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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1379/89**of 22 May 1989****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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1213/89⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, 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 Commission Regulation (EEC) No 2401/88⁽⁵⁾ 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- 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 coefficient;

Whereas these exchange rates being those recorded on 19 May 1989;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2401/88 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 23 May 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 22 May 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 22 May 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	25,25	123,96
0712 90 19	25,25	123,96
1001 10 10	59,60	181,23 ⁽¹⁾ ⁽²⁾
1001 10 90	59,60	181,23 ⁽¹⁾ ⁽²⁾
1001 90 91	35,73	113,82
1001 90 99	35,73	113,82
1002 00 00	63,32	113,81 ⁽⁶⁾
1003 00 10	53,90	116,48
1003 00 90	53,90	116,48
1004 00 10	44,96	85,38
1004 00 90	44,96	85,38
1005 10 90	25,25	123,96 ⁽²⁾ ⁽³⁾
1005 90 00	25,25	123,96 ⁽²⁾ ⁽³⁾
1007 00 90	48,56	133,36 ⁽⁴⁾
1008 10 00	53,90	15,65
1008 20 00	53,90	5,35 ⁽⁴⁾
1008 30 00	53,90	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	53,90	0,00
1101 00 00	64,72	175,00
1102 10 00	103,35	174,03
1103 11 10	106,02	294,54
1103 11 90	68,09	187,19

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

⁽²⁾ In accordance with Regulation (EEC) No 486/85 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'.

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

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

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

⁽⁶⁾ 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 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 1380/89

of 22 May 1989

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 the Act of Accession of Spain and Portugal,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1213/89 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, 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 Commission Regulation (EEC) No 2402/88 ⁽⁵⁾ 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- 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 coefficient;

Whereas these exchange rates being those recorded on 19 May 1989;

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

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 coming from Portugal shall be zero.
2. 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 coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 1989.

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

Done at Brussels, 22 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 22 May 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	3,39	3,39	3,39
1001 10 90	0	3,39	3,39	3,39
1001 90 91	0	0	0	7,46
1001 90 99	0	0	0	7,46
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	10,44

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	0	0	13,28	13,28
1107 10 19	0	0	0	9,92	9,92
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1381/89**of 22 May 1989****amending Regulations (EEC) No 1035/88 and (EEC) No 999/89 on standing invitations to tender in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1069/89⁽²⁾, and in particular Articles 13 (2), 18 (5), 19 (4) and (7) thereof,

Whereas the intervention price for white sugar fixed by Council Regulation (EEC) No 1254/89⁽³⁾ for the 1989/90 marketing year is less than that fixed for the 1988/89 marketing year by Council Regulation (EEC) No 2251/88⁽⁴⁾; whereas in order to avoid, to the extent of the reduction, a depreciation of stocks held at the end of marketing year by the persons entitled to the reimbursement of storage costs for those stocks, Regulation (EEC) No 1254/89 provided, in respect of the quantities in stock which are disposed of until 30 September 1989, for the fixing of an intervention price for white sugar identical to that for the 1988/89 marketing year; whereas in order to ensure this objective of non-depreciation of stocks in so far as exports are concerned, provision should be made as an accompanying measure for no adjustment to be made to the export refunds fixed in advance by virtue of the standing invitation to tender referred to in Commission Regulation (EEC) No 1035/88⁽⁵⁾ prior to 1 July 1989 for export from that date and until 30 September 1989 of sugar forming part of the production of the 1988/89 marketing year entitled to the reimbursement of the storage costs under Article 8 of Regulation (EEC) No 1785/81;

Whereas in order to ensure the attainment of the said objective, steps should equally be taken to ensure that virtually all of the sugars remaining to be committed for export by way of the invitation to tender in respect of the production of the 1988/89 marketing year may be disposed of by this means before 1 October 1989 without adjustment of refund; whereas for this purpose provision should equally be made for no adjustment to the export refunds fixed in advance by virtue of the standing invitation to tender referred to in Commission Regulation (EEC) No 999/89⁽⁶⁾ prior to 1 July 1989 for export between 15 September and 30 September 1989 of sugar

forming part of the production of the 1988/89 marketing year entitled to the reimbursement of storage costs under Article 8 of Regulation (EEC) No 1785/81;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph 6a shall be added to Article 15 of Regulation (EEC) No 1035/88:

'6a. The refunds in respect of the exports of sugar forming part of the production of the 1988/89 marketing year entitled to the reimbursement of storage costs under Article 8 of Regulation (EEC) No 1785/81, carried out between 1 July 1989 and 30 September 1989 using the export licences issued under the partial invitations taking place before 1 July 1989 shall remain applicable without adjustment on application by the party concerned.

For the purpose of application of the first subparagraph, the holder of the export licence or the assignee, when the licence has been transferred, must make a request in writing to the competent authorities of the Member State that issued the licence, before completion of the customs export formalities for the quantities concerned. The request must be accompanied by a declaration made on the honour of the applicant that the sugar in question forms part of the production of the 1988/89 marketing year entitled to the reimbursement of storage costs by virtue of Article 8 of Regulation (EEC) No 1785/81. The Member States can request all supplementary information in support of this declaration.'

Article 2

The following paragraph 6a shall be added to Article 15 of Regulation (EEC) No 999/89:

'6a. The refunds in respect of the exports of sugar forming part of the production of the 1988/89 marketing year entitled to the reimbursement of storage costs under Article 8 of Regulation (EEC) No 1785/81, carried out between 15 September 1989 and 30 September 1989 using the export licences issued

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 126, 9. 5. 1989, p. 1.

⁽⁴⁾ OJ No L 198, 26. 7. 1988, p. 31.

⁽⁵⁾ OJ No L 102, 21. 4. 1988, p. 14.

⁽⁶⁾ OJ No L 107, 19. 4. 1989, p. 6.

under the partial invitations taking place before 1 July 1989 shall remain applicable without adjustment on application by the party concerned.

For the purpose of application of the first subparagraph, the holder of the export licence or the assignee, when the licence has been transferred, must make a request in writing to the competent authorities of the Member State that issued the licence, before completion of the customs export formalities for the quantities concerned. The request must be accompanied by a declaration made on the honour of

the applicant that the sugar in question forms part of the production of the 1988/89 marketing year entitled to the reimbursement of storage costs by virtue of Article 8 of Regulation (EEC) No 1785/81. The Member States can request all supplementary information in support of this declaration.'

Article 3

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, 22 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1382/89**of 19 May 1989****amending Regulation (EEC) No 2681/83 laying down detailed rules for the application of the subsidy system 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⁽¹⁾, as last amended by Regulation (EEC) No 1225/89⁽²⁾, and in particular Article 24a (3) thereof,

Whereas the characteristic of 'double zero' rape seed is a lower glucosinolate content, which facilitates its incorporation in animal feed; whereas the first subparagraph of Article 2 (4) of Commission Regulation (EEC) No 2681/83⁽³⁾, as last amended by Regulation (EEC) No 1280/89⁽⁴⁾, lays down a maximum authorized content of 20 micromoles per gram for seed of that description; whereas, however, the second subparagraph of that provision provides for a temporary exception until the end of the 1989/90 marketing year to enable the operators to adapt to the new quality requirements; whereas experience has shown that provision should be made for a further exception to permit such adaptation;

Whereas the exception provided for in Article 32 of Regulation (EEC) No 2681/83 on the use of the uniform method to determine the glucosinolate content should be extended;

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 (EEC) No 2681/83 is hereby amended as follows:

1. In the second subparagraph of Article 2 (4), 'marketing years 1986/87 to 1989/90' is replaced by '1986/87 to 1990/91 marketing years'.
2. In the second subparagraph of Article 32, 'marketing years 1986/87 and 1988/89' is replaced by '1986/87 to 1989/90 marketing years'.

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 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 127, 11. 5. 1989, p. 27.

COMMISSION REGULATION (EEC) No 1383/89
of 19 May 1989
amending Regulation (EEC) No 282/67/EEC on detailed rules for intervention for
oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1225/89⁽²⁾, and in particular Articles 24a (3) and 26 (3) thereof,

Whereas the characteristic of 'double zero' rape seed is a lower glucosinolate content, which facilitates its incorporation in animal feed; whereas the first subparagraph of Article 3 (4) of Commission Regulation (EEC) No 282/67/EEC⁽³⁾, as last amended by Regulation (EEC) No 1018/89⁽⁴⁾, lays down a maximum authorized content of 20 micromoles per gram for seed of that description; whereas, however, the second subparagraph of that provision provides for a temporary exception until the end of the 1989/1990 marketing year to enable operators to adapt to the new quality requirements; whereas experience has shown that provision should be made for a further exception to permit such adaptation;

Whereas the exception provided for in Article 4 of Regulation (EEC) No 282/67/EEC on the use of the uniform method to determine the glucosinolate content

should be extended; whereas experience has shown that the fifth subparagraph of Article 7 of Regulation (EEC) No 282/67/EEC could be deleted;

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 (EEC) No 282/67/EEC is hereby amended as follows:

1. In the second subparagraph of Article 3 (4), 'marketing years 1986/87 to 1989/90' is replaced by '1986/87 to 1990/91 marketing years'.
2. In the second subparagraph of Article 4, 'marketing years 1986/87 to 1988/89' is replaced by '1986/87 to 1989/90 marketing years'.

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 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No 151, 13. 7. 1967, p. 1.

⁽⁴⁾ OJ No L 109, 20. 4. 1989, p. 17.

COMMISSION REGULATION (EEC) No 1384/89
of 22 May 1989

re-establishing the levying of customs duties on footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials and other footwear, with outer soles of rubber, plastics, leather or composition leather, falling within CN codes 6404 and 6405 90 10, originating in the Philippines, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of Regulation (EEC) No 4257/88, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III, other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 7 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials and other footwear, with outer soles of rubber, plastics, leather or composition leather, falling within CN codes 6404 and 6405 90 10, the individual ceiling was fixed at ECU 2 700 000; whereas, on 18 April 1989, imports of these products into the Community originating in the Philippines, reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against the Philippines,

HAS ADOPTED THIS REGULATION:

Article 1

As from 26 May 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88, shall be re-established on imports into the Community of the following products originating in the Philippines:

Order No	CN code	Description
10.0680	6404	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of textile materials
	6405 90 10	Other footwear, with outer soles of rubber, plastics, leather or composition leather

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, 22 May 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 1385/89**of 22 May 1989****laying down detailed rules applicable on the purchase of cereals held by an intervention agency for the supply of Community food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1213/89 ⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾, as last amended by Regulation (EEC) No 195/89 ⁽⁴⁾, and in particular the second paragraph of Article 4 thereof,

Whereas the second paragraph of Article 4 of Regulation (EEC) No 1581/86 provides that where cereals are purchased from intervention agencies for the purposes of fulfilling obligations arising from the award of Community food-aid supply contracts in connection with international conventions on food aid or other supplementary programmes, the conditions applicable with regard to prices and the detailed rules of application are to be determined in advance.

Whereas, in order to enable interested parties to take part under optimum conditions in the procedure for the award of food-aid supply contracts, they should be given the possibility of examining at their expense the quality and the characteristics of the product before the expiry of the closing date for the submission of tenders;

Whereas, in order to facilitate transactions, purchase applications must contain all information required to identify the product;

Whereas, in order to avoid disruption of the Community market and any distortion of competition between Community operators, the purchase price for the goods from public storage must be determined according to clear-cut criteria and be known to all tenderers in advance; whereas, in view of these requirements, provision should be made for goods purchased by the person awarded a Community food-aid supply contract to be paid at the buying-in price determined pursuant to Article 7 (3) of Regulation (EEC) No 2727/75;

Whereas, in order that the conditions of competition existing when tenders are submitted for the award of the food-aid supply contract are not altered subsequent to the award of the contract, a derogation should be introduced from the application of certain procedures for adjusting the prices on the basis of the date of conclusion of the purchase contract or the date of removal of the goods;

Whereas Article 4 of Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁵⁾ makes provision for the successful tenderer to deliver with a view to a food-aid supply contract goods which are not from public stocks or, where appropriate, manufactured therefrom, but goods mobilized on the market or manufactured therefrom provided that he purchases the goods mentioned in the notice of invitation to tender; whereas compliance with this latter obligation is essential on the one hand to meet the objective of contributing towards reducing public stocks and on the other hand to ensure the equality of operators in the award of the supply contract; whereas provision should therefore be made for the lodging by the successful tenderer of a specific security to ensure compliance with the obligation to pay the purchase price to the intervention agency concerned within a short time; whereas, consequently, with a view to that objective, provision should be made for failure to lodge a purchase application with the intervention agency under the conditions laid down to result in the loss of the security for the supply of the food aid, lodged pursuant to Article 12 of Regulation (EEC) No 2200/87; whereas Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁶⁾, as amended by Regulation (EEC) No 1181/87 ⁽⁷⁾, should be applied for the lodging and the release of that specific security;

Whereas the execution of Community food-aid supply contracts is the subject of specific surveillance arrangements; whereas the provisions of Commission Regulation (EEC) No 569/88 of 16 February 1988 laying down common detailed rules for verifying the use and/or destination of products from intervention ⁽⁸⁾, as last amended by Regulation (EEC) No 1045/89 ⁽⁹⁾, should accordingly not apply;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 25, 28. 1. 1989, p. 22.

⁽⁵⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁶⁾ OJ No L 205, 3. 8. 1985, p. 1.

⁽⁷⁾ OJ No L 113, 30. 4. 1987, p. 31.

⁽⁸⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁹⁾ OJ No L 111, 22. 4. 1989, p. 12.

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

With a view to a given Community food-aid supply contract within the meaning of the second paragraph of Article 4 of Regulation (EEC) No 1581/86, carried out in accordance with the provisions of Regulation (EEC) No 2200/87 and the terms of the open or restricted invitation to tender for the award of the supply contract, cereals held by an intervention agency, shall be purchased in accordance with this Regulation.

Article 2

With a view to the supply contract mentioned in Article 1, intervention agencies shall make available goods meeting the characteristics laid down in the notice of open or restricted invitation to tender.

Intervention agencies shall take the necessary steps so that all operators interested in submitting a tender for the invitation to tender for the supply contract may, on publication of the notice of invitation to tender or on receipt of the latter, examine at his own expense samples collected from the product to be mobilized. Applications to examine the goods may be submitted and samples may be collected only before the expiry of the closing date laid down for the submission of tenders.

Article 3

1. Within six working days following the award of the food-aid supply contract, the operator concerned shall lodge with the intervention agency a purchase application by any means of written communication, relating to the quantity of the lot or lots for the supply of which he has been awarded the contract. Applications shall indicate:

- (a) the name and address of the applicant;
- (b) the reference to the Community food-aid operation, with the number of the specific lot or lots for the supply of which the operator has been awarded the contract.

2. Applications shall be accompanied by proof that the party concerned has been awarded the supply contract in question. Such proof shall be provided by a copy of the notification of award of the contract forwarded to him by the Commission.

3. Purchase applications shall be admissible only where they comply with the requirements of paragraphs 1 and 2 and are accompanied by proof that the applicant has lodged, pursuant to Title III of Regulation (EEC) No 2220/85, a security of an amount equal to the purchase

price of the lots or lots of cereals in question, determined in accordance with Article 5.

4. Except in cases of *force majeure*, failure to submit a purchase application within the time limit mentioned in paragraph 1 shall result in the loss of the security lodged pursuant to Article 12 of Regulation (EEC) No 2200/87 under the conditions laid down in the notice of open or restricted invitation to tender.

Article 4

Within three working days following the day of submission of the purchase application, the intervention agency shall inform the applicant by written telecommunication that his application has been accepted where it meets the conditions laid down in Article 3.

Article 5

1. The purchase price to be paid for the cereals in question shall be the intervention price referred to in Article 7 (3) of Regulation (EEC) No 2727/75 applying to that cereal on the date laid down in the notice of open or restricted invitation to tender for the supply of the food aid, no adjustment being made for the quality of the product. In addition that price shall not be adjusted for the actual date of removal from the intervention agency. It shall be understood to relate to goods in bulk loaded on the means of transport outside the warehouse.

2. The conversion rate to be applied to the purchase price shall be the representative rate applicable on the closing date for the submission of tenders in the notice of open or restricted invitation to tender for the supply of the food aid.

Article 6

1. The purchaser shall pay the intervention agency the purchase price for the cereals, before the goods are removed, within 15 days from the notification of acceptance of the application mentioned in Article 4.

Within the period referred to in the first subparagraph, the goods may be slit up for removal with the agreement of the intervention agency; in that case, payment shall be made in instalments to take account of the actual timetable for the removal of the goods.

Payment of the purchase price shall be a primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85.

2. Risks and storage costs for cereals not removed within the time limit referred to in paragraph 1 shall be borne by the operator.

Article 7

The security referred to in Article 3 (3) shall be released in accordance with Title V of Regulation (EEC) No 2220/85.

Article 8

The Commission shall forward to the intervention agency concerned, within three working days from the award of the supply contract, all information necessary for the purchase operation, and in particular the name of the person or persons awarded the lots to be mobilized for the execution of a Community food-aid supply contract.

Article 9

The provisions of Commission Regulation (EEC) No 569/88 shall not apply to purchases from intervention agencies pursuant to this Regulation.

Article 10

This Regulation shall enter into force on the 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, 22 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1386/89
of 22 May 1989
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 ⁽³⁾, as last amended by Regulation (EEC) No 1356/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 to the infor-

mation 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 referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 1989.

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

Done at Brussels, 22 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 135, 19. 5. 1989, p. 19.

ANNEX

to the Commission Regulation of 22 May 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	31,71 ⁽¹⁾
1701 11 90	31,71 ⁽¹⁾
1701 12 10	31,71 ⁽¹⁾
1701 12 90	31,71 ⁽¹⁾
1701 91 00	36,72
1701 99 10	36,72
1701 99 90	36,72 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 1387/89**of 22 May 1989****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1289/89 ⁽³⁾, as last amended by Regulation (EEC) No 1344/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1289/89 to the infor-

mation known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1289/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 1989.

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

Done at Brussels, 22 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 127, 11. 5. 1989, p. 40.

⁽⁴⁾ OJ No L 134, 18. 5. 1989, p. 18.

ANNEX

to the Commission Regulation of 22 May 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	27,72 ⁽¹⁾	
1701 11 90 910	25,61 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	27,72 ⁽¹⁾	
1701 12 90 910	25,61 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3014
1701 99 10 100	30,14	
1701 99 10 910	27,54	
1701 99 10 950	26,04	
1701 99 90 100		0,3014

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 1388/89

of 22 May 1989

adopting exceptional support measures for the market in pigmeat in Italy

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2759/75 of the Council of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of foot-and-mouth disease in certain production regions in Italy, the introduction of live pigs and certain fresh pigmeat products from the infection zone has been temporarily prohibited;

Whereas in order to take account of the limitations to free movement of goods resulting from the situation, exceptional measures to support the market must be taken;

Whereas it is therefore appropriate to fix private storage aid for certain sensitive products coming from the infection zone in accordance with detailed implementing rules for the granting of private storage aid in the pigmeat sector adopted by Commission Regulation (EEC) No 1092/80⁽³⁾, as last amended by Regulation (EEC) No 3498/88⁽⁴⁾;

Whereas in order to limit the risk of infection the Italian authorities should be authorized to designate the places of storage;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. As from 22 May until 16 June 1989 applications for private storage aid in the pigmeat sector may be made to

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 114, 3. 5. 1980, p. 22.

⁽⁴⁾ OJ No L 306, 11. 11. 1988, p. 32.

the Italian intervention agency in accordance with the provisions of Regulation (EEC) No 1092/80 and of this Regulation.

Only products coming from pigs reared in local health units in which foot-and-mouth disease has been detected and which have not been declared free of the disease may be subject to this aid.

Modifications to the boundary of the infection zone shall be immediately notified by the Italian authorities to the Commission.

The list of products which qualify for aid and the relevant amounts are set out in the Annex hereto.

2. If the period of storage is extended or curtailed, the amount of aid shall be adjusted accordingly. The amounts of the supplements per month and the deductions per day are set out in columns 7 and 8 of the Annex.

Article 2

The minimum quantity per contract and per product shall be five tonnes.

The Italian authorities may designate the places of storage in accordance with veterinary requirements.

Article 3

The security shall be 20 % of the amount of aid set out in the Annex.

Article 4

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

It shall apply with effect from 22 May 1989.

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

Done at Brussels, 22 May 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

<i>(ECU/tonne)</i>							
CN code	Products in respect of which aid is granted	Amount of the aid for a storage period of				Supplement or deduction	
		3 months	4 months	5 months	6 months	per month	per day
1	2	3	4	5	6	7	8
ex 0203	Meat of domestic swine, fresh or chilled :						
ex 0203 11 10	Half carcasses without the head, forefoot, tail, flare fat, kidney, thin skirt and spinal cord ⁽¹⁾	230	261	292	323	31	1,03
ex 0203 12 11	Legs	279	314	349	384	35	1,17
ex 0203 12 19	Shoulders	279	314	349	384	35	1,17
ex 0203 19 11	Fore-ends	279	314	349	384	35	1,17
ex 0203 19 13	Loins, with or without the neck-end, or neck-ends separately ⁽²⁾ ⁽³⁾	279	314	349	384	35	1,17
ex 0203 19 15	Bellies, whole or trimmed by rectangular cut	136	163	190	217	27	0,90
ex 0203 19 55	Bellies, whole or trimmed by rectangular cut, without rind and ribs	136	163	190	217	27	0,90
ex 0203 19 55	Legs, shoulders, fore-ends, loins with or without the neck-end, or neck-ends separately, boned ⁽²⁾ ⁽³⁾	279	314	349	384	35	1,17
ex 0203 19 55	Cuts corresponding to 'middles', with or without rind or fat, boned ⁽⁴⁾	211	240	269	298	29	0,97
ex 0203 19 59	Cuts corresponding to 'middles', with or without rind or fat, with bone in ⁽⁴⁾	211	240	269	298	29	0,97

⁽¹⁾ The aid may be granted for half carcasses presented as Wiltshire sides, i. e. without the head, cheek, chap, feet, tail, flare fat, kidney, tenderloin, blade bone, sternum, vertebral column, pelvic bone and diaphragm.

⁽²⁾ Loins and neck-ends may be with or without rind, the adherent layer of fat, however, not exceeding 25 mm in depth.

⁽³⁾ The quantity contracted may cover any combination of the products mentioned.

⁽⁴⁾ Same presentation as for products falling within CN code 0210 19 20.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 3 May 1989

on the approximation of the laws of the Member States relating to
electromagnetic compatibility

(89/336/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas it is necessary to adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas Member States are responsible for providing adequate protection for radiocommunications and the devices, apparatus or systems whose performance may be degraded by electromagnetic disturbance produced by electrical and electronic apparatus against the degradation caused by such disturbances;

Whereas Member States are also responsible for ensuring that electric energy distribution networks are protected from electromagnetic disturbance which can affect them and, consequently, equipment fed by them;

Whereas Council Directive 86/361/EEC of 24 July 1986 on the initial stage of the recognition of type-approval for telecommunications terminal equipment ⁽⁴⁾ covers in particular the signals emitted by such equipment when it is operating normally and the protection of public telecommunications networks from harm; whereas it is

therefore still necessary to provide adequate protection for these networks, including the equipment connected to them, against temporary disturbances caused by signals of an accidental nature that may be emitted by this equipment;

Whereas in some Member States, mandatory provisions define in particular the permissible electromagnetic disturbance levels that this equipment is liable to cause and its degree of immunity to such signals; whereas these mandatory provisions do not necessarily lead to different protection levels from one Member State to another but do, by their disparity, hinder trade within the Community;

Whereas the national provisions ensuring such protection must be harmonized in order to guarantee the free movement of electrical and electronic apparatus without lowering existing and justified levels of protection in the Member States;

Whereas Community legislation as it stands at present provides that, notwithstanding one of the fundamental rules of the Community, namely the free movement of goods, barriers to intra-Community trade resulting from disparities in national laws on the marketing of products have to be accepted in so far as those provisions may be recognized as necessary to satisfy essential requirements; whereas the harmonization of laws in the case in point must therefore be confined to those provisions needed to comply with the protection requirements relating to electromagnetic compatibility; whereas these requirements must replace the corresponding national provisions;

Whereas this Directive therefore defines only protection requirements relating to electromagnetic compatibility; whereas, to facilitate proof of conformity with these requirements, it is important to have harmonized standards at European level concerning electromagnetic compatibility, so that products complying with them may

⁽¹⁾ OJ No C 322, 2. 12. 1987, p. 4.

⁽²⁾ OJ No C 262, 10. 10. 1988, p. 82 and OJ No C 69, 20. 3. 1989, p. 72.

⁽³⁾ OJ No C 134, 24. 5. 1988, p. 2.

⁽⁴⁾ OJ No L 217, 5. 8. 1986, p. 21.

be assumed to comply with the protection requirements; whereas these standards harmonized at European level are drawn up by private bodies and must remain non-binding texts; whereas for that purpose the European Committee for Electrotechnical Standardization (CENELEC) is recognized as the competent body in the field of this Directive for the adoption of harmonized standards in accordance with the general guidelines for cooperation between the Commission and the European Committee for Standardization (CEN) and CENELEC signed on 13 November 1984; whereas, for the purposes of this Directive, a harmonized standard is a technical specification (European standard or harmonization document) adopted by CENELEC upon a remit from the Commission in accordance with the provisions of Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations⁽¹⁾, as last amended by Directive 88/182/EEC⁽²⁾, and pursuant to the abovementioned general guidelines;

Whereas, pending the adoption of harmonized standards for the purposes of this Directive, the free movement of goods should be facilitated by accepting, as a transitional measure, on a Community level, apparatus complying with the national standards adopted, in accordance with the Community inspection procedure ensuring that such national standards meet the protection objectives of this Directive;

Whereas the EC declaration of conformity concerning the apparatus constitutes a presumption of its conformity with this Directive; whereas this declaration must take the simplest possible form;

Whereas, for apparatus covered by Directive 86/361/EEC, in order to obtain efficient protection as regards electromagnetic compatibility, compliance with the provisions of this Directive should nevertheless be certified by marks or certificates of conformity issued by bodies notified by the Member States; whereas, to facilitate the mutual recognition of marks and certificates issued by these bodies, the criteria to be taken into consideration for appointing them should be harmonized;

Whereas it is nevertheless possible that equipment might disturb radiocommunications and telecommunications networks; whereas provision should therefore be made for a procedure to reduce this hazard;

Whereas this Directive applies to the appliances and equipment covered by Directives 76/889/EEC⁽³⁾ and

76/890/EEC⁽⁴⁾ which relate to the approximation of the laws of the Member States relating to radio interference caused by electrical household appliances, portable tools and similar equipment and to the suppression of radio interference with regard to fluorescent lighting luminaires fitted with starters; whereas those Directive should therefore be repealed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive:

1. 'apparatus' means all electrical and electronic appliances together with equipment and installations containing electrical and/or electronic components.
2. 'electromagnetic disturbance' means any electromagnetic phenomenon which may degrade the performance of a device, unit of equipment or system. An electromagnetic disturbance may be electromagnetic noise, an unwanted signal or a change in the propagation medium itself.
3. 'immunity' means the ability of a device, unit of equipment or system to perform without degradation of quality in the presence of an electromagnetic disturbance.
4. 'electromagnetic compatibility' means the ability of a device, unit of equipment or system to function satisfactorily in its electromagnetic environment without introducing intolerable electromagnetic disturbances to anything in that environment.
5. 'competent body' means any body which meets the criteria listed in Annex II and is recognized as such.
6. 'EC type-examination certificate' is a document in which a notified body referred to in Article 10 (6) certifies that the type of equipment examined complies with the provisions of this Directive which concern it.

Article 2

1. This Directive applies to apparatus liable to cause electromagnetic disturbance or the performance of which is liable to be affected by such disturbance.

It defines the protection requirements and inspection procedures relating thereto.

⁽¹⁾ OJ No L 109, 26. 4. 1983, p. 8.

⁽²⁾ OJ No L 81, 26. 3. 1988, p. 75.

⁽³⁾ OJ No L 336, 4. 12. 1976, p. 1.

⁽⁴⁾ OJ No L 336, 4. 12. 1976, p. 22.

2. In so far as protection requirements specified in this Directive are harmonized, in the case of certain apparatus, by specific Directives, this Directive shall not apply or shall cease to apply with regard to such apparatus or protection requirements upon the entry into force of those specific Directives.

3. Radio equipment used by radio amateurs within the meaning of Article 1, definition 53, of the radio regulations in the International Telecommunications Convention, shall be excluded from the scope of this Directive, unless the apparatus is available commercially.

Article 3

Member States shall take all appropriate measures to ensure that apparatus as referred to in Article 2 may be placed on the market or taken into service only if it complies with the requirements laid down by this Directive when it is properly installed and maintained and when it is used for the purposes for which it is intended.

Article 4

The apparatus referred to in Article 2 shall be so constructed that:

- (a) the electromagnetic disturbance it generates does not exceed a level allowing radio and telecommunications equipment and other apparatus to operate as intended;
- (b) the apparatus has an adequate level of intrinsic immunity of electromagnetic disturbance to enable it to operate as intended.

The principal protection requirements are set out in Annex III.

Article 5

Member States shall not impede for reasons relating to electromagnetic compatibility the placing on the market and the taking into service on their territory of apparatus covered by this Directive which satisfies the requirements thereof.

Article 6

1. The requirements of this Directive shall not prevent the application in any Member State of the following special measures:

- (a) measures with regard to the taking into service and use of the apparatus taken for a specific site in order to overcome an existing or predicted electromagnetic compatibility problem;
- (b) measures with regard to the installation of the apparatus taken in order to protect the public telecommunications networks or receiving or transmitting stations used for safety purposes.

2. Without prejudice to Directive 83/189/EEC, Member States shall inform the Commission and the other Member States of the special measures taken pursuant to paragraph 1.

3. Special measures that have been recognized as justified shall be contained in an appropriate notice made by the Commission in the *Official Journal of the European Communities*.

Article 7

1. Member States shall presume compliance with the protection requirements referred to in Article 4 in the case of apparatus which is in conformity;

- (a) with the relevant national standards transposing the harmonized standards, the reference numbers of which have been published in the *Official Journal of the European Communities*. Member States shall publish the reference numbers of such national standards;
- (b) or with the relevant national standards referred to in paragraph 2 in so far as, in the areas covered by such standards, no harmonized standards exist.

2. Member States shall communicate to the Commission the texts of their national standards, as referred to in paragraph 1 (b), which they regard as complying with the protection requirements referred to in Article 4. The Commission shall forward such texts forthwith to the other Member States. In accordance with the procedure provided for in Article 8 (2), it shall notify the Member States of those national standards in respect of which there is a presumption of conformity with the protection requirements referred to in Article 4.

Member States shall publish the reference numbers of those standards. The Commission shall also publish them in the *Official Journal of the European Communities*.

3. Member States shall accept that where the manufacturer has not applied, or has applied only in part, the standards referred to in paragraph 1, or where no such standards exist, apparatus shall be regarded as satisfying the protection requirements has been certified by the means of attestation provided for in Article 10 (2).

Article 8

1. Where a Member State or the Commission considers that the harmonized standards referred to in Article 7 (1) (a) do not entirely satisfy the requirements referred to in Article 4, the Member State concerned or the Commission shall bring the matter before the Standing Committee set up by Directive 83/189/EEC, hereinafter referred to as 'the Committee', giving the reasons therefor. The Committee shall deliver an opinion without delay.

Upon receipt of the Committee's opinion, the Commission shall inform the Member States as soon as possible whether or not it is necessary to withdraw in whole or in part those standards from the publications referred to in Article 7 (1) (a).

2. After receipt of the communication referred to in Article 7 (2), the Commission shall consult the Committee. Upon receipt of the latter's opinion, the Commission shall inform the Member States as soon as possible whether or not the national standard in question shall enjoy the presumption of conformity and, if so, that the references thereof shall be published nationally.

If the Commission or a Member State considers that a national standard no longer satisfies the necessary conditions for presumption of compliance with the protection requirements referred to in Article 4, the Commission shall consult the Committee, which shall give its opinion without delay. Upon receipt of the latter's opinion, the Commission shall inform the Member States as soon as possible whether or not the standard in question shall continue to enjoy a presumption of conformity and, if not, that it must be withdrawn in whole or in part from the publications referred to in Article 7 (2).

Article 9

1. Where a Member State ascertains that apparatus accompanied by one of the means of attestation provided for in Article 10 does not comply with the protection requirements referred to in Article 4, it shall take all appropriate measures to withdraw the apparatus from the market, prohibit its placing on the market or restrict its free movement.

The Member State concerned shall immediately inform the Commission of any such measure, indicating the reasons for its decision and, in particular, whether non-compliance is due to:

- (a) failure to satisfy the protection requirements referred to in Article 4, where the apparatus does not meet the standards referred to in Article 7 (1);
- (b) incorrect application of the standards referred to in Article 7 (1);
- (c) shortcomings in the standards referred to in Article 7 (1) themselves.

2. The Commission shall consult the parties concerned as soon as possible. If the Commission finds, after such consultations, that the action is justified, it shall forthwith so inform the Member State that took the action and the other Member States.

Where the decision referred to in paragraph 1 is attributed to shortcomings in the standards, the Commission, after consulting the parties, shall bring the matter before the Committee within two months if the Member State which has taken the measures intends to uphold them, and shall initiate the procedures referred to in Article 8.

3. Where apparatus which does not comply is accompanied by one of the means of attestation referred to in Article 10, the competent Member State shall take

appropriate action against the author of the attestation and shall inform the Commission and the other Member States thereof.

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

Article 10

1. In the case of apparatus for which the manufacturer has applied the standards referred to in Article 7 (1), the conformity of apparatus with this Directive shall be certified by an EC declaration of conformity issued by the manufacturer or his authorized representative established within the Community. The declaration shall be held at the disposal of the competent authority for ten years following the placing of the apparatus on the market.

The manufacturer or his authorized representative established within the Community shall also affix the EC conformity mark to the apparatus or else to the packaging, instructions for use or guarantee certificate.

Where neither the manufacturer nor his authorized representative is established within the Community, the above obligation to keep the EC declaration of conformity available shall be the responsibility of the person who places the apparatus on the Community market.

The provisions governing the EC declaration and the EC mark are set out in Annex I.

2. In the case of apparatus for which the manufacturer has not applied, or has applied only in part, the standards referred to in Article 7 (1) or failing such standards, the manufacturer or his authorized representative established within the Community shall hold at the disposal of the relevant competent authorities, as soon as the apparatus is placed on the market, a technical construction file. This file shall describe the apparatus, set out the procedures used to ensure conformity of the apparatus with the protection requirements referred to in Article 4 and include a technical report or certificate, one or other obtained from a competent body.

The file shall be held at the disposal of the competent authorities for ten years following the placing of the apparatus on the market.

Where neither the manufacturer nor his authorized representative is established within the Community, this obligation to keep a technical file available shall be the responsibility of the person who places the apparatus on the Community market.

The conformity of apparatus with that described in the technical file shall be certified in accordance with the procedure laid down in paragraph 1.

Member States shall presume, subject to the provisions of this paragraph, that such apparatus meets the protection requirements referred to in Article 4.

3. Where the standards referred to in Article 7 (1) are not yet in existence, and without prejudice to the provisions of paragraph 2 of this Article, the apparatus concerned may, on a transitional basis until 31 December 1992 at the latest, continue to be governed by the national arrangements in force on the date of adoption of this Directive, subject to the compatibility of such arrangements with the provisions of the Treaty.

4. Conformity of apparatus covered by Article 2 (2) of Directive 86/361/EEC with the provisions of this Directive shall be certified in accordance with the procedure laid down in paragraph 1 once the manufacturer or his authorized representative established within the Community has obtained an EC type-examination certificate concerning this apparatus issued by one of the notified bodies referred to in paragraph 6 of this Article.

5. The conformity of apparatus designed for the transmission of radiocommunications, as defined in the International Telecommunication Union Convention, with the provisions of this Directive shall be certified in accordance with the procedure laid down in paragraph 1 once the manufacturer or his authorized representative established within the Community has obtained an EC type-examination certificate concerning this apparatus issued by one of the notified bodies referred to in paragraph 6 below.

This provision shall not apply to the above apparatus where it is designed and intended exclusively for radio amateurs within the meaning of Article 2 (3).

6. Each Member State shall notify the Commission and the other Member States of the competent authorities referred to in this Article and of the bodies responsible for issuing the EC type-examination certificates referred to in paragraphs 4 and 5. The Commission shall publish a list of those authorities and bodies, for information purposes, in the *Official Journal of the European Communities* and shall ensure that the list is updated.

Such notification shall state whether those bodies are competent for all apparatus covered by this Directive or whether their responsibility is limited to certain specific areas.

Member States shall apply the criteria listed in Annex II for the assessment of the bodies to be notified.

Bodies which comply with the assessment criteria fixed by the relevant harmonized standards shall be presumed to comply with the aforementioned criteria.

A Member State which has notified a body must withdraw approval if it finds that the body no longer meets the criteria listed in Annex II. It shall forthwith inform the Commission and the other Member States thereof.

Article 11

Directive 76/889/EEC and Directive 76/890/EEC shall be repealed as from 1 January 1992.

Article 12

1. By 1 July 1991, Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall inform the Commission thereof.

They shall apply these provisions as from 1 January 1992.

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

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 3 May 1989.

For the Council

The President

P. SOLBES

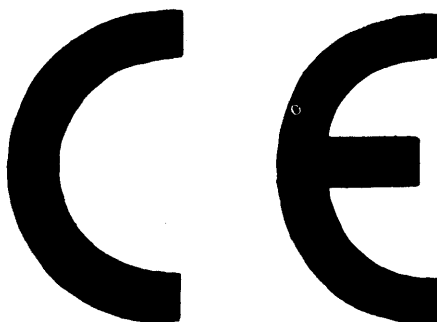
*ANNEX I***1. EC declaration of conformity**

The EC declaration of conformity must contain the following :

- description of the apparatus to which it refers,
- reference to the specifications under which conformity is declared, and, where appropriate, to the national measures implemented to ensure the conformity of the apparatus with the provisions of the Directive,
- identification of the signatory empowered to bind the manufacturer or his authorized representative,
- where appropriate, reference to the EC type-examination certificate issued by a notified body.

2. EC conformity mark

- The EC conformity mark shall consist of the letters CE as set out below and the figures of the year in which the mark was affixed.



- This mark should, where appropriate, be accompanied by the distinctive letters used by the notified body issuing the EC type-examination certificate.
- Where apparatus is the subject of other Directives providing for the EC conformity mark, the affixing of the EC mark shall also indicate conformity with the relevant requirements of those other Directives.

*ANNEX II***Criteria for the assessment of the bodies to be notified**

The bodies designated by the Member States must fulfil the following minimum conditions :

1. availability of personnel and of the necessary means and equipment ;
2. technical competence and professional integrity of personnel ;
3. independence, in carrying out the tests, preparing the reports, issuing the certificates and performing the verification function provided for in this Directive, of staff and technical personnel in relation to all circles, groups or persons directly or indirectly concerned with the product in question ;
4. maintenance of professional secrecy by personnel ;
5. possession of civil liability insurance unless such liability is covered by the State under national law.

Fulfilment of the conditions under points 1 and 2 shall be verified at intervals by the competent authorities of the Member States.

*ANNEX III***Illustrative list of the principal protection requirements**

The maximum electromagnetic disturbance generated by the apparatus shall be such as not to hinder the use of in particular the following apparatus :

- (a) domestic radio and television receivers
- (b) industrial manufacturing equipment
- (c) mobile radio equipment
- (d) mobile radio and commercial radiotelephone equipment
- (e) medical and scientific apparatus
- (f) information technology equipment
- (g) domestic appliances and household electronic equipment
- (h) aeronautical and marine radio apparatus
- (i) educational electronic equipment
- (j) telecommunications networks and apparatus
- (k) radio and television broadcast transmitters
- (l) lights and fluorescent lamps.

Apparatus, and especially the apparatus referred to in (a) to (l), should be constructed in such a way that it has an adequate level of electromagnetic immunity in the usual electromagnetic compatibility environment where the apparatus is intended to work so as to allow its unhindered operation taking into account the levels of disturbance generated by apparatus complying with the standards laid down in Article 7.

The information required to enable use in accordance with the intended purpose of the apparatus must be contained in the instructions accompanying the apparatus.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 4227/88 of 19 December 1988 totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1989)

(Official Journal of the European Communities No L 371 of 31 December 1988)

In the Annex :

- on page 30, against Order No 16.0053, add CN code ex 1602 90 79 to column 2;
- on page 31, against Order No 16.0083, deleted the term 'ex' before CN code ex 2009 80 95;
- on page 32, delete Order Nos 16.0109 and 16.0111 and all the entries referring thereto;
- on page 32, against Order No 16.0117, add the term 'ex' before CN code 2009 90 99.

Corrigendum to Council Regulation (EEC) No 4234/88 of 19 December 1988 establishing ceilings and Community surveillance for imports of certain products originating in Yugoslavia (1989)

(Official Journal of the European Communities No L 372 of 31 December 1988)

In Annex I :

- on page 26, against Order No 01.0270, CN code 8716 39 90 is replaced by CN codes 8716 39 30, 8716 39 51, 8716 39 59 and 8716 39 80;
- on page 27, against Order No 01.0290, (Other wooden furniture), add CN code 9403 60 90.

In Annex II :

- on page 33, against Order No 02.0090, before CN code 6302 60 00, add the term 'ex';
- on page 33, against Order Nos 02.0150 and 02.0155, before CN codes 6202 12 10 and 6202 13 10, add the term 'ex';
- on page 34, against Order No 02.0670 :
 - add CN codes 5807 90 90 and ex 6302 60 00,
 - CN code 6117 80 00 is replaced by CN codes 6117 80 10 and 6117 80 90.

In Annex III :

- on page 35, against Order No 03.0010, delete CN code 2711 29 00.

Corrigendum to Decision 88/653/ECSC of the representatives of the Governments of the Member States, meeting within the Council of 19 December 1988, establishing ceilings and Community supervision for imports of certain goods falling under the ECSC Treaty originating in Yugoslavia (1989)

(Official Journal of the European Communities No L 372 of 31 December 1988)

On page 44, in the Annex :

— against Order No 06.0050, add the CN code number together with the description in columns 2 and 3 respectively as follows :

7211 41 91	<p>— Other, not further worked than cold-rolled (cold-reduced) :</p> <p>— — Containing by weight less than 0,25 % of carbon :</p> <p>— — — Of a width not exceeding 500 mm :</p> <p>— — — — In coils intended for the manufacture of tin plate (ECSC).</p>
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— the entry in the third column, against Order No 06.0050 and CN code ex 7211 29 99, under 'Description' :

for: '— — Of a width exceeding 500 mm',

read: '— — Of a width not exceeding 500 mm'.

On page 48, in the Annex, the entry in the third column against Order No 06.0070 and CN code ex 7211 29 99, under 'Description' :

for: '— — Of a width exceeding 500 mm',

read: '— — Of a width not exceeding 500 mm'.

Corrigendum to Council Regulation (EEC) No 4245/88 of 21 December 1988 opening and providing for the administration of Community tariff quotas for certain agricultural products originating in Israel (1989)

(Official Journal of the European Communities No L 373 of 31 December 1988)

On page 33, in the table, against Order No 09.1313, the entries in columns 2 and 3 shall read as follows :

CN code	Tariff quota duty (%)
ex 0705 11 10	9,0 MIN ECU 1,5 per 100 kg/br
ex 0705 11 90	7,8 MIN ECU 0,9 per 100 kg/br