins;
- (d) Cellulose-processing and production installations.

#### 9. Rubber industry

Manufacture and treatment of elastomer-based products.

**10. Infrastructure projects**

- (a) Industrial estate development projects;
- (b) Urban development projects, including the construction of shopping centres and car parks;
- (c) Construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I);
- (d) Construction of airfields (projects not included in Annex I);
- (e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);
- (f) Inland-waterway construction not included in Annex I, canalization and flood-relief works;
- (g) Dams and other installations designed to hold water or store it on a long-term basis (projects not included in Annex I);
- (h) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;
- (i) Oil and gas pipeline installations (projects not included in Annex I);
- (j) Installations of long-distance aqueducts;
- (k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;
- (l) Groundwater abstraction and artificial groundwater recharge schemes not included in Annex I;
- (m) Works for the transfer of water resources between river basins not included in Annex I.

**11. Other projects**

- (a) Permanent racing and test tracks for motorized vehicles;
- (b) Installations for the disposal of waste (projects not included in Annex I);
- (c) Waste-water treatment plants (projects not included in Annex I);
- (d) Sludge-deposition sites;
- (e) Storage of scrap iron, including scrap vehicles;
- (f) Test benches for engines, turbines or reactors;
- (g) Installations for the manufacture of artificial mineral fibres;
- (h) Installations for the recovery or destruction of explosive substances;
- (i) Knackers' yards.

**12. Tourism and leisure**

- (a) Ski-runs, ski-lifts and cable-cars and associated developments;
- (b) Marinas;
- (c) Holiday villages and hotel complexes outside urban areas and associated developments;
- (d) Permanent camp sites and caravan sites;
- (e) Theme parks.

13. — Any change or extension of projects listed in Annex I or Annex II, already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment;
- Projects in Annex I, undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years.
-

*ANNEX III***SELECTION CRITERIA REFERRED TO IN ARTICLE 4 (3)****1. Characteristics of projects**

The characteristics of projects must be considered having regard, in particular, to:

- the size of the project,
- the cumulation with other projects,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,
- the risk of accidents, having regard in particular to substances or technologies used.

**2. Location of projects**

The environmental sensitivity of geographical areas likely to be affected by projects must be considered, having regard, in particular, to:

- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
  - (a) wetlands;
  - (b) coastal zones;
  - (c) mountain and forest areas;
  - (d) nature reserves and parks;
  - (e) areas classified or protected under Member States' legislation; special protection areas designated by Member States pursuant to Directive 79/409/EEC and 92/43/EEC;
  - (f) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
  - (g) densely populated areas;
  - (h) landscapes of historical, cultural or archaeological significance.

**3. Characteristics of the potential impact**

The potential significant effects of projects must be considered in relation to criteria set out under 1 and 2 above, and having regard in particular to:

- the extent of the impact (geographical area and size of the affected population),
  - the transfrontier nature of the impact,
  - the magnitude and complexity of the impact,
  - the probability of the impact,
  - the duration, frequency and reversibility of the impact.
-



*ANNEX IV***INFORMATION REFERRED TO IN ARTICLE 5 (1)**

1. Description of the project, including in particular:
    - a description of the physical characteristics of the whole project and the land-use requirements during the construction and operational phases,
    - a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used,
    - an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed project.
  2. An outline of the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account the environmental effects.
  3. A description of the aspects of the environment likely to be significantly affected by the proposed project, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.
  4. A description <sup>(1)</sup> of the likely significant effects of the proposed project on the environment resulting from:
    - the existence of the project,
    - the use of natural resources,
    - the emission of pollutants, the creation of nuisances and the elimination of waste,and the description by the developer of the forecasting methods used to assess the effects on the environment.
  5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
  6. A non-technical summary of the information provided under the above headings.
  7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.
- 

<sup>(1)</sup> This description should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 18 December 1996

**laying down the methods of control for maintaining the officially brucellosis free status of bovine herds in certain Member States and regions of Member States**

(Text with EEA relevance)

(97/175/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine <sup>(1)</sup>, as last amended by Council Directive 95/25/EC <sup>(2)</sup>, and in particular Article 3 (13) thereof;

The Member States and regions referred to respectively in Annexes I and II satisfy the conditions laid down in Directive 64/432/EEC, Article 3 (13), in so far as that at least 99,8 % of the bovine herds have been declared officially brucellosis free within the meaning of Article 2 (e) of Directive 64/432/EEC for at least 10 years and where no case of abortion due to a brucella infection has been recorded for at least three years.

Whereas more than 99,8 % of bovine herds in the Member States and regions mentioned in the Annexes have been declared officially brucellosis free within the meaning of Article 2 (e) of Directive 64/432/EEC and as having fulfilled the conditions for this qualification for at least 10 years; whereas no case of abortion due to a brucella infection has been recorded for at least three years;

*Article 2*

Whereas in order to maintain the qualification of officially brucellosis free it is necessary to lay down control measures ensuring its efficiency and which are adapted to the special health situation of bovine herds in those Member States and regions mentioned in the Annexes;

All of the bovine herds situated in the Member States and regions referred to respectively in Annexes I and II are recognized as officially free of brucellosis providing, at least, the conditions laid down in Articles 3, 4 and 5 continue to be fulfilled.

Whereas in order to consolidate and simplify the situation pertaining to this matter, a number of previous Commission Decisions must be withdrawn;

*Article 3*

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

1. An identification system making it possible to trace, for each bovine animal, the herds of origin and transit shall be set up.

2. All cases and suspected cases of brucellosis must be notified to the competent authorities who will arrange for an official investigation to include serological testing according to a method laid down in Annex C of Directive 64/432/EEC.

<sup>(1)</sup> OJ No 121, 29. 7. 1964, p. 1977/64.

<sup>(2)</sup> OJ No L 243, 11. 10. 1995, p. 16.

3. When investigating abortions, which are suspected to be due to brucella infection, appropriate samples must be taken for microbiological examination. Ideally, in such cases, sampling for serological testing should be carried out not less than 14 days after abortion.

4. When an animal is suspected of being infected with brucellosis, it must be placed in strict isolation and the officially brucellosis-free status of the herd shall be suspended pending resolution of the animal's health status.

5. If the suspicion of brucellosis is confirmed, either by serological tests or by clinical or laboratory examination, the officially brucellosis free status of the herd of origin and transit shall be withdrawn.

#### *Article 4*

The status of official brucellosis freedom shall remain withdrawn until such time as:

- all the animals that have been deemed to be infected have been removed from the herd,
- the premises and utensils have been disinfected,
- all the remaining bovine animals over twelve months of age have reacted negatively to at least two official tests in accordance with Annex C of Directive 64/432/EEC, the first one being carried out at least one month after the infected animal(s) has left the

herd and the second one at least three months after the first.

#### *Article 5*

Details of any breakdown herds, as well as an epidemiological report, shall be communicated to the Commission without delay, it is being understood that a 'breakdown herd' means a herd of origin or transit which is deemed to be infected with brucellosis.

#### *Article 6*

Commission Decisions 79/837/EEC<sup>(1)</sup>, 80/775/EEC<sup>(2)</sup>, 94/960/EC<sup>(3)</sup> and 95/74/EC<sup>(4)</sup> are hereby withdrawn.

#### *Article 7*

This Decision shall apply from 1 January 1997.

#### *Article 8*

This Decision is addressed to the Member States.

Done at Brussels, 18 December 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 257, 12. 10. 1979, p. 46.

<sup>(2)</sup> OJ No L 224, 27. 8. 1980, p. 14.

<sup>(3)</sup> OJ No L 371, 31. 12. 1994, p. 25.

<sup>(4)</sup> OJ No L 60, 18. 3. 1995, p. 29.

*ANNEX I*

*Member State*

- Denmark
- Finland
- Sweden
- Germany

—

*ANNEX II*

*Regions of Member States*

- Great Britain

—

**COMMISSION DECISION**

of 17 February 1997

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

(Text with EEA relevance)

(97/176/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas the two procedures provided for in Article 13 (3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

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

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

HAS ADOPTED THIS DECISION:

*Article 1*

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

*Article 2*

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

*Article 3*

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

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1997.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*<sup>(1)</sup> OJ No L 40, 11. 2. 1989, p. 12.<sup>(2)</sup> OJ No L 220, 30. 8. 1993, p. 1.

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*ANNEX I***Fasteners for structural timber products**

Connectors for timber, split ring connectors, cylindrical steel and wood dowels, wood screws, threaded bolts, wood nails.

These products can be treated against fire, biological attack, or not treated.

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*ANNEX II***Solid structural timber products***Elements*

Bridge elements, truss elements, sleepers, floor elements, wall elements, roof elements such as beams, arches, joist, rafters, columns, poles, piles.

*Kits*

Trusses, floors, walls, roofs, frames.

These products can be treated against fire, biological attack, or not treated.

**Timber poles****Structural glued laminated products and other glued timber products***Elements*

Bridge elements, truss elements, floor elements, wall elements, roof elements such as beams, arches, joist, rafters, columns, poles, piles.

*Kits*

Trusses, floors, walls, roofs, frames.

These products can be treated against fire, biological attack, or not treated.

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## ANNEX III

## PRODUCT FAMILY

## STRUCTURAL TIMBER PRODUCTS (1/3)

## Systems of attestation of conformity

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

Product(s)	Intended use(s)	Level(s) or class(es) of reaction to fire	Attestation of conformity system(s)
Products of this column can be treated against fire, biological attack, or not treated.	Bridges, railtracks and buildings	A, B, C <sup>(1)</sup>	1 <sup>(4)</sup>
<b>Solid structural timber products</b>		A, B, C <sup>(2)</sup> , A <sup>(3)</sup> , D, E, F	2+ <sup>(5)</sup>
<i>Elements</i>			
Bridge elements, truss elements, sleepers, floor elements, wall elements, roof elements such as beams, arches, joists, rafters, columns, poles, piles.			
<i>Kits</i>			
Trusses, floors, walls, roofs, frames.			
<b>Timber poles</b>	Overhead lines.		2+ <sup>(5)</sup>

<sup>(1)</sup> Materials for which the reaction to fire performance is susceptible to change during the production process (in general, those made with combustible raw materials).

<sup>(2)</sup> Materials for which the reaction to fire performance is not susceptible to change during the production process (in general, those made with non-combustible raw materials).

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

<sup>(4)</sup> System 1: see Annex III, point 2 (i) to Directive 89/106/EEC, without audit-testing of samples.

<sup>(5)</sup> System 2+: see Annex III, point 2 (ii), first possibility, of Directive 89/106/EEC including certification of the factory production control by an approved body on the basis of initial inspections of factory and of factory production control as well as of continuous surveillance assessment and approval of factory production control

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

## PRODUCT FAMILY

## STRUCTURAL TIMBER PRODUCTS (2/3)

## Systems of attestation of conformity

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

Product(s)	Intended use(s)	Level(s) or class(es) of reaction to fire	Attestation of conformity system(s)
<p>Products of this column can be treated against fire, biological attack, or not treated.</p> <p><b>Structural glued laminated products and other glued timber products</b></p> <p><i>Elements</i></p> <p>Bridge elements, truss elements, floor elements, wall elements, roof elements such as beams, arches, joists, rafters, columns, poles, piles.</p> <p><i>Kits</i></p> <p>Trusses, floors, walls, roofs, frames.</p>	bridges and buildings		1 (1)

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

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



## PRODUCT FAMILY

## STRUCTURAL TIMBER PRODUCTS (3/3)

## Systems of attestation of conformity

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

Product(s)	Intended use(s)	Level(s) or class(es) of reaction to fire	Attestation of conformity system(s)
<p>Products of this column can be treated against fire, biological attack, or not treated.</p> <p><b>Fasteners for structural timber products</b></p> <p>Connectors for timber, split ring connectors, cylindrical steel and wood dowels, wood screws, threaded bolts, wood nails.</p>	Structural timber products		3 <sup>(1)</sup>

(<sup>1</sup>) System 3: see Annex III, point 2 (ii) to Directive 89/106/EEC, second possibility.

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

## COMMISSION DECISION

of 17 February 1997

on the procedure for attesting the conformity of construction products pursuant to Article 20 (2) of Council Directive 89/106/EEC as regards metal injection anchors for use in masonry

(Text with EEA relevance)

(97/177/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas the two procedures provided for in Article 13 (3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13 (3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second

and third possibilities of point (ii) of Section 2 of Annex III, and the procedure referred to in point (b) of Article 13 (3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annex III;

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

HAS ADOPTED THIS DECISION:

*Article 1*

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

*Article 2*

The procedure for attesting conformity as set out in Annex II shall be indicated in mandates for guidelines for European technical approvals.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1997.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 40, 11. 2. 1989, p. 12.

<sup>(2)</sup> OJ No L 220, 30. 8. 1993, p. 1.

## ANNEX I

**Metal injection anchors for use in masonry:** for fixing and/or support to masonry, structural elements (which contribute to the stability of the works) or heavy units such as cladding as well as installation.

## ANNEX II

## PRODUCT FAMILY

## METAL INJECTION ANCHORS FOR USE IN MASONRY (1/1)

## Systems of attestation of conformity

For the product(s) and intended use(s) listed below, the European Organization for Technical Approval (EOTA) is requested to specify the following system(s) of attestation of conformity in the relevant guideline for European technical approval:

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Metal injection anchors for use in masonry	Fixing and/or support to masonry, structural elements (which contribute to the stability of the works) or heavy units such as cladding as well as installation		1 (*)

(\*) System 1: see Annex III, point 2 (i) to Directive 89/106/EEC, without audit-testing of samples.

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

## CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2429/96 of 17 December 1996 fixing the amount of the carry-over aid for certain fishery products for the 1997 fishing year

(Official Journal of the European Communities No L 331 of 20 December 1996)

On page 17, in the Annex part 1 is replaced by the following:

## ANNEX

1. Amount of the carry-over aid for products listed in Annex I (A) and (D) and for sole (*Solea spp.*) listed in Annex I (E) to Regulation (EEC) No 3759/92

Processing methods listed in Article 14 of Regulation (EEC) No 3759/92	Amount of aid (ECU/tonne)	
	1	2
	First month	Per additional month
I. Freezing and storage of whole, gutted and whole head or cutting-up products		
— Sardines of the species <i>Sardina pilchardus</i>	210	17
— Other species	120	17
II. Filleting, freezing and storage	200	17
III. Salting and/or drying and storage of whole, gutted and with head, cut-up or filleted products	165	17

**Corrigendum to Commission Regulation (EC) No 2431/96 of 17 December 1996 fixing the reference prices for fishery products for the 1997 fishing year**

*(Official Journal of the European Communities No L 331 of 20 December 1996)*

On page 23 in the Annex under '2. Reference prices for the products listed in Annex II to Regulation (EEC) No 3759/92', under 'A. Frozen products falling within CN codes 0303 and 0304', CN code 0303 78 10 is replaced by CN codes 0303 78 11, 0303 78 12, 0303 78 13 and 0303 78 19;

and on page 25, part 4 is replaced by the following:

'4. Reference prices for certain products listed in Annex IV (A) of Regulation (EEC) No 3759/92

Product	Form	Periods from	Reference prices (ECU/t)
Carp falling within CN code 0301 93 00	live, weighing at least 800 g	1. 1 to 31. 7.1997	1 375
		1. 8 to 30.11.1997	1 650
		1.12 to 31.12.1997	1 650
Atlantic salmon ( <i>Salmo salar</i> ) fresh, chilled or frozen falling within CN codes			
ex 0302 12 00	— whole	—	3 329
ex 0303 22 00	— gutted	—	3 699
	— gutted without head	—	4 070
ex 0304 10 13	— fillets	—	4 810'
ex 0304 20 13			