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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EURATOM) No 2218/89

of 18 July 1989

amending Regulation (Euratom) No 3954/87 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 31 thereof,

Having regard to the proposal from the Commission, drawn up after obtaining the opinion of a group of experts appointed by the Scientific and Technical Committee ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

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

Whereas the Annex to Regulation (Euratom) No 3954/87 ⁽⁴⁾ contains headings for the maximum permitted levels for foodstuffs and feedingstuffs;

Whereas, however, no maximum levels were laid down for some of those headings pending a decision to be taken by the Council at a later stage following additional work to be carried out mainly by scientific experts;

Whereas the Commission submitted two communications to the Council on 14 June and 9 December 1988 respectively which were intended to supplement the Annex to the abovementioned Regulation and were drafted after consultation of the group of experts referred to in Article 31 of the Treaty;

Whereas the Annex to that Regulation should therefore be supplemented;

Whereas some other information in the said Annex should also be adapted in the light of the latest scientific work in the field;

Whereas it therefore seems advisable to consolidate the levels and the other information in the said Annex in a single table;

Whereas it also seems advisable, since further work is to be carried out, to stipulate that the procedure provided for in Article 7 of Regulation (Euratom) No 3954/87 should also apply for fixing the maximum permitted levels for feedingstuffs; whereas that Regulation should be supplemented accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (Euratom) No 3954/87 is hereby replaced by the Annex hereto.

Article 2

Article 7 of Regulation (Euratom) No 3954/87 is hereby replaced by the following:

Article 7

Rules for applying this Regulation, a list of minor foodstuffs together with the maximum levels to be applied thereto, and the maximum levels for feedingstuffs shall be adopted in accordance with the procedure laid down in Article 30 of Regulation (EEC) No 804/68, which shall apply by analogy. To this end an *ad hoc* Committee shall be set up.

Article 3

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

⁽¹⁾ OJ No C 174, 2. 7. 1987, p. 6.

⁽²⁾ OJ No C 13, 18. 1. 1988, p. 61.

⁽³⁾ OJ No C 180, 8. 7. 1987, p. 20.

⁽⁴⁾ OJ No L 371, 30. 12. 1987, p. 11.

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

Done at Brussels, 18 July 1989.

For the Council
The President
R. DUMAS

ANNEX

ANNEX

MAXIMUM PERMITTED LEVELS FOR FOODSTUFFS AND FEEDINGSTUFFS (Bq/kg)

	Foodstuffs ⁽¹⁾				Feedingstuffs ⁽²⁾
	Baby foods ⁽³⁾	Dairy produce ⁽⁴⁾	Other foodstuffs except minor foodstuffs ⁽⁵⁾	Liquid foodstuffs ⁽⁶⁾	
Isotopes of strontium, notably Sr-90	75	125	750	125	
Isotopes of iodine, notably I-131	150	500	2 000	500	
Alpha-emitting isotopes of plutonium and transplutonium elements, notably Pu-239, Am-241	1	20	80	20	
All other nuclides of half-life greater than 10 days, notably Cs-134, Cs-137 ⁽⁷⁾	400	1 000	1 250	1 000	

⁽¹⁾ The level applicable to concentrated or dried products is calculated on the basis of the reconstituted product as ready for consumption. Member States may make recommendations concerning the diluting conditions in order to ensure that the maximum permitted levels laid down in this Regulation are observed.

⁽²⁾ Maximum permitted levels for feedingstuffs will be defined in accordance with Article 7, since such levels are intended to contribute to the observance of the permitted maximum levels for foodstuffs, do not alone guarantee such observance in all circumstances and do not lessen the requirement for monitoring levels in animal products destined for human consumption.

⁽³⁾ Baby foods are defined as those foodstuffs intended for the feeding of infants during the first four to six months of life, which meet, in themselves, the nutritional requirements of this category of person and are put up for retail sale in packages which are clearly identified and labelled "food preparation for infants".

⁽⁴⁾ Dairy produce is defined as those products falling within the following CN codes including, where appropriate, any adjustments which might be made to them later: 0401, 0402 (except 0402 29 11).

⁽⁵⁾ Minor foodstuffs and the corresponding levels to be applied to them will be defined in accordance with Article 7.

⁽⁶⁾ Liquid foodstuffs as defined in the heading 2009 and in chapter 22 of the combined nomenclature. Values are calculated taking into account consumption of tap-water and the same values should be applied to drinking water supplies at the discretion of competent authorities in Member States.

⁽⁷⁾ Carbon 14, tritium and potassium 40 are not included in this group.

COUNCIL REGULATION (EEC) No 2219/89

of 18 July 1989

on the special conditions for exporting foodstuffs and feedingstuffs following a nuclear accident or any other case of radiological emergency

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

Having regard to the opinion of the European Parliament,

Whereas the Commission must be informed of any nuclear accident or unusually high levels of radioactivity, in accordance with Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency ⁽²⁾ or pursuant to the Convention of the International Atomic Energy Agency (IAEA) of 26 September 1986 on the Early Notification of a Nuclear Accident;

Whereas the Council adopted Regulation (Euratom) No 3954/87 of 22 December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency ⁽³⁾, as last amended by Regulation (Euratom) No 2218/89 ⁽⁴⁾;

Whereas the maximum permitted levels fixed by the abovementioned Regulation take due account of the most recent international scientific opinion and reflect the need to avoid any discrepancies in international regulations;

Whereas the resolution of the Council and the representatives of the Governments of the Member States meeting within the Council of 22 December 1987, adopted at the same time as Regulation (Euratom) No 3954/87, provides for the adoption of specific rules governing the export of foodstuffs;

Whereas after a nuclear accident or in any other case of radiological emergency it is not acceptable to allow products with contamination levels in excess of the maximum permitted levels relating to products for consumption in the Community to be exported to third countries; whereas in such special circumstances it is difficult in practical terms to treat products differently depending on their final destination;

Whereas the provisions concerning exports should also relate to feedingstuffs since these products are covered by Regulation (Euratom) No 3954/87 for reasons of public health;

Whereas it is therefore appropriate to define specific conditions for exporting foodstuffs and feedingstuffs after

a nuclear accident or any other case of radiological emergency and to apply to such products the maximum permitted levels of radioactive contamination laid down in Regulation (Euratom) No 3954/87,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down the conditions for exporting foodstuffs and feedingstuffs after a nuclear accident or any other radiological situation likely to lead to significant radioactive contamination of foodstuffs and feedingstuffs.

2. For the purposes of this Regulation 'foodstuffs' means products which are intended for human consumption either immediately or after processing, and 'feedingstuffs' means products which are intended only for animal nutrition.

Article 2

Foodstuffs and feedingstuffs in which the level of radioactive contamination exceeds the relevant maximum permitted levels laid down in Articles 2 and 3 of Regulation (Euratom) No 3954/87 may not be exported.

Article 3

The Member States shall carry out checks to ensure that the maximum permitted levels referred to in Article 2 are observed.

Article 4

Each Member State shall communicate to the Commission the fullest information on the application of this Regulation, and in particular on any cases where the maximum permitted levels have been exceeded. The Commission shall forward this information to the other Member States.

Article 5

The rules of application for this Regulation shall be laid down by the Commission in accordance with the procedure defined in Article 7 of Regulation (Euratom) No 3954/87. To this end an *ad hoc* Committee shall be set up.

Article 6

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

⁽¹⁾ OJ No C 214, 16. 8. 1988, p. 31.

⁽²⁾ OJ No L 371, 30. 12. 1987, p. 76.

⁽³⁾ OJ No L 371, 30. 12. 1987, p. 11.

⁽⁴⁾ See page 1 of this Official Journal.

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

Done at Brussels, 18 July 1989.

For the Council

The President

R. DUMAS

COUNCIL REGULATION (EEC) No 2220/89**of 18 July 1989****amending for the eighth time Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of Regulation (EEC) No 170/83 states that the conservation measures necessary to achieve the aims set out in Article 1 of the same Regulation must be formulated in the light of the available scientific advice;

Whereas Regulation (EEC) No 3094/86⁽²⁾, as last amended by Regulation (EEC) No 4193/88⁽³⁾, lays down general rules for the fishing and landing of biological resources found in Community waters;

Whereas Regulation (EEC) No 4193/88 laid down a new definition for the length of beams used by beam trawlers;

whereas this would have had the effect of reducing the effective length of beams which it is permitted to use in the coastal zone; whereas, in order to maintain the same effective length, it is necessary to increase the nominal permitted length,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 9 (3) (c) and in the third subparagraph of Article 9 (4) of Regulation (EEC) No 3094/86, 'eight' is hereby replaced in each case by 'nine'.

Article 2

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 1 July 1989.

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

Done at Brussels, 18 July 1989.

For the Council

The President

E. CRESSON

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽³⁾ OJ No L 369, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 2221/89

of 20 July 1989

amending Regulation (EEC) No 638/89 on the issuing of import licences for certain processed products obtained from sour cherries originating in Yugoslavia

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

Having regard to Council Regulation (EEC) No 1201/88 of 28 April 1988 establishing import mechanisms for certain processed products obtained from sour cherries and originating in Yugoslavia ⁽¹⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 638/89 ⁽²⁾ suspends the issuing of import licences for processed products obtained from sour cherries and originating in Yugoslavia;

Whereas, on the basis of the notifications forwarded by the Member States pursuant to Article 4 (1) of Commission Regulation (EEC) No 4061/88 of 21 December 1988 laying down further detailed rules of application as regards import licences for processed products obtained from sour cherries originating in Yugoslavia ⁽³⁾, as corrected by Regulation (EEC) No 582/89 ⁽⁴⁾, it was established that a significant proportion of import licences delivered was not used; whereas the

issuing of import licences for certain processed products obtained from sour cherries and originating in Yugoslavia should accordingly be resumed in order to permit imports up to the overall quantity of 19 900 tonnes for the current year as provided for in Regulation (EEC) No 1201/88;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 638/89 is hereby repealed.

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, 20 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 115, 3. 5. 1988, p. 9.

⁽²⁾ OJ No L 70, 14. 3. 1989, p. 23.

⁽³⁾ OJ No L 356, 24. 12. 1988, p. 45.

⁽⁴⁾ OJ No L 63, 7. 3. 1989, p. 18.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 18 July 1989

appointing a member of the Economic and Social Committee

(89/444/EEC, Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 193 to 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 165 to 167 thereof,

Having regard to the Convention on certain institutions common to the European Communities, and in particular Article 5 thereof,

Having regard to the Council Decision of 15 September 1986 appointing the members of the Economic and Social Committee for the period ending on 20 September 1990 ⁽¹⁾,

Whereas a seat has become vacant on the Economic and Social Committee following the resignation of Mr Armand Colle, of which the Council was informed on 14 February 1989,

Having regard to the nominations submitted by the Permanent Representation of Belgium on 12 May 1989,

Having obtained the favourable opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Willy Waldack is hereby appointed a member of the Economic and Social Committee in place of Mr Armand Colle for the remainder of the latter's term of office, which runs until 20 September 1990.

Done at Brussels, 18 July 1989.

For the Council

The President

R. DUMAS

⁽¹⁾ OJ No C 244, 30. 9. 1986, p. 2.

COUNCIL DECISION

of 18 July 1989

concerning the acceptance by the Community of Greenland's offer of a supplementary catch quota for capelin for 1989

(89/445/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, as amended by the 1985 Act of Accession, and in particular Article 11 thereof,

Having regard to the Agreement on fisheries between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other ⁽²⁾, and in particular Article 8 (1) thereof,

Having regard to the proposal from the Commission,

Whereas, by its resolution of 3 November 1976 on certain external aspects of the creation of a 200-mile fisheries zone in the Community with effect from 1 January 1977 ⁽³⁾, the Council agreed that fishing rights for Community fishermen in the waters of third countries must be obtained and preserved by appropriate Community Agreements;

Whereas the said Agreement and the Protocol on the conditions relating to fishing between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of Greenland, on the other ⁽⁴⁾, establish the fishing quotas allocated to the Community in Greenland waters;

Whereas, according to Article 8 (1) of the said Agreement, a special priority for the Community on access to supplementary catch possibilities, which exceed the catch capacities of the Greenland fleet and the annual quotas agreed for the Community under the Protocols referred to in Article 2 (1) of the Agreement, shall be offered by the

authorities responsible for Greenland in the light of the special interests of the Community in the exploitation of the stocks concerned and bearing in mind its contribution to their conservation and its participation in the development of Greenland;

Whereas, according to Article 3 of the said Protocol, the financial compensation will be adjusted during the course of each fishing year in proportion, calculated on the basis of cod equivalents, to the supplementary quotas allocated to the Community under Article 8 (1) of the Agreement;

Whereas the Greenland Home Rule Authorities, in a letter dated 19 May 1989, offered the Community a supplementary quota for 1989 of capelin off East Greenland in accordance with the said Articles of the Agreement and the Protocol;

Whereas it is in the Community's interest to accept the offer of this supplementary quota for 1989,

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission is hereby authorized to accept the offer of a supplementary quota of 8 000 tonnes of capelin off East Greenland against compensation as provided for in Article 3 (2) of the Protocol on the conditions relating to fishing.

Done at Brussels, 18 July 1989.

*For the Council**The President*

E. CRESSON

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 29, 1. 2. 1985, p. 9.

⁽³⁾ OJ No C 105, 7. 5. 1981, p. 1.

⁽⁴⁾ OJ No L 29, 1. 2. 1985, p. 14.

COMMISSION

COMMISSION DECISION

of 13 July 1989

amending Commission Decision 89/224/EEC recognizing certain parts of Belgium as being officially swine fever free

(Only the French and Dutch texts are authentic)

(89/446/EEC)

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

Having regard to Council Directive 80/1095/EEC of 11 November 1980 laying down conditions designed to render and keep the territory of the Community free from classical swine fever⁽¹⁾, as last amended by Directive 87/487/EEC⁽²⁾, and in particular Article 7 (2) thereof,

Whereas the Commission by Decision 88/529/EEC⁽³⁾, approved a plan for the eradication of classical swine fever presented by the Kingdom of Belgium;

Whereas the development of the disease situation has led the Belgian authorities, in conformity with their plan, to instigate measures which guarantee the protection and maintenance of the status of certain regions;

Whereas, following a favourable development in the disease situation, the Commission adopted Decision 89/224/EEC⁽⁴⁾ recognizing certain parts of the territory of Belgium as officially swine fever free;

Whereas no swine fever has been detected and vaccination against swine fever has been stopped for more than 15 months within the areas designated to be recognized as officially swine fever free;

Whereas the status of the designated officially swine fever free regions will be maintained by the application of the measures foreseen in Article 7 (2) of Directive 80/1095/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Commission Decision 89/224/EEC the indent is replaced by the following:

— The Provinces of Liège, Luxembourg, Namur, Brabant, Henegouwen and Limburg.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 13 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 325, 1. 12. 1980, p. 1.

⁽²⁾ OJ No L 280, 3. 10. 1987, p. 24.

⁽³⁾ OJ No L 291, 25. 10. 1988, p. 78.

⁽⁴⁾ OJ No L 92, 5. 4. 1989, p. 25.

COMMISSION DECISION

of 14 July 1989

amending Decision 89/3/EEC in regard to health protection measures in connection with imports of certain fresh meat from the States of Santa Catarina and Parana, Brazil

(89/447/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 89/227/EEC⁽²⁾, and in particular Article 16 thereof,

Whereas the requirements as regards animal health conditions and veterinary certification for imports of fresh meat from Brazil are laid down in Commission Decision 86/195/EEC⁽³⁾, as amended by Decision 87/455/EEC⁽⁴⁾, with particular reference to the situation of foot-and-mouth disease obtaining in Brazil at that time;

Whereas this situation led to the adoption by Decision 89/3/EEC⁽⁵⁾ of health protection measures in connection with imports of certain fresh meat from Brazil which will apply from 1 March 1989;

Whereas the last on-the-spot check by Community inspectors showed that the situation in the States of Santa Catarina and Parana had improved;

Whereas Decision 89/3/EEC should therefore be amended so that Member States can again authorize

importation of fresh meat of bovine animals from the States of Santa Catarina and Parana;

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

HAS ADOPTED THIS DECISION:

Article 1

The reference to the States of Santa Catarina and Parana, in Article 1 of Decision 89/3/EEC is deleted.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 July 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 93, 6. 4. 1989, p. 25.

⁽³⁾ OJ No L 142, 28. 5. 1986, p. 51.

⁽⁴⁾ OJ No L 244, 28. 8. 1987, p. 38.

⁽⁵⁾ OJ No L 5, 7. 1. 1989, p. 32.