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## Legislation

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## I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1202/92

of 11 May 1992

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 674/92<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90<sup>(4)</sup>, and in particular Article 3 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 986/92<sup>(5)</sup> and subsequent amending Regulations;

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

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

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 8 May 1992;

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 986/92 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 12 May 1992.

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

Done at Brussels, 11 May 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 73, 19. 3. 1992, p. 7.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 105, 23. 4. 1992, p. 1.

## ANNEX

to the Commission Regulation of 11 May 1992 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Levy (°)
0709 90 60	142,57 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	142,57 <sup>(2)</sup> <sup>(3)</sup>
1001 10 10	167,84 <sup>(1)</sup> <sup>(3)</sup> <sup>(10)</sup>
1001 10 90	167,84 <sup>(1)</sup> <sup>(3)</sup> <sup>(10)</sup>
1001 90 91	160,30
1001 90 99	160,30 <sup>(11)</sup>
1002 00 00	167,25 <sup>(6)</sup>
1003 00 10	147,83
1003 00 90	147,83 <sup>(11)</sup>
1004 00 10	124,00
1004 00 90	124,00
1005 10 90	142,57 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	142,57 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	148,87 <sup>(4)</sup>
1008 10 00	62,73 <sup>(11)</sup>
1008 20 00	118,78 <sup>(4)</sup>
1008 30 00	63,21 <sup>(3)</sup>
1008 90 10	<sup>(7)</sup>
1008 90 90	63,21
1101 00 00	238,29 <sup>(8)</sup> <sup>(11)</sup>
1102 10 00	246,93 <sup>(8)</sup>
1103 11 10	273,79 <sup>(8)</sup> <sup>(10)</sup>
1103 11 90	255,67 <sup>(8)</sup>

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

<sup>(2)</sup> In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

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

<sup>(4)</sup> Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

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

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

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

<sup>(8)</sup> On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

<sup>(9)</sup> No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC, except if paragraph 4 of the same Article applies.

<sup>(10)</sup> An amount equal to the amount fixed by Regulation (EEC) No 1825/91 is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

<sup>(11)</sup> Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

## COMMISSION REGULATION (EEC) No 1203/92

of 11 May 1992

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

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 674/92 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 2205/90 <sup>(4)</sup>, and in particular Article 3 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1845/91 <sup>(5)</sup> and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 8 May 1992;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 12 May 1992.

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

Done at Brussels, 11 May 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 73, 19. 3. 1992, p. 7.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 201, 31. 7. 1990, p. 9.

<sup>(5)</sup> OJ No L 168, 29. 6. 1991, p. 4.

## ANNEX

to the Commission Regulation of 11 May 1992 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	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	0,79	0,79	0,79
1001 10 90	0	0,79	0,79	0,79
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
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	0

## B. Malt

*(ECU/tonne)*

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
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 1204/92**  
**of 11 May 1992**  
**concerning applications for STM licences submitted on 7 May 1992 for imports**  
**into Portugal**

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, and in particular Article 252 (1) thereof,

Whereas Commission Regulation (EEC) No 2292/91 of 30 July 1991 laying down detailed rules for applying the supplementary trade mechanism to imports of rice into Portugal <sup>(1)</sup> sets a target ceiling of 90 000 tonnes of husked rice equivalent to be broken down into equal monthly quantities over the period 1 September 1991 to 31 August 1992;

Whereas, pursuant to Article 6 (2) of Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) <sup>(2)</sup>, as last amended by Regulation (EEC) No 3296/88 <sup>(3)</sup>, the Commission has been notified of applications received on 7 May 1992 for STM licences for imports of rice into Portugal which are well in excess

of the ceiling set; whereas measures should be taken to deal with this situation,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Applications for STM licences which were submitted on 7 May 1992 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by a coefficient of 0,404 for paddy rice and husked rice and 0,35 for semi-milled rice and wholly milled rice.
2. The issue of STM licences concerning imports of rice into Portugal for applications received from 7 to 31 May 1992 is hereby suspended.

*Article 2*

This Regulation shall enter into force on 12 May 1992.

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

Done at Brussels, 11 May 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 209, 31. 7. 1991, p. 20.

<sup>(2)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(3)</sup> OJ No L 293, 27. 10. 1988, p. 7.

**COMMISSION REGULATION (EEC) No 1205/92****of 11 May 1992****closing an invitation to tender on the supply of skimmed-milk powder as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management <sup>(1)</sup>, as amended by Regulation (EEC) No 1930/90 <sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,Whereas, by Regulation (EEC) No 937/92 <sup>(3)</sup>, Annex I, Lot B the Commission issued an invitation to tender for the supply of 60 tonnes of skimmed-milk powder to UNHCR as food aid; whereas the conditions of the supply should be reviewed and the invitation to tender in question should consequently be closed,

HAS ADOPTED THIS REGULATION:

*Article 1*

For Lot B of Annex I to Regulation (EEC) No 937/92, the tender is closed.

*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, 11 May 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.<sup>(3)</sup> OJ No L 101, 15. 4. 1992, p. 19.

**COMMISSION REGULATION (EEC) No 1206/92**

of 11 May 1992

**amending Regulation (EEC) No 3680/91 on the sale for delivery in Madeira and the Azores of cereals held by different intervention agencies, and amending Regulation (EEC) No 3681/91 fixing the minimum selling prices for the purposes of the standing invitation to tender issued by Regulation (EEC) No 3680/91**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 674/92<sup>(2)</sup>, and in particular Article 7 (6) thereof,

Whereas Article 2 (2) of Commission Regulation (EEC) No 3680/91 of 17 December 1991 on the sale for delivery in the Azores and Madeira of cereals held by the intervention agencies<sup>(3)</sup>, as amended by Regulation (EEC) No 308/92<sup>(4)</sup>, explicitly states that each of the islands in the archipelago in which there are either milling facilities or feedingstuffs factories should be supplied; whereas the experience acquired shows that supply of maize to these islands should equally be foreseen to the detriment of the foreseen supply in other cereals; whereas the Portuguese intervention Agency no longer withholds stocks for this supply; whereas, as a consequence of the procedural delay, a longer than foreseen delay should be introduced for May 1992; whereas Regulation (EEC) No 3680/91 should therefore be amended;

Whereas this supply is foreseen by a tender to sell cereals held by different intervention agencies;

Whereas the minimum selling prices for the purposes of the standing invitation to tender issued by Regulation (EEC) No 3680/91 have been fixed in Commission Regulation (EEC) No 3681/91<sup>(5)</sup>, as amended by Regulation (EEC) No 308/92;

Whereas the selling prices for maize should be fixed and therefore, the Annex to Regulation (EEC) No 3681/91 should be amended;

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*

Article 2 of Regulation (EEC) No 3680/91 is hereby replaced by the following:

'1. The invitation to tender shall be open from 1 January to 30 June 1992; the first tender will take place on 8 January 1992.

The subsequent awards will take place on a monthly basis the first Wednesday of each month. As an exception, for the month of May 1992 the award will take place on the second Wednesday of the month.

2. The cereals sold must be delivered to the destination provided for in the Annex.

Deliveries of common wheat to the Azores must necessarily be broken down, for each offer accepted, as follows:

- (a)  $\pm 60\%$  to the island of São Miguel;
- (b)  $\pm 30\%$  to the island of Terceira;
- (c)  $\pm 10\%$  to the island of Faial.

Deliveries of barley, maize and feed wheat to the Azores must necessarily be broken down, for each offer accepted, as follows:

- (a)  $\pm 75\%$  for the island of São Miguel;
- (b)  $\pm 14\%$  for the island of Terceira;
- (c)  $\pm 2,5\%$  for the island of Faial;
- (d)  $\pm 2\%$  for the island of São Jorge;
- (e)  $\pm 2\%$  for the island of Pico;
- (f)  $\pm 1,5\%$  for the island of Flores (Corvo);

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

<sup>(2)</sup> OJ No L 73, 19. 3. 1992, p. 7.

<sup>(3)</sup> OJ No L 349, 18. 12. 1991, p. 31.

<sup>(4)</sup> OJ No L 32, 8. 2. 1992, p. 26.

<sup>(5)</sup> OJ No L 349, 18. 12. 1991, p. 34.

- (g)  $\pm 1,5\%$  for the island of S. Maria ;
- (h)  $\pm 1,5\%$  for the island of Graciosa.

*Article 2*

The Annex of Regulation (EEC) No 3680/91 is hereby replaced by the Annex I of the present Regulation.

*Article 3*

The Annex of Regulation (EEC) No 3681/91 is hereby replaced by the Annex II of the present Regulation.

*Article 4*

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, 11 May 1992.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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## ANNEX I

## 'ANNEX

(tonnes)

Cereals	Azores	Madeira
Breadmaking wheat	17 000	12 500
Feed wheat	5 000	1 500
Barley	16 000	3 000
Durum wheat	2 000	3 500
Maize	15 000	7 500
Total	55 000	28 000

Period for delivery : 1 January 1992 to 31 July 1992.

*Open tenders*

Common wheat : Germany and France,

Durum wheat : France and Greece,

Barley : France, United Kingdom and Spain,

Maize : France.'

## ANNEX II

## 'ANNEX

## Minimum selling prices in Ecu/tonne

Cereals	Azores	Madeira
Breadmaking wheat	92,24	92,24
Feed wheat	84,32	84,32
Barley	84,32	84,32
Durum wheat	149,43	149,43
Maize	84,32	84,32'

**COMMISSION REGULATION (EEC) No 1207/92****of 11 May 1992****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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

Having regard to Council Regulation (EEC) No 3668/91 of 11 December 1991 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91 (1992) (1), and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 3743 of 18 December 1991 laying down detailed rules for the application of import arrangements provided for by Council Regulations (EEC) No 3668/91 and (EEC) No 3669/91 in the beef and veal sectors (2), as amended by Regulation (EEC) No 657/92 (3), provides in Article 7, that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector (4), as last amended by Regulation (EEC) No 815/91 (5);

Whereas Article 1 (1) (d) of Regulation (EEC) No 3743/91 fixes the amount of high-quality fresh, chilled or frozen

beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms in 1992 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION :

*Article 1*

1. All applications for import licences from 1 until 5 May 1992 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EEC) No 3743/91 shall be met in full.
2. Applications for licences may be submitted, in accordance with Article 12 of Regulation (EEC) No 2377/80, during the first five days of June 1992 for 4 906 tonnes.

*Article 2*

This Regulation shall enter into force on 12 May 1992.

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

Done at Brussels, 11 May 1992.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

(1) OJ No L 349, 18. 12. 1991, p. 3.

(2) OJ No L 352, 21. 12. 1991, p. 36.

(3) OJ No L 70, 17. 3. 1992, p. 14.

(4) OJ No L 241, 13. 9. 1980, p. 5.

(5) OJ No L 83, 3. 4. 1991, p. 6.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DIRECTIVE 92/31/EEC

of 28 April 1992

amending Directive 89/336/EEC on the approximation of the laws of the Member States relating to electromagnetic compatibility

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 <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

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

Whereas Directive 89/336/EEC <sup>(4)</sup> provides for complete harmonization relating to electromagnetic compatibility ;

Whereas a uniform application of that Directive requires the availability of harmonized standards ; whereas these standards will not be available by the date of application of that Directive ;

Whereas that Directive has not provided for an adequate transitional period during which it would be permitted to place on the market apparatus manufactured in accordance with national regulations applicable before the date of application of the said Directive ;

Whereas manufacturers must have the time needed to allow apparatus in stock to be marketed ;

Whereas Directive 89/336/EEC should accordingly be amended,

HAS ADOPTED THIS DIRECTIVE :

*Article 1*

Directive 89/336/EEC is hereby amended as follows :

1. Article 10 (3) shall be deleted.
2. Article 12 (1) shall be supplemented by the following paragraph :

'However, Member States shall, for the period up to 31 December 1995, authorize the placing on the

market and/or the putting into service of apparatus referred to in this Directive conforming to the national regulations in force in their territory on 30 June 1992.'

*Article 2*

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive not later than three months after its adoption. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Member States shall apply these provisions not later than six months after the adoption of this Directive.

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

*Article 3*

This Directive is addressed to the Member States.

Done at Luxembourg, 28 April 1992.

*For the Council**The President*

Arlindo MARQUES CUNHA

<sup>(1)</sup> OJ No C 126, 21. 6. 1991, p. 7.

<sup>(2)</sup> OJ No C 13, 20. 1. 1992, p. 506 and

OJ No C 94, 13. 4. 1992.

<sup>(3)</sup> OJ No C 339, 31. 12. 1991, p. 1.

<sup>(4)</sup> OJ No L 139, 23. 5. 1989, p. 19. Directive amended by Directive 91/263/EEC (OJ No L 128, 23. 5. 1991, p. 1).

## COUNCIL DECISION

of 29 April 1992

adopting a specific research and technological development programme in the field of measurements and testing (1990-1994)

(92/247/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130q (2) thereof,

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

In cooperation with the European Parliament <sup>(2)</sup>,

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

Whereas, by its Decision 90/221/Euratom, EEC <sup>(4)</sup>, the Council adopted a third framework programme for Community activities in the field of research and technological development (1990-1994), specifying, *inter alia*, the measures required for improved harmonization of methods of testing, measuring and analysis, for the elimination of certain obstacles to trade in the large internal market; whereas this Decision should be taken in the light of the grounds set out in the preamble to that Decision;

Whereas Article 130k of the Treaty stipulates that the framework programme is to be implemented through specific programmes developed within each activity;

Whereas the Joint Research Centre contributes to the realization of these activities, by means of its own programme; whereas close coordination between the Centre and this specific programme should be ensured;

Whereas, pursuant to Article 4 and Annex I of Decision 90/221/Euratom, EEC, the amount deemed necessary for the whole framework programme includes an amount of ECU 57 million for the centralized dissemination and exploitation of results, to be divided up in proportion to the amount envisaged for each of the activities;

Whereas, in the context of this programme, an assessment should be made of the economic and social impact as well as of any eventual technological risks;

Whereas basic research in the field of measurements and testing must be encouraged throughout the Community;

Whereas, in addition to the specific programme concerning human resources and mobility, it is necessary to encourage the training of research workers in the context of this programme;

Whereas Decision 90/221/Euratom, EEC provides that a particular aim of Community research must be to strengthen the scientific and technological basis of European industry and to encourage it to become more competitive at international level; whereas that Decision also provides that Community action is justified where research contributes, *inter alia*, to the strengthening of the economic and social cohesion of the Community and to the promotion of its overall harmonious development, while being consistent with the pursuit of scientific and technical excellence; whereas this programme should contribute to the achievement of these objectives;

Whereas small and medium-sized enterprises (SME) should be involved to the maximum extent possible in this programme; whereas account should be taken of their special requirements, without prejudice to the scientific and technical quality of this programme;

Whereas, in accordance with Article 130g of the Treaty, the Community's activities aimed at strengthening the scientific and technological basis of European industry and encouraging it to become more competitive include promoting cooperation on research and technological development with third countries, particularly European countries, and international organizations; whereas such cooperation may prove particularly beneficial for the development of this programme;

Whereas it is necessary, as Annex II to Decision 90/221/Euratom, EEC provides, for the laboratories of the Member State to be equipped with the technical means necessary to carry out measurements and tests in a harmonized manner and to be able to have the validity of their respective results recognized, which is considered of the utmost importance for an adequate functioning of the internal market;

Whereas the Scientific and Technical Research Committee (CREST) has been consulted,

<sup>(1)</sup> OJ No C 174, 16. 7. 1990, p. 35.

<sup>(2)</sup> OJ No C 326, 16. 12. 1991, p. 128 and Decision of 11 March 1992 (not yet published in the Official Journal).

<sup>(3)</sup> OJ No C 41, 18. 2. 1991, p. 4.

<sup>(4)</sup> OJ No L 117, 8. 5. 1990, p. 28.

HAS ADOPTED THIS DECISION :

*Article 1*

A specific research and technological development programme for the European Economic Community in the field of Measurement and Testing, as defined in Annex I, is hereby adopted for a period commencing on 29 April 1992 and ending on 31 December 1994.

*Article 2*

1. The funds estimated as necessary for the execution of the programme amount to ECU 47,52 million, including expenditure on staff and administration amounting to ECU 9 million.
2. An indicative allocation of funds is set out in Annex II.
3. Should the Council take a decision pursuant to Article 1 (4) of Decision 90/221/Euratom, EEC, this Decision shall be adapted accordingly.

*Article 3*

Detailed rules for the implementation of the programme and the amount of the Community's financial contribution are set out in Annex III.

*Article 4*

1. In the second year of the implementation of the programme, the Commission shall review it and send a report on the results of its review to the European Parliament, the Council and the Economic and Social Committee; the report shall be accompanied, where necessary, by proposals for amendment of the programme.
2. At the end of the programme, an evaluation of the results achieved shall be conducted for the Commission by a Group of independent experts. The Group's report, together with the Commission's comments, shall be submitted to the European Parliament, the Council and the Economic and Social Committee.
3. The reports referred to in paragraphs 1 and 2 shall be established having regard to the objectives set out in Annex I to this Decision and in accordance with Article 2 (4) of Decision 90/221/Euratom, EEC.

*Article 5*

1. Contracts concluded by the Commission shall govern the rights and obligations of each party, in particular the arrangements for the dissemination, protection and exploitation of research results, in accordance with the provisions adopted pursuant to the second paragraph of Article 130k of the Treaty.

2. A work programme shall be drawn up in accordance with the objectives set out in Annex I and updated where necessary. It shall set out the detailed objectives and types of projects to be undertaken, together with the corresponding financial arrangements to be made for them. The Commission shall make calls for proposals for projects on the basis of the work programme.

*Article 6*

1. The Commission shall be responsible for the implementation of the programme. It shall be assisted by a Committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.
2. In the cases referred to in Article 7 (1), the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time-limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.
3. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.
4. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

*Article 7*

1. The procedure laid down in Article 6 shall apply in particular to :
  - the preparation and updating of the work programme referred to in Article 5 (2);
  - the contents of the calls for proposals;
  - the assessment of the projects provided for in Annex III and the estimated amount of the Community's contribution to them;
  - departures from the general rules set out in Annex III;
  - the participation in any project by non-Community bodies and enterprises referred to in Article 8;
  - any adaptation of the indicative breakdown of the amount set out in Annex II;
  - the measures to be undertaken to evaluate the programme;
  - arrangements for the dissemination, protection and exploitation of the results of research carried out under the programme.
2. The Commission shall inform the Committee of the implementation of the concerted actions and accompanying measures referred to in Annex III.

*Article 8*

1. The Commission is hereby authorized to negotiate, in accordance with Article 130n of the Treaty, international agreements with third countries which are members of COST, in particular the member countries of EFTA and the countries of Central and Eastern Europe, with a view to associating them with all, or part, of the programme.

2. When framework agreements for scientific and technical cooperation have been concluded between the Community and European non-Member States, bodies and enterprises established in those countries may, on the basis of the criterion of mutual benefit, be allowed to become partners in a project undertaken within the programme.

No contracting body based outside the Community and participating as a partner in a project undertaken under the programme may benefit from Community financing for this programme. Such bodies shall contribute to the general administrative costs.

*Article 9*

This Decision is addressed to the Member States.

Done at Luxembourg, 29 April 1992.

*For the Council*

*The President*

Luis VALENTE DE OLIVEIRA

*ANNEX I***SCIENTIFIC AND TECHNICAL OBJECTIVES AND CONTENT**

This specific programme fully reflects the approach embodied in the third Framework Programme in terms of the scientific and technical goals and the underlying aims which it pursues.

Paragraph 2C of Annex II of the Framework Programme forms an integral part of the present specific programme.

The aim is to achieve better harmonization of measuring, analytical and testing methods and to assist in the development of new methods for measurements and testing in Europe, as well as to seek to provide generic tools for securing accurate and valid measurements. To attain this objective, advances must be made in measurements, testing techniques and chemical analyses where they are not sufficiently accurate and, therefore, laboratories cannot mutually agree on their results and where the measurement methods are insufficient to satisfy the new challenges in industry, in the monitoring of the environment, food quality and health and in the facilitation of trade within the Single Market.

The aim is also to develop new methods of physical measurement and chemical and biological analysis, and to establish a good understanding of the generic limitation and sources of error inherent in current methods with a view to improving them in the most efficient way.

Support will also be provided for collaborative research and development into new or improved measurement standards, and into innovative means of calibration, which contribute to meeting the overall aim of the programme and which are more effectively or economically undertaken at Community level.

The research activities will be closely connected to the requirements of the internal market (as specified in the White Paper on the Completion of the Internal Market) and to the implementation of specific Community policies. Close coordination with the relevant research programmes, European metrology and organizations concerned with standardization (such as, for example, CEN/CENELEC) will be also assured.

The following presents an analytical description of the content of the programme, based on, and taking account of, the above elements.

**AREA 1 : SUPPORT TO REGULATIONS AND DIRECTIVES**

The aim is to improve methods of obtaining reliable and internationally accepted results for the application of Directives, in particular on food products, industrial products, environment and health.

The work will consist in developing, improving or harmonizing the test methods required for the implementation of existing Directives and the preparation of new Regulations and Directives.

Accordingly, work will concentrate on, in particular :

- analysis of agricultural products, including animal feedingstuffs,
- analysis of prepared foodstuffs,
- measurement of contaminants in the air, in water and in soil (including bacterial contamination),
- measurement of noise and of harmful substances in the workplace,
- biomedical analysis,
- testing of industrial products.

For existing Regulations and Directives, collaboration between the different laboratories will be encouraged, so as to help overcome difficulties in the application and harmonization of methodologies.

**AREA 2 : SECTORAL TESTING PROBLEMS**

The aim will be to contribute to the implementation of 'the Global Approach to Conformity Assessment' of industrial products (Council Resolution of 21 December 1989 <sup>(1)</sup>) through support to European Standardization, laboratory accreditation and mutual recognition.

The work will consist in developing collaborative projects to improve measuring and testing techniques for industrial products, in order to achieve agreed results at Community level between laboratories within a particular industrial sector. This will include :

<sup>(1)</sup> OJ No C 10, 16. 1. 1990, p. 1.

- collaborative projects for improving or developing new testing methods which are likely to become European standards (CEN, CENELEC) where advances in the corresponding field are insufficient for the introduction of a directive on a given product;
- collaborative projects for the improvement of standardized measuring and testing methods where the application thereof presents difficulties;
- support for the organization of comparative studies amongst laboratories where this is necessary to facilitate mutual recognition agreements amongst test laboratories.

#### AREA 3: COMMON MEANS OF CALIBRATION FOR THE COMMUNITY

The objective is to support projects to develop the calibration means required by testing laboratories in the Community, to ensure that measurements and tests are done on a common basis and can be compared also with measurements done outside the Community.

With regard to physical measurements, transfer standards will be developed to enable smaller national metrology laboratories to establish relations and traceability of measurements with larger organizations. This will be done with particular attention to the needs of the newer Member States.

With regard to chemical analyses, work will include support for collaborative projects towards establishing an internationally recognized framework for chemical measurements including primary chemical standards and secondary standards. More specifically, reference materials will be developed for the most important parameters of the measurements made in the food sector, agriculture, the environment and biomedical analysis, as described in Area 1.

#### AREA 4: DEVELOPMENT OF NEW METHODS OF MEASUREMENTS

The aim is to develop new methods of measurements and analysis as required by Community policies. Basic research will be undertaken to achieve this aim.

Such development will concentrate on:

- R & D on measurement principles which could lead to new types of instrumentation;
- new measurement methods in the specialist areas mentioned above (Area 1), in particular the determination of the chemical form of polluting elements (speciation), food and biomedical analyses;
- R & D into new measurement methods required to relate frequently made measurements to the framework arising from Area 3.

The work will be carried out in coordination with other specific R & D programmes within the Framework Programme.

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## ANNEX II

## INDICATIVE BREAKDOWN OF FUNDS DEEMED NECESSARY

<i>(in million ecus)</i>	
Area	Allocation
1. Support to Regulations and Directives	12
2. Sectorial testing problems	11,52
3. Support to means of calibration	12
4. Development of new methods of measurements	12
	47,52 <sup>(1)</sup> <sup>(2)</sup>

(1) Including expenditure on staff amounting to ECU 6 million and administration expenditure totalling ECU 3 million.

(2) An amount deemed necessary of ECU 0,48 million, not included in the ECU 47,52 million, will be earmarked as the contribution from the specific programme in the field of measurements and testing to the centralized scheme for the dissemination and exploitation of results.

An amount equivalent to at least 10 % of the total shall be used for projects encouraging fundamental research, which shall be clearly identified.

An amount equivalent to at least 2 % of the total shall be devoted to training of researchers in the fields covered by this specific programme.

An additional amount of ECU 92 million will be allocated to JRC research in the field of measurements and testing, including an amount of ECU 0,92 million representing the JRC contribution to the centralized scheme for dissemination and exploitation of results under this specific programme.

The breakdown between different areas does not exclude the possibility that projects could cover several areas.

## ANNEX III

## RULES FOR IMPLEMENTING THE PROGRAMME

1. The Commission will implement the programme on the basis of the scientific and technical content described in Annex I.
2. The rules for implementing the programme, referred to in Article 3, comprise research and technological development projects, concerted actions and accompanying measures. Selection of projects must take account of the criteria listed in Annex III to Decision 90/221/Euratom, EEC and of the objectives set out in Annex I to this programme.

— *Research projects*

The projects will be the subject of shared-cost research and technological development contracts and Community financial participation which will not normally be more than 50 %. Universities and other research centres participating in shared-cost projects will have the option of requesting, for each project, either 50 % funding of total expenditure or 100 % funding of the additional marginal costs.

Shared-cost research projects must, as a general rule, be carried out by participants established within the Community. Projects in which, for example, universities, research organizations and industrial firms, including small and medium-sized enterprises, may take part must provide, as a general rule, for the participation of at least two partners, independent of each other and established in different Member States. Contracts relating to shared-cost research projects must as a general rule be concluded following a selection procedure based on calls for proposals published in the *Official Journal of the European Communities*.

— *Concerted actions*

Concerted actions consist of action by the Community to coordinate the individual research activities carried out in the Member States. They may benefit from funding of up to 100 % of coordinating expenditure.

— *Accompanying measures*

The accompanying measures referred to in Article 7 and described in Annex I will in particular be implemented through :

- the organization of seminars, workshops and scientific conferences ;
- internal coordination through the creation of integrating groups (in particular between testing laboratories) ;
- training of specialists ;
- storage and dissemination of the reference materials certified at Community level ;
- promotion of the exploitation of results ;
- independent scientific and strategic evaluation of the operation of the projects and the programme.

3. The knowledge acquired in the course of the projects will be disseminated both within the specific programme and by means of a centralized activity, pursuant to the Decision referred to in the third subparagraph of Article 4 of Decision 90/221/Euratom, EEC.
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**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 981/92 of 21 April 1992 opening for 1992 and laying down detailed rules for the application of an import quota for live bovine animals weighing between 160 and 300 kilograms, originating in and coming from the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic**

*(Official Journal of the European Communities No L 104 of 22 April 1992)*

On page 37 in the first line of the Annex :

*for:* 'EEC Fax No 00 (322) 123 66 027',

*read:* 'EEC Fax No 00 (32-2) 236 60 27'.

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