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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3568/90

of 4 December 1990

on the introduction of transitional tariff measures for Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia until 31 December 1992 to take account of German unification

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28, 43 and 113 thereof,

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

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

Whereas the Common Customs Tariff will be fully applicable to the territory of the former German Democratic Republic as from 3 October 1990, the date of German unification;

Whereas the former German Democratic Republic had concluded numerous agreements with Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia which provided for a yearly exchange of specific goods in maximum quantities or to maximum values at a zero rate of duty; whereas the former German Democratic Republic had concluded long-term cooperation and investment agreements with Czechoslovakia, Poland and the USSR which will give rise to reciprocal deliveries of goods at zero rates of duty for many years to come;

Whereas agreements of the first type will not be renewed after 31 December 1990 and agreements of the second type will be renegotiated at Community, German or private enterprise level, but whereas this process of renegotiation will take some time;

Whereas the maximum quantities or values mentioned in these agreements do not entail legally binding obligations between the parties; whereas non-enforcement thereof cannot therefore give rise to any compensation by the Community;

Whereas it is necessary, therefore, during a transitional period to attenuate the impact resulting from German unification on both types of agreement as otherwise serious repercussions on enterprises in the territory of the former German Democratic Republic and in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia could result and indeed the stability of the economies of these countries might be adversely affected thereby;

Whereas for these reasons it is appropriate to suspend temporarily the duties of the Common Customs Tariff for products originating in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia which are covered by the abovementioned agreements between the former German Democratic Republic and these countries, up to the maximum quantities or values laid down therein;

Whereas the objectives of the common agricultural policy which are referred to in Article 39 of the Treaty permit the application of the principles pursued by this Regulation only to those products which are subject to a customs duty; whereas Community systems of reference prices or minimum prices and agricultural levies and other import charges imposed by market organizations must continue to apply; whereas, in view of the sensitivity of the markets, no exemption for the beef sector is possible;

Whereas it is appropriate, in view of the special circumstances of German unification, for the said suspension of duties to be applicable to the products concerned only in so far as they are put into free circulation in the territory of the former German Democratic Republic;

Whereas it is necessary to make provision for determining the origin of the goods which will be covered by the said suspension of duties;

Whereas, in view of the difficulties in applying these measures and the fact that some of their consequences are unforeseeable, it is appropriate to emphasize the

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 3, as amended on 28 November 1990.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

transitional character of these measures and restrict their duration to a two-year period up to 31 December 1992;

Whereas it is appropriate to provide for special measures and a procedure to put them in place, in case the temporary suspension of duties causes or threatens to cause serious injury to a branch of Community industry,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 3 October 1990, the date of German unification, to 31 December 1992 import duties within the meaning of Article 1 of Council Regulation (EEC) No 2144/87 of 13 July 1987 on customs debt⁽¹⁾, as amended by Regulation (EEC) No 4108/88⁽²⁾, including the existing anti-dumping duties, shall be suspended for goods originating in Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia covered by the agreements listed in Annexes I and II concluded between those countries and the former German Democratic Republic — the essential elements of which shall be published in the Official Journal of the European Communities — up to the maximum quantities or values established by the said agreements.

However, as far as agricultural products which are referred to in Annex II to the Treaty are concerned, agricultural levies and other import charges imposed pursuant to the common agricultural policy will continue to be applied; where systems of reference prices or minimum import prices exist, they must be adhered to in practice.

The exemptions referred to in the first subparagraph shall not apply to beef and veal or live animals other than purebred bovine breeding animals.

2. The provisions of paragraph 1 shall be applicable only if:

- the goods in question are released for free circulation in the territory of the former German Democratic Republic and are consumed there or undergo processing conferring Community origin there⁽³⁾,

⁽¹⁾ OJ No L 201, 22. 7. 1987, p. 15.

⁽²⁾ OJ No L 361, 29. 12. 1988, p. 2.

⁽³⁾ Checks on this use shall be carried out pursuant to the relevant Community provisions on end-use (Commission Regulation (EEC) No 4142/87 of 9 December 1987 determining the conditions under which certain goods are eligible on import for a favourable tariff arrangement by reason of their end-use (OJ No L 387, 31. 12. 1987, p. 81)).

- a licence issued by the relevant German authorities stating that the goods in question fall within the scope of the provisions contained in paragraph 1 is submitted in support of the declaration of entry for release for free circulation.

3. The Commission and the competent German authorities shall take whatever measures are needed to ensure that the final consumption of the products in question, of the processing by which they acquire Community origin, takes place in the territory of the former German Democratic Republic.

Article 2

To determine the origin of the goods referred to in Article 1, Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods⁽⁴⁾, as last amended by Regulation (EEC) No 1769/89⁽⁵⁾, shall apply.

Article 3

1. If the suspension of the Common Customs Tariff duties referred to in Article 1 causes substantial injury to Community producers of like or directly competitive products in one or more Member States, the Commission may, at the request of a Member State, restore the normal duty rate for the products concerned.

Any Member State may refer any difficulties to the Commission. The Commission shall, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures.

2. The procedure set out in Article 11 of Council Regulation (EEC) No 1765/82 of 30 June 1982 on common rules for imports from State-trading countries⁽⁶⁾, as last amended by Regulation (EEC) No 1243/86⁽⁷⁾, shall be followed.

Article 4

The Commission shall report to the European Parliament and to the Council by 1 October 1991 on the operation of the system established, the quantities of the products which have benefited from it and the stage reached in the renegotiation of outstanding arrangements.

Article 5

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

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁵⁾ OJ No L 174, 22. 6. 1989, p. 11.

⁽⁶⁾ OJ No L 195, 5. 7. 1982, p. 1.

⁽⁷⁾ OJ No L 113, 30. 4. 1986, p. 1.

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

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

ANNEX I

1. Protocol between the Government of the German Democratic Republic and the Government of the People's Republic of Bulgaria on trade in goods in 1990 (29 November 1989)
2. Protocol No 5 to the Agreement between the Government of the German Democratic Republic and the Government of the Czechoslovak Socialist Republic on trade in goods from 1986 to 1990 (13 December 1989)
3. Protocol between the Government of the German Democratic Republic and the Government of the Republic of Hungary on bilateral trade in goods and services in 1990 (19 January 1990)
4. Protocol between the Government of the German Democratic Republic and the Government of the Polish People's Republic on bilateral trade in goods and services in 1989 (30 November 1988)
5. Protocol between the Government of the German Democratic Republic and the Government of the Socialist Republic of Romania on bilateral trade in goods in 1990 (16 November 1989)
6. Protocol between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on trade in goods and payments in 1990 (22 November 1989)
7. Protocol between the Government of the German Democratic Republic and the Federal Executive Council of the Skupstina of the Socialist Federal Republic of Yugoslavia on bilateral trade in goods and services in 1990 (20 December 1989)

ANNEX II

- Agreement of 20 January 1986 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the exploitation of the Jamburg natural gas deposits
- Agreement of 28 October 1987 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the construction of mining and processing combines for oxidic ores including the Agreement of 28 October 1987 on residence and employment conditions for the contracting organizations
- Agreement of 15 April 1985 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in shipbuilding and the mutual supply of ships and ships' fittings
- Agreement of 21 July 1976 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the construction of a 750 kV electricity transfer network
- Agreement of 21 June 1974 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on joint investment in natural gas (Orenburg) (annual take-up of 2 800 million m³ until 1998)
- Agreement of 16 November 1973 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on joint investment in asbestos (Kijembai industrial plant) (annual take-up of 40 000 tonnes until 1991)
- Agreement of 21 June 1973 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on joint investment in pulp (Ust-Ilimsk industrial plant) (annual take-up of 56 000 tonnes until 1992)
- Agreement of 14 July 1965 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on the construction of nuclear power stations (Nord and Stendal I)
- Agreement of 3 June 1987 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the reconstruction of 210 mW thermal power units
- Ministerial Agreement of 6 June 1980 concerning specialization and cooperation in the manufacture of, and trade in, types of paper and cardboard and cooperation in science and technology

- Ministerial Agreement of 24 May 1989 concerning cooperation in the development and production of computerized scanning machines
- Agreement of 23 December 1976 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the manufacture of products of rubber technology
- Agreement of 27 June 1977 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in developing the production and ensuring the supply of roller bearings
- Ministerial Agreement of 14 December 1985 concerning specialization and cooperation in the manufacture of type 1532 cotton-combing machinery
- Agreement of 14 December 1984 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the manufacture of patented colour formers
- Agreement of 28 June 1979 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the manufacture of feeding yeasts in Mosyr
- Ministerial Agreement of 17 December 1986 concerning specialization and cooperation in the field of catalytic reactors
- Agreement of 9 December 1975 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on the further development of integration in the chemical industry
- Agreement of 18 June 1982 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in developing production and user technology in the field of nitrification inhibitors for nitrogenous fertilizers
- Agreement of 15 June 1973 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on the foundation of an international economic body for the photochemical industry ('Assofoto')
- Agreement of 30 October 1986 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the construction of the Stendal II nuclear power station
- Agreement of 9 December 1983 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the construction and rehabilitation of cold storage depots for potatoes, fruit and vegetables
- Agreement of 9 December 1983 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the production of lucerne seed
- Agreement of 14 December 1984 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in expanding the production of kieselguhr (filter powder) for the food-processing industry
- Agreement of 22 December 1977 between the Government of the German Democratic Republic and the Government of the Union of Soviet Socialist Republics on cooperation in the improvement, development and establishment of new technological processes and installations for the treatment of waste water from cities and industrial plants
- Agreement of 18 December 1959 between the Government of the German Democratic Republic, the Government of the Polish People's Republic and the Government of the USSR on the construction of an oil pipeline from the USSR to the German Democratic Republic via Poland
- Agreement of 18 January 1961 between the Government of the German Democratic Republic and the Government of the Polish People's Republic on the construction and financing of the oil pipeline from the USSR to Poland and the German Democratic Republic, and the Protocol of 12 November 1972, supplementing that Agreement
- Agreement of 18 October 1969 between the Government of the German Democratic Republic and the Government of the Polish People's Republic on the construction and financing of a second pipeline for transporting oil from the USSR to Poland and across Polish territory to the German Democratic Republic
- Agreement of 17 August 1983 between the Government of the German Democratic Republic and the Government of the Polish People's Republic on the construction and financing of a crossing of the Vistula at Plock for the first and second phases of the 'Friendship' oil pipeline

- Agreement of 12 June 1972 between the Government of the German Democratic Republic and the Government of the Polish People's Republic on the joint construction, management and running of a cotton-spinning mill in the territory of the latter
 - Agreement of 28 November 1973 between the Government of the German Democratic Republic and the Government of the Polish People's Republic on cooperation in the construction of a feeding yeast production plant in the German Democratic Republic and the supply of feeding yeast to Poland
 - Agreement of 6 September 1985 between the Government of the German Democratic Republic and the Government of the Polish People's Republic on the supply of sulphur with deferment of the German Democratic Republic's credit balance
 - Agreement of 2 July 1971 between the Government of the German Democratic Republic and the Government of the Czechoslovak Socialist Republic on the transport of natural gas from the USSR to the GDR across the territory of the Czechoslovak Socialist Republic, and the Protocols of 12 January 1973 and 31 May 1989 supplementing that Agreement
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COUNCIL REGULATION (EEC) No 3569/90

of 4 December 1990

laying down amendments for the purpose of implementing in Germany Regulation (EEC) No 3044/89 on the organization of a labour force sample survey in the spring of 1990 and 1991

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Article 1

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

Article 3 of Regulation (EEC) No 3044/89 is replaced by the following:

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

Article 3

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

In the spring of 1991, the sample shall comprise between 120 000 and 130 000 households in Germany, between 60 000 and 100 000 in France, Italy, the United Kingdom and Spain, between 30 000 and 50 000 in Belgium, the Netherlands, Ireland, Greece and Portugal, between 15 000 and 30 000 in Denmark and approximately 10 000 in Luxembourg.'

Whereas the Council has adopted Regulation (EEC) No 3044/89 relating to the organization of a labour force sample survey in the spring of 1990 and 1991 ⁽⁴⁾;

Whereas, from the date of German unification onwards, Community law will be applicable to the territory of the former German Democratic Republic;

Article 2

Whereas, for the spring of 1991, the sample of households for the labour force sample survey in Germany should be extended,

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, 4 December 1990.

For the Council

The President

G. DE MICHELIS

⁽¹⁾ OJ No C 248, 2. 10. 1990, p. 8, as amended on 25 October 1990.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 292, 11. 10. 1989, p. 2.

COUNCIL REGULATION (EEC) No 3570/90

of 4 December 1990

on derogations in respect of agricultural statistical surveys in Germany in connection with the unification of Germany

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

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

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

Whereas the requirements laid down in Community legislation on agricultural statistics cannot be fulfilled immediately in the territory of the former German Democratic Republic because extensive changes and adjustments will have to be made in that territory;

Whereas it also appears advisable to raise the estimate of expenditure contained in Council Regulation (EEC) No 837/90 of 26 March 1990 concerning statistical information to be supplied by the Member States on cereals production ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. Derogations from the legal instruments set out in the Annex shall be authorized until 31 December 1992 with respect to agricultural statistics in the territory of the former German Democratic Republic as regards reporting periods, reference dates, survey deadlines, transmission deadlines and coverage.

2. The derogations provided for in paragraph 1 shall be determined in accordance with the procedure set out in Article 4.

Article 2

The following subparagraph is added to Article 1 (1) of Council Regulation (EEC) No 357/79 of 5 February 1979 on statistical surveys of areas under vines ⁽⁴⁾, as last amended by Regulation (EEC) No 490/86 ⁽⁵⁾:

'The first intermediate survey to be carried out in the territory of the former German Democratic Republic shall take place not later than two years after the first basic survey.'

Article 3

The amount of 'ECU 3 200 000' specified in Article 10 of Regulation (EEC) No 837/90 is replaced by 'ECU 3 520 000'.

Article 4

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Standing Committee for Agricultural Statistics, hereinafter called 'the Committee', either on his own initiative or at the request of the representative of a Member State.

2. 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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a

⁽¹⁾ OJ No C 248, 2. 10. 1990, p. 9, as amended on 25 October 1990 and 28 November 1990.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ OJ No L 88, 3. 4. 1990, p. 1.

⁽⁴⁾ OJ No L 54, 5. 3. 1979, p. 124.

⁽⁵⁾ OJ No L 54, 1. 3. 1986, p. 22.

proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 5

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, 4 December 1990.

For the Council

The President

G. DE MICHELIS

ANNEX

LIST OF LEGAL INSTRUMENTS REFERRED TO IN ARTICLE 1

Council Regulations

(EEC) No 2782/75 of 29 October 1975
(EEC) No 357/79 of 4 February 1979
(EEC) No 571/88 of 29 February 1988
(EEC) No 837/90 of 26 March 1990

Council Directives

72/280/EEC of 31 July 1972
73/132/EEC of 15 May 1973
76/625/EEC of 20 July 1976
76/630/EEC of 20 July 1976
78/53/EEC of 19 December 1977
82/177/EEC of 22 March 1982
82/606/EEC of 28 July 1982

COUNCIL REGULATION (EEC) No 3571/90

of 4 December 1990

introducing various measures concerning the implementation of the common fisheries policy
in the former German Democratic Republic

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

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

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

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

Whereas, from the date of German unification onwards, Community law will be fully applicable in the territory of the former German Democratic Republic;

Whereas transitional measures should be introduced to facilitate the implementation of the common fisheries policy in the former German Democratic Republic;

Whereas the integration of the former German Democratic Republic into the common fisheries policy may make it necessary to adopt supplementary provisions relating to production and marketing activities, reducing the fisheries effort, restructuring the fleet and the industry, monitoring to conserve over-exploited stocks, and international relations;

Whereas the Community will succeed the former German Democratic Republic in respect of the fishery agreements and other international obligations concluded by the latter with non-Community countries and international organizations; whereas the rights and obligations for the Community contained in these agreements will remain unaffected during the period for which these agreements in their present form are maintained, until such time, at the latest, as they expire unless they are renegotiated;

Whereas Article 6 of Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽⁴⁾, as last amended by Regulation (EEC) No 2886/89 ⁽⁵⁾, authorizes

the Member States to grant aid to producers' organizations to encourage their formation and support their operation; whereas, in view of the special situation in the territory of the former German Democratic Republic, the Federal Republic of Germany should be authorized to grant such aid at more flexible rates and on a more flexible basis to all organizations set up on or after 1 July 1990 and recognized within a period of three years from the date of German unification;

Whereas, in order to take account of measures covered by Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector ⁽⁶⁾ which are to be carried out in the territory of the former German Democratic Republic in 1991, it is necessary both to increase the estimate of overall expenditure from the Community budget to ECU 830 million and to extend the list of less developed regions to include those in the territory of the former German Democratic Republic, given that some areas of the German Democratic Republic meet the criteria for Community regions of the said kind;

Whereas the dependency of the former German Democratic Republic on external resources accounts for the large size of its fisheries fleet which, having regard to the extent of Community resources, will have to be restructured;

Whereas the information available on the fisheries situation in the former German Democratic Republic is insufficient for a definitive assessment of the extent of the adaptations and derogations; whereas, in order to take into account developments in that situation, a simplified procedure must be provided for in accordance with the third indent of Article 145 of the Treaty to allow the measures laid down in this Regulation to be adapted and supplemented where necessary,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 6 (1) and (2) (b) of Regulation (EEC) No 3796/81, the Federal Republic of

(1) OJ No L 263, 26. 9. 1990, p. 32, as amended on 25 October 1990.

(2) Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

(3) Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

(4) OJ No L 379, 31. 12. 1981, p. 1.

(5) OJ No L 282, 2. 10. 1989, p. 1.

(6) OJ No L 376, 31. 12. 1986, p. 7.

Germany is hereby authorized to grant the aid referred to in the said Article 6 (1) to producers' organizations formed in the territory of the former German Democratic Republic on or after 1 July 1990 and recognized within a period of three years from the date of German unification, in accordance with the following rules:

- the amount of aid in the first, second and third years shall not exceed 5 %, 3 % and 1 % respectively of the value of production marketed through the producers' organization,
- the aid shall not exceed 80 %, 70 % and 60 % of the cost of managing the producers' organization in the first, second and third years respectively,
- flat-rate advances on the amount of such aid may be paid as soon as the eligibility of the producers' organizations concerned is recognized, and thereafter at the start of each year,
- payment of the final amount of such aid shall be made during the five years following the date of recognition.

Article 2

The Commission shall make a detailed study of the former German Democratic Republic's fisheries agreements and commitments under international conventions, and shall submit a report to the European Parliament and the Council not later than 30 June 1991, together with appropriate proposals.

Article 3

Regulation (EEC) No 4028/86 of 18 December 1986 is hereby amended as follows:

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

Done at Brussels, 4 December 1990.

- (a) in Article 40 (2), 'ECU 800 million' is replaced by 'ECU 830 million';
- (b) in Annex II, in points I (1) and II (1) and in Annex VI in point 1, 'and Veneto' is replaced, in each case, by the following: 'Veneto and Mecklenburg-Vorpommern'.

Article 4

1. A decision may be taken in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 3796/81 to adopt measures involving adaptations of the measures covered by Regulations (EEC) No 3796/81, (EEC) No 4028/86 and (EEC) No 4042/89.

2. These adaptations shall be designed to ensure the consistent application of the above Regulations in the territory of the former German Democratic Republic, taking into account the specific situation obtaining in that territory and the particular difficulties attending implementation of these Regulations.

They shall respect the general tenor and the basic principles of such Regulations and the provisions of this Regulation.

3. The measures referred to in paragraph 1 may be adopted until 31 December 1992. They shall cease to be operative on that date.

Article 5

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

For the Council

The President

G. DE MICHELIS

COUNCIL REGULATION (EEC) No 3572/90

of 4 December 1990

amending, as a result of German unification, certain Directives, Decisions and Regulations relating to transport by road, rail and inland waterway

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission ⁽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 Community has adopted a set of rules on transport by road, rail and inland waterway;

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas certain Community legislation on transport by road, rail and inland waterway must be amended to take account of the special situation in that territory;

Whereas a specific time limit needs to be set for bringing the rules in force in the territory of the former German Democratic Republic in conformity with Community acts;

Whereas the derogations provided for in this connection should be temporary and cause the least possible disturbance to the functioning of the common market;

Whereas the information on the situation of transport by road, rail and inland waterway and on the rules governing such transport in the territory of the former German Democratic Republic is insufficient to permit the type of adjustment or the extent of the derogations to be definitively established; whereas, to allow for changes in the situation, a simplified procedure must be laid down, in accordance with the third indent of Article 145 of the Treaty;

Whereas the provisions of Directives 74/561/EEC ⁽⁴⁾ and 74/562/EEC ⁽⁵⁾, as last amended in both cases by Directive 89/438/EEC ⁽⁶⁾, should be applied in such a way as to respect both the established rights of operators already working in the territory of the former German Democratic Republic and to allow recently established transport operators time in which to meet some of the provisions concerning financial standing and professional competence;

Whereas, from the date of German unification, road vehicles registered in the territory of the former German Democratic Republic have the same legal status as road vehicles registered in the other Member States; whereas Regulation (EEC) No 3821/85 ⁽⁷⁾ lays down certain provisions in respect of recording equipment installed in road vehicles; whereas such equipment is installed in new vehicles at the time of manufacture and thus presents no problem, while a reasonable transitional period must be provided to enable such equipment to be fitted to vehicles registered in the territory of the former German Democratic Republic before unification, account being taken of the additional cost and the technical capacity of approved workshops;

Whereas the name 'Deutsche Reichsbahn (DR)' should be inserted into all Community legislation which expressly mentions the names of railway undertakings; whereas a date should be set on which rules in question become applicable;

Whereas Community legislation on structural improvements in inland waterway transport must be amended to take account of the special situation of inland waterway transport operators established in the territory of the former German Democratic Republic,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is added to Article 5 of Directive 74/561/EEC:

'5. In respect of the territory of the former German Democratic Republic, the following dates replace those given in paragraphs 1 and 2:

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 34, as amended on 25 October 1990 and 28 November 1990.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 308, 19. 11. 1974, p. 18.

⁽⁵⁾ OJ No L 308, 19. 11. 1974, p. 23.

⁽⁶⁾ OJ No L 212, 22. 7. 1989, p. 101.

⁽⁷⁾ OJ No L 370, 31. 12. 1985, p. 8.

- in paragraph 1, "3 October 1989" replaces "1 January 1978",
- in paragraph 2, "2 October 1989", "1 January 1992" and "1 July 1992" replace "31 December 1974", "1 January 1978" and "1 January 1980" respectively.

Article 2

The following paragraph is added to Article 4 of Directive 74/562/EEC:

'5. In respect of the territory of the former German Democratic Republic, the following dates replace those given in paragraphs 1 and 2:

- in paragraph 1, "3 October 1989" replaces "1 January 1978",
- in paragraph 2, "2 October 1989", "1 January 1992" and "1 July 1992" replace "31 December 1974", "1 January 1978" and "1 January 1980" respectively.'

Article 3

The following Article is inserted in Regulation (EEC) No 3821/85:

'Article 20a

This Regulation shall not apply until 1 January 1991 to vehicles registered in the territory of the former German Democratic Republic before that date.

This Regulation shall not apply until 1 January 1993 to such vehicles where they are engaged only in national transport operations in the territory of the Federal Republic of Germany. However, this Regulation shall apply as from its entry into force to vehicles engaged in the carriage of dangerous goods.'

Article 4

The following subparagraph is added at the end of Article 8 (1) of Council Directive 80/1263/EEC of 4 December 1980 on the introduction of a Community driving licence ⁽¹⁾:

'The provisions of this paragraph apply also to the driving licences issued by the former German Democratic Republic.'

⁽¹⁾ OJ No L 375, 31. 12. 1980, p. 1.

Article 5

This list of railway undertakings which appears in:

- Article 19 (1) of Council Regulation (EEC) No 1191/69 of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway ⁽²⁾,
- Article 3 (1) of Council Regulation (EEC) No 1192/69 of 26 June 1969 on common rules for the normalization of the accounts of railway undertakings ⁽³⁾,
- Annex II point A. 1 'Rail — Main networks' to Council Regulation (EEC) No 1108/70 of 4 June 1970 introducing an accounting system for expenditure on infrastructure in respect of transport by rail, road and inland waterway ⁽⁴⁾,
- Article 2 of Council Regulation (EEC) No 2830/77 of 12 December 1977 on the measures necessary to achieve comparability between the accounting systems and annual accounts of railway undertakings ⁽⁵⁾,
- Article 2 of Council Regulation (EEC) No 2183/78 of 19 September 1978 laying down uniform costing principles for railway undertakings ⁽⁶⁾,
- Article 1 (1) of Council Decision 75/327/EEC of 20 May 1975 on the improvement of the situation of railway undertakings and the harmonization of rules governing financial relations between such undertakings and States ⁽⁷⁾,
- Article 1 (1) of Council Decision 82/529/EEC of 19 July 1982 on the fixing of rates for the international carriage of goods by rail ⁽⁸⁾,
- Article 1 (1) of Council Decision 83/418/EEC of 25 July 1983 on the commercial independence of the railways in the management of their international passenger and luggage traffic ⁽⁹⁾,

is hereby replaced by the following list:

- Société Nationale des Chemins de Fer Belges (SNCB)/Nationale Maatschappij der Belgische Spoorwegen (NMBS),

⁽²⁾ OJ No L 156, 28. 6. 1969, p. 1.

⁽³⁾ OJ No L 156, 28. 6. 1969, p. 8.

⁽⁴⁾ OJ No L 130, 15. 6. 1970, p. 4.

⁽⁵⁾ OJ No L 334, 24. 12. 1977, p. 13.

⁽⁶⁾ OJ No L 258, 21. 9. 1978, p. 1.

⁽⁷⁾ OJ No L 152, 12. 6. 1975, p. 3.

⁽⁸⁾ OJ No L 234, 9. 8. 1982, p. 5.

⁽⁹⁾ OJ No L 237, 26. 8. 1983, p. 32.

- Danske Statsbaner (DSB),
- Deutsche Bundesbahn (DB),
- Deutsche Reichsbahn (DR),
- Οργανισμός Σιδηροδρόμων Ελλάδος (ΟΣΕ),
- Red Nacional de los Ferrocarriles Españoles (RENFE),
- Société Nationale des Chemins de Fer Français (SNCF),
- Iarnród Éireann,
- Ente Ferrovie dello Stato (FS),
- Société Nationale des Chemins de Fer Luxembourgeois (CFL),
- Naamloze Vernootschap Nederlandse Spoorwegen (NS),
- Caminhos-de-Ferro Portugueses, EP (CP),
- British Rail (BR),
- Northern Ireland Railways (NIR).'

Article 6

Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport ⁽¹⁾ is hereby amended as follows:

1. the following paragraph is added to Article 6 (4):

'For German vessels registered in the territory of the former German Democratic Republic at the date of German unification the contribution shall be obligatory as from 1 January 1991.'

2. the following paragraph 8 is added to Article 6:

'8. If within six months of German unification the German Government proposes that a scrapping action be organized for vessels in its fleet that were, prior to unification, registered in the former German Democratic Republic, it shall communicate this request to the Commission. The Commission shall lay down the rules for the scrapping action in accordance with paragraph 7 and on the basis of the same principles as those set out in Commission Regulation (EEC) No 1102/89 (*).

(*) OJ No L 116, 28. 4. 1989, p. 30.'

3. the following paragraph is added to Article 8 (3) (a):

'The conditions set out in paragraphs 1 and 2 shall also not apply to vessels which were under construction in

the former German Democratic Republic before 1 September 1990, if the date of their delivery and commissioning is no later than 31 January 1991.'

4. the following paragraph is added to Article 8 (3) (b):

'The conditions set out in paragraphs 1 and 2 shall apply to vessels which became part of the German fleet upon German unification but which were not registered in the former German Democratic Republic on 1 September 1990.'

5. the following paragraph 5 is added to Article 10:

'5. The Member States shall adopt the measures necessary to ensure compliance with the provisions of the fourth subparagraph of Article 6 (4), and the second paragraphs of Article 8 (3) (a) and (b) before 1 January 1991 and notify the Commission thereof.'

Article 7

1. Regulations (EEC) No 2183/78 and (EEC) No 2830/77 shall apply in the territory of the former German Democratic Republic solely from 1 January 1992.

2. Regulation (EEC) No 1192/69 shall apply in the territory of the former German Democratic Republic solely from 1 January 1993.

Article 8

Decisions 75/327/EEC, 82/529/EEC and 83/418/EEC shall apply in the territory of the former German Democratic Republic solely as from 1 January 1993.

Article 9

1. Adjusting measures to fill obvious loopholes and to make technical adjustments to the measures provided for in this Directive may be adopted in accordance with the procedure laid down in Article 10.

2. Adjusting measures must be designed to ensure the coherent application of Community rules in the sector covered by this Directive in the territory of the former German Democratic Republic, with due regard for the specific circumstances in that territory and the special difficulties involved in the application of those rules.

They must be consistent with the principles of those rules, and be closely related to one of the derogations provided for by this Directive.

3. The measures referred to in paragraph 1 may be taken until 31 December 1992. Their applicability shall be limited to the same period.

(1) OJ No L 116, 28. 4. 1989, p. 25.

Article 10

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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 11

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, 4 December 1990.

For the Council

The President

G. DE MICHELIS

COUNCIL REGULATION (EEC) No 3573/90

of 4 December 1990

amending, as a result of German unification, Regulation (EEC) No 4055/86 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) thereof,

Having regard to the proposal from the Commission ⁽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 Community has adopted a set of rules governing maritime transport;

Whereas, from the date of German unification onwards, Community law will be fully applicable in the territory of the former German Democratic Republic;

Whereas Regulation (EEC) No 4055/86 ⁽⁴⁾ must be amended to take account of the special situation arising from German unification in respect of bilateral agreements concluded between the former German Democratic Republic and third countries;

Whereas the agreements concluded by the former German Democratic Republic relate only to cargoes originating in

that country; whereas, therefore, the rights which may be enjoyed by third countries as a result of cargo-sharing arrangements relate only to cargoes originating in the territory of the former German Democratic Republic;

Whereas the time allowed for Member States to adjust agreements relating to trades not governed by the United Nations Code of Conduct for Liner conferences must be extended in the case of bilateral agreements concluded with third countries by the former German Democratic Republic to enable the Federal Republic of Germany to conduct the necessary negotiations for adjusting those agreements,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is hereby added to Article 4 (1) (b) of Regulation (EEC) No 4055/86:

'Agreements concluded by the former German Democratic Republic shall be adjusted as soon as possible and in any event not later than 1 January 1995.'

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, 4 December 1990.

For the Council

The President

G. DE MICHELIS

⁽¹⁾ OJ No C 248, 2. 10. 1990, p. 13, as amended on 25 October 1990.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 378, 21. 12. 1986, p. 1.

COUNCIL REGULATION (EEC) No 3574/90

of 4 December 1990

introducing a transitional period for the implementation of certain Community acts in the energy sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof,

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

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

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

Whereas, under the various Regulations relating to the energy sector, the Member States are required to provide the Commission with specific information in accordance with defined procedures;

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic; whereas such full application may cause difficulties owing to the level of regional economic development;

Whereas Article 8c of the Treaty invites the Commission to take into account the extent of the effort that certain economies showing difference in development will have to sustain during the period of establishment of the internal market;

Whereas derogations of this type must be temporary and cause the least possible disturbance to the functioning of the common market;

Whereas the information on the situation regarding the rules applicable in the territory of the former German Democratic Republic and on the situation regarding the energy industry in that territory is insufficient to permit the scope of those derogations to be definitively established,

HAS ADOPTED THIS REGULATION:

Article 1

The Federal Republic of Germany shall not be required to pass on the information covered by the Directive and Regulations referred to in the Annex, in respect of the territory of the former German Democratic Republic.

Article 2

The exemption referred to in Article 1 is valid for a period of 12 months dating from the date of German unification.

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, 4 December 1990.

For the Council

The President

G. DE MICHELIS

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 38, as amended on 25 October 1990.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

ANNEX**1. Price formation and information and consultation on prices**

Council Directive 76/491/EEC of 4 May 1976 regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community (OJ No L 140, 28. 5. 1976, p. 4).

2. Communication on imports of hydrocarbons

Regulation (EEC) No 1055/72 of the Council of 18 May 1972 (OJ No L 120, 25. 5. 1972, p. 3) on notifying the Commission of imports of crude oil and natural gas,

Council Regulation (EEC) No 1893/79 of 28 August 1979 introducing registration for crude oil and/or petroleum product imports in the Community (OJ No L 220, 30. 8. 1979, p. 1),

Council Regulation (EEC) No 2592/79 of 20 November 1979 laying down the rules for carrying out the registration of crude oil imports in the Community provided for in Regulation (EEC) No 1893/79 (OJ No L 297, 24. 11. 1979, p. 1).

3. Communication on exports of hydrocarbons

Regulation (EEC) No 388/75 of the Council of 13 February 1975 on notifying the Commission of exports of crude oil and natural gas to third countries (OJ No L 45, 19. 2. 1975, p. 1).

COUNCIL REGULATION (EEC) No 3575/90

of 4 December 1990

concerning the activities of the Structural Funds in the territory of the former German Democratic Republic

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43, 126, 127, 130d, 130e and 153 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 for the purpose of implementing Article 130a the European Economic Community has adopted a body of rules concerning the tasks of the Structural Funds, their effectiveness and the coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments;

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas the special situation in that territory necessitates certain transitional measures providing for derogations from Community acts concerning the Structural Funds;

Whereas, in particular, there are no sufficiently reliable statistics to permit classification, in accordance with the criteria laid down in Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments ⁽⁴⁾, of that territory in the categories of regions and areas covered by the regional and rural objectives;

Whereas Community action must therefore be flexible during a transitional period;

Whereas the necessary adjustments to the Community rules concerning objective 5a are the subject of Regulation (EEC) No 3577/90 ⁽⁵⁾;

Whereas, pursuant to Article 19 of Regulation (EEC) No 2052/88, the Council must, on a proposal from the Commission, re-examine the said Regulation no later than 31 December 1993,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2052/88, Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 ⁽⁶⁾, Council Regulation (EEC) No 4254/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Regional Development Fund ⁽⁷⁾, Council Regulation (EEC) No 4255/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the European Social Fund ⁽⁸⁾, and Council Regulation (EEC) No 4256/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the EAGGF Guidance Section ⁽⁹⁾, shall apply to the territory of the former German Democratic Republic, subject to the conditions laid down in this Regulation.

Article 2

1. No later than 31 January 1991, the Federal Republic of Germany shall submit to the Commission a plan covering all structural operations envisaged under Article 1 of Regulation (EEC) No 2052/88 in the territory of the former German Democratic Republic for the period ending on 31 December 1993.

The plan shall contain:

— as detailed an analysis as possible of the socio-economic situation of the new German regions, based on the available data,

⁽¹⁾ OJ No C 248, 2. 10. 1990, p. 14, as amended on 25 October 1990 and 28 November 1990.

⁽²⁾ Opinion delivered on 24 October 1990 (not yet published in the Official Journal) and Decision of 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁵⁾ See page 24 of this Official Journal.

⁽⁶⁾ OJ No L 374, 31. 12. 1988, p. 1.

⁽⁷⁾ OJ No L 374, 31. 12. 1988, p. 15.

⁽⁸⁾ OJ No L 374, 31. 12. 1988, p. 21.

⁽⁹⁾ OJ No L 374, 31. 12. 1988, p. 25.

- a description, at the appropriate regional level as far as possible, of the main priorities adopted for Community assistance and the measures relating thereto,
- the information concerning measures under objective 5a,
- indications of how the envisaged assistance from the Funds, the EIB and the other financial instruments is to be used to realize the plan.

2. The plan may also provide for measures to be taken in pursuit of the objectives envisaged by the Community initiatives provided for in Article 11 of Regulation (EEC) No 4253/88.

3. A Community support framework for the structural operations, covering the period ending on 31 December 1993, shall be drawn up within a period of three months starting on the date of submission of the plan.

4. The Community support framework shall be drawn up in accordance with Article 8 (5) of Regulation (EEC) No 2052/88 and Articles 8 (3) and 11 of Regulation (EEC) No 4253/88.

5. By way of exception, given the absence of appropriate statistical information on the territory in question, Structural Fund measures shall be implemented without previous classification of the regions and areas of that territory and in line with the regional and rural objectives.

Article 3

1. The Community expenditure considered necessary to finance the action which is the subject of this Regulation through the ERDF, the ESF and the EAGGF Guidance Section shall amount to ECU 3 000 million (1991 prices) for 1991 to 1993.

2. The commitment appropriations corresponding to the amount referred to in paragraph 1 shall be in addition to the amounts referred to in the first subparagraph of Article 12 (2) of Regulation (EEC) No 2052/88.

They shall not be taken into account for the application of paragraphs 3 to 6 of that Article.

Article 4

Projects which, pursuant to Article 1 (5) and (6) of Regulation (EEC) No 4255/88 are eligible solely in the regions concerned by objective 1 shall be eligible throughout the territory of the former German Democratic Republic.

Article 7 of Regulation (EEC) No 4255/88 shall not apply.

Article 5

This Regulation shall enter into force on the date 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, 4 December 1990.

For the Council

The President

G. DE MICHELIS

COUNCIL REGULATION (EEC) No 3576/90

of 4 December 1990

on the temporary suspension of the mechanisms provided for in Articles 123, 152, 318 and 338 of the Act of Accession of Spain and Portugal and the customs duties for wine and fruit and vegetable products originating in Spain and Portugal and released for consumption in the territory of the former German Democratic Republic

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 89 (2) and 234 (3) thereof,

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

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

Whereas, as a result of the unification of Germany, wine and fruit and vegetable products originating in Spain and exported to the territory of the former German Democratic Republic are subject to the customs duties and to the mechanisms for regulatory and compensatory amounts provided for in the Act of Accession; whereas comparable mechanisms are applicable with effect from 1 January 1991 for the same products originating in Portugal and exported to the same territory;

Whereas this new situation combines with the concessions made pursuant to Council Regulation (EEC) No 3568/90 of 4 December 1990 on the introduction of transitional tariff measures for Bulgaria, Czechoslovakia, Poland, Romania, the USSR and Yugoslavia ⁽³⁾ and which are applicable until 31 December 1992; whereas, in order not to disadvantage the products in question originating in Spain and Portugal and released for consumption in the territory of the former German Democratic Republic by comparison with products originating in Eastern European countries, the mechanisms in question and the levying of customs duties should be temporarily suspended during the period of application of the above tariff concessions, to the extent of the quantities traditionally exported from Spain and Portugal to the former German Democratic Republic,

HAS ADOPTED THIS REGULATION:

Article 1

1. The application of the mechanisms provided for in Articles 123, 152, 318 and 338 of the Act of Accession and

the levying of customs duties shall be suspended for exports to the territory of the former German Democratic Republic of the wine and fruit and vegetable products referred to in Article 1 of Regulation (EEC) No 1035/72 ⁽⁴⁾, as last amended by Regulation (EEC) No 1193/90 ⁽⁵⁾, originating in Spain and Portugal.

The suspension shall be limited to the average annual quantities which were the subject of trade between Spain and Portugal, of the one part, and the German Democratic Republic, of the other, in 1987, 1988 and 1989.

2. The suspension shall apply only if the products in question are released for consumption in the territory of the former German Democratic Republic and are consumed or processed there.

Article 2

For the purpose for applying Article 1, the products shall:

- be accompanied, during transit, by a document issued by the competent Spanish or Portuguese authorities certifying their origin and that they are intended for release for consumption in the territory of the former German Democratic Republic, and
- be the subject of a licence issued by the competent German authorities stating that the goods in question fall within the scope of the provisions of Article 1, submitted in support of the entry for release for consumption in the destination territory, and, from that moment, are subject to a system to control their use.

Article 3

The rules implementing this Regulation, in particular the quantities falling within the scope of Article 1, shall be adopted by the Commission in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72 or in Article 83 of Regulation (EEC) No 822/87 ⁽⁶⁾, whichever is applicable.

In accordance with the same procedure and, if appropriate, the equivalent procedure of other regulations on the

⁽¹⁾ Proposal of 25 October 1990 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 119, 11. 5. 1990, p. 43.

⁽⁶⁾ OJ No L 84, 27. 3. 1987, p. 1.

common organization of agricultural markets, the Commission may decide that the collection of customs duties and accession compensatory amounts shall be suspended for agricultural products exported to the territory of the former German Democratic Republic from Spain and Portugal if those products are covered by the Agreements referred to in Article 1 of Regulation (EEC) No 3568/90, up to the maximum limit of the quantities provided for in those Agreements.

Article 4

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*. It shall apply during the validity of the concessions provided for by Regulation (EEC) No 3568/90.

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

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

COUNCIL REGULATION (EEC) No 3577/90

of 4 December 1990

on the transitional measures and adjustments required in the agricultural sector as a result of German unification

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3879/89 ⁽²⁾, and in particular Articles 5c (6), 6 (6) and 7 (4) thereof,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽³⁾, as last amended by Regulation (EEC) No 1249/89 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽⁵⁾, as last amended by Regulation (EEC) No 1325/90 ⁽⁶⁾, and in particular Articles 13 (1) and (4), 16 (7) and 80 thereof,

Having regard to the proposal from the Commission ⁽⁷⁾,

Having regard to the opinion of the European Parliament ⁽⁸⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁹⁾,

Whereas the Community has adopted a body of rules implementing the common agricultural policy;

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas to facilitate the integration of farming in the territory of the former German Democratic Republic into

the common agricultural policy, the former German Democratic Republic has been applying, in an autonomous capacity, some of the common agricultural rules since 1 July 1990;

Whereas certain adjustments must however be made to Community agricultural legislation in order to take into account the particular circumstances of the said territory;

Whereas the derogations provided for in this connection should as a general rule be temporary and cause the least possible disturbance to the operation of the common agricultural policy and the pursuit of the objectives of Article 39 of the Treaty;

Whereas measures are applied in several sectors to stabilize the markets for products in surplus; whereas the extent to which such arrangements apply to the territory of the former German Democratic Republic should be specified;

Whereas the maximum guaranteed quantities applicable in most of the sectors concerned expire not later than the end of the 1991/92 marketing year; whereas, as the figures currently available for actual consumption in the territory of the former German Democratic Republic are incomplete, the maximum guaranteed quantities should be left unchanged for the remaining period of applicability; whereas, therefore, no account should be taken of production of the said territory when Community production is being determined; whereas, however, total German production in each sector concerned must be subject to the specific rules applicable in the case of an overrun of the maximum guaranteed quantity laid down for the said sector;

Whereas certain conditions of intervention must be adjusted to take account of the specific conditions of production and farm structure in the territory of the former German Democratic Republic;

Whereas the application of the arrangements to control milk production must not jeopardize the restructuring of agricultural holdings in the territory of the former German Democratic Republic; whereas some flexibility should be introduced into the said arrangements; whereas, however, such flexibility must apply solely to holdings in the territory of the former German Democratic Republic; whereas, similarly, steps must be taken to ensure that the additional sugar quotas allocated to Germany apply solely to agriculture in the territory of the former German Democratic Republic;

(1) OJ No L 148, 28. 6. 1968, p. 13.

(2) OJ No L 378, 27. 12. 1989, p. 1.

(3) OJ No L 282, 1. 11. 1975, p. 1.

(4) OJ No L 129, 11. 5. 1989, p. 12.

(5) OJ No L 84, 24. 3. 1987, p. 1.

(6) OJ No L 132, 23. 5. 1990, p. 19.

(7) OJ No L 263, 26. 9. 1990, p. 12, as amended on 25 October 1990.

(8) Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

(9) Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

Whereas, when the guaranteed total quantities for milk for the territory of the former German Democratic Republic are fixed, provision must be made for a 3 % reduction similar to that effected in the Community in 1986 to take account of the trend of the milk market; whereas the producers concerned must be granted compensation for such a reduction similar to that granted to the other Community producers by Council Regulation (EEC) No 1336/86 of 6 May 1986 fixing compensation for the definitive discontinuation of milk production⁽¹⁾, as last amended by Regulation (EEC) No 841/88⁽²⁾;

Whereas Regulation (EEC) No 775/87⁽³⁾, as last amended by Regulation (EEC) No 3882/89⁽⁴⁾, provides for the temporary suspension of part of the reference quantities referred to in Article 5c (1) of Regulation (EEC) No 804/68; whereas, when the compensation was fixed in this connection in the Community, allowance was made for the fact that the suspension was to take effect after three years of operation of the system and over a period of two years; whereas producers in the territory of the former German Democratic Republic must be subjected to a corresponding suspension of reference quantities; whereas, however, such suspension will take effect in that territory in a single step in the first year of application of the system in order to prevent additional milk product disposal expenditure;

Whereas this major saving should be taken into consideration when the level of compensation for suspension of the reference quantities in the territory of the former German Democratic Republic is fixed;

Whereas to facilitate structural change in the agricultural sector in the territory of the former German Democratic Republic, involving both the creation of family farms and the reorganization of cooperative farms, provision must be made for some temporary adjustments to the rules on the acceleration of structural adjustment in the context of the reform of the common agricultural policy (objective 5a); whereas the necessary adjustments to the rules on other structural objectives are provided for in a separate Regulation;

Whereas the measures aimed at improving the efficiency of agricultural structures in the territory of the former German Democratic Republic will in some cases have to be adopted gradually in order to prevent sudden conflicts relating both to social issues and employment and to rural and regional balance;

Whereas the restructuring of agriculture in the territory of the former German Democratic Republic requires special measures designed not only to re-organize the cooperatives but also to facilitate access by farmers to ownership of the

means of production; whereas, however, these measures must be based as far as possible on Community concepts and criteria so as to encourage free competition and prevent the creation of monopolies;

Whereas the adoption of the principles of the common agricultural policy in the territory of the former German Democratic Republic has had the effect of reducing sharply and severely the incomes of the producers concerned; whereas the Federal Republic of Germany should be authorized, temporarily, to implement a system of national aid to partially offset the income losses;

Whereas, pursuant to Council Regulation (EEC) No 855/84 of 31 March 1984 on the calculation and the dismantlement of the monetary compensatory amounts applying to certain agricultural products⁽⁵⁾, as amended by Regulation (EEC) No 1004/84⁽⁶⁾, the Federal Republic of Germany is authorized to award special aid to German producers to compensate for a fall in income due to the adjustment of the representative rate in 1984;

Whereas the rules applicable to stocks of products existing in the territory of the former German Democratic Republic on the day of German unification should be laid down; whereas it is appropriate that the Community should take over public intervention stocks at a value depreciated in accordance with the principles set out in Article 8 of Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund, Guarantee Section⁽⁷⁾, as last amended by Regulation (EEC) No 787/89⁽⁸⁾; whereas the cost of such depreciation will be borne by the Federal Republic of Germany; whereas, as regards existing private stocks, any stock exceeding the normal quantity of stock must be disposed of by the Federal Republic of Germany at its own expense; whereas the Commission will ensure that these stock levels are determined on the basis of objective criteria and with the greatest possible transparency;

Whereas information on the farming situation in the territory of the former German Democratic Republic is insufficient to permit the extent of the adjustment and derogations to be laid down definitively; whereas, to take into account developments in the situation, provision should be made for a simplified procedure in accordance with the third indent of Article 145 of the Treaty so that the measures provided for in this Regulation may be adjusted and supplemented where necessary;

Whereas the integration into the Community of the territory of the former German Democratic Republic,

(1) OJ No L 119, 8. 5. 1986, p. 21.

(2) OJ No L 87, 31. 3. 1988, p. 3.

(3) OJ No L 78, 20. 3. 1987, p. 5.

(4) OJ No L 378, 27. 12. 1989, p. 6.

(5) OJ No L 90, 1. 4. 1984, p. 1.

(6) OJ No L 101, 13. 4. 1984, p. 2.

(7) OJ No L 216, 5. 8. 1978, p. 1.

(8) OJ No L 85, 30. 3. 1989, p. 1.

which requires the adoption of urgent transitional measures in the agricultural sector, will cause new and serious difficulties for certain Member States still in a period of transition and whereas this problem should therefore be resolved;

Whereas protective measures may have to be taken in the event of serious difficulties liable to jeopardize the objectives of Article 39 of the Treaty; whereas the conditions in which such measures may be taken should be specified;

Whereas this Regulation does not cover legislation on plant products, animal feedingstuffs, veterinary and zootechnical matters, Directives on the harmonization of agricultural legislation of fisheries rules which will form the subject of separate rules;

Whereas it is necessary to compile accurate statistics relating to agriculture in the territory of the former German Democratic Republic and in particular to production potential, quality and possible outlets,

HAS ADOPTED THIS REGULATION:

Article 1

1. To ensure the harmonious integration of farming in the territory of the former German Democratic Republic into the common agricultural policy, this Regulation lays down transitional provisions and the adjustments required to the common agricultural rules.

2. This Regulation shall apply to:

- agricultural products listed in Annex II to the Treaty,
- goods derived from the processing of agricultural products and referred to in Regulation (EEC) No 3033/80 ⁽¹⁾, as last amended by Regulation (EEC) No 1436/90 ⁽²⁾, and Regulation (EEC) No 2783/75 ⁽³⁾, as last amended by Regulation (EEC) No 4001/87 ⁽⁴⁾.

It does not cover

- the Directives on plant health, seeds, propagating material and animal feedingstuffs, and the veterinary and zootechnical legislation covered by Directive 90/654/EEC ⁽⁵⁾,

- the Directives on the harmonization of agricultural legislation covered by Directive 90/650/EEC ⁽⁶⁾,
- products covered by Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽⁷⁾, as last amended by Regulation (EEC) No 2886/89 ⁽⁸⁾.

Article 2

The adjustments and transitional measures referred to in Article 1 are set out in the Annexes I to XVI hereto.

Article 3

1. In order to achieve the objective of Article 1 (1), measures to supplement and adjust those provided for in this Regulation may be adopted in accordance with the procedure laid down in Article 8.

2. Supplementing and adjusting measures must be designed to ensure the coherent application of the agricultural rules in the territory of the former German Democratic Republic, with due regard for the specific circumstances and the special difficulties which are encountered in practice.

They must be consistent with the general scheme and basic principles of the agricultural rules and the provisions of this Regulation.

3. The measures referred to in paragraph 1 may be taken until 31 December 1992. They shall only apply until that date.

Article 4

By way of derogation from Council Regulation (EEC) No 768/89 of 21 March 1989 establishing a system of transitional aids to agricultural income ⁽⁹⁾, the Commission may authorize the Federal Republic of Germany to introduce in the territory of the former German Democratic Republic, a system of aid to compensate for agricultural income losses in that territory as a result of the changeover to the common agricultural policy. The aid must be depressive and limited in time. It shall be repealed not later than 31 December 1993.

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 138, 31. 5. 1990, p. 9.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽⁴⁾ OJ No L 377, 31. 12. 1987, p. 44.

⁽⁵⁾ See page 50 of this Official Journal.

⁽⁶⁾ See page 41 of this Official Journal.

⁽⁷⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽⁸⁾ OJ No L 282, 2. 10. 1989, p. 95.

⁽⁹⁾ OJ No L 84, 29. 3. 1989, p. 8.

The rules of procedure laid down in Article 93 (3) of the Treaty shall apply to aid introduced pursuant to the first subparagraph. In appraising such aid, the Commission will ensure that its effect on trade is as minimal as possible and that a harmonious transition to the common agricultural policy is assured.

This Article shall apply solely to aid notified to the Commission not later than 30 June 1992.

Article 5

1. Until 31 December 1992, in the event of serious difficulties liable to jeopardize the objectives of Article 39 of the Treaty or difficulties liable to cause a serious deterioration in a regional economic situation as a result of German unification, any Member State may apply for authorization to adopt protective measures in order to restore stability to the situation or to adjust the sector concerned.

2. If a situation as referred to in paragraph 1 should arise, the Commission, at the request of a Member State or on its own initiative, may decide, subject to compliance with the Treaty, to take the necessary measures, which shall be notified to the Member States and shall be applicable forthwith. If the Commission receives a request from a Member State which is suffering or likely to suffer serious disturbances it shall take a decision thereon within 24 hours of receipt of the request.

3. Any Member State may refer to the Council the measure taken by the Commission within three working days after the date of notification. The Council shall meet without delay. It may, by a qualified majority, amend or revoke the measure in question.

4. The measures provided for in paragraphs 1, 2 and 3 shall only apply until 31 December 1993.

Article 6

1. The Community shall take over the stocks held by the intervention agency of the former German Democratic Republic on the date of German unification at the value determined in accordance with Article 8 of Regulation (EEC) No 1883/78.

2. The said stocks shall be taken over only on condition that public intervention for the products in question is provided for in the Community rules and that the stocks meet the Community quality requirements as amended by this Regulation.

3. Detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 8.

Article 7

1. Any private stock of a product which is covered by a regulation on a common market organization for agricultural products, which is in free circulation in the territory of the former German Democratic Republic on the date of German unification and which exceeds the quantity which may be regarded as representing a normal carry-over stock, must be disposed of by the Federal Republic of Germany at its own expense in accordance with provisions to be laid down in accordance with the procedure referred to in paragraph 2. The concept of a normal carry-over stock shall be defined for each product in the light of the criteria and objectives specific to each market organization.

2. Detailed rules for applying this Article shall be adopted in accordance with the procedure laid down in Article 8.

Article 8

Where this Article is referred to, measures shall be adopted in accordance with the procedure laid down in:

- Article 38 of Regulation 136/66/EEC ⁽¹⁾, as last amended by Regulation (EEC) No 2902/89 ⁽²⁾, or, as appropriate, the corresponding Articles of the other Regulations on the common organization of agricultural markets,
- the Article providing for the adoption of detailed rules of application in another common agricultural provision, or
- Article 13 of Regulation (EEC) No 729/70 ⁽³⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁴⁾, for the case referred to in Article 6 (3).

Article 9

1. The national arrangements for limiting milk production adopted by the former German Democratic Republic must be maintained until 31 March 1991.

Article 5c of Regulation (EEC) No 804/68 shall not apply to the territory of the former German Democratic Republic until 1 April 1991. The reference quantities may be allocated provisionally for the eighth period of 12 months, provided that the amount thus allocated is not modified during the said period.

Regulation (EEC) No 1079/77 ⁽⁵⁾ shall not apply to the territory of the former German Democratic Republic

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 9.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁴⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽⁵⁾ OJ No L 131, 26. 5. 1977, p. 6.

during the 1990/91 marketing year. The national system of collection of the co-responsibility levy set up by the former German Democratic Republic must be maintained during the said marketing year.

2. Articles 27 to 51 of Regulation (EEC) No 822/87 shall only apply to the territory of the former German Democratic Republic as from 1 September 1991.

Article 10

The Federal Republic of Germany shall notify to the Commission, at the earliest opportunity, the measures

taken pursuant to the authorizations provided for in this Regulation. The Commission shall inform the Member States within the appropriate fora.

On the expiry of the periods of application of the transitional measures the Federal Republic of Germany shall draw up a report on their application; this report shall be submitted to the Commission, which shall forward it to the other Member States.

Article 11

This Regulation shall enter into force on 1 January 1991.

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

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

ANNEX I**CEREALS**

Council Regulation (EEC) No 2727/75 of 29 October 1975 (OJ No L 281, 1. 11. 1975, p. 1), as last amended by Regulation (EEC) No 1340/90 (OJ No L 134, 28. 5. 1990, p. 1).

The following paragraph is added to Article 4c:

'4a. When production is established as provided for in this Article, the quantities harvested in the territory of the former German Democratic Republic shall not be taken into account.'

ANNEX II**PEAS, FIELD BEANS AND SWEET LUPINS**

Council Regulation (EEC) No 1431/82 of 18 May 1982 (OJ No L 162, 12. 6. 1982, p. 28), as last amended by Regulation (EEC) No 1104/88 (OJ No L 110, 29. 4. 1988, p. 16).

The following paragraph is added to Article 3a of Regulation (EEC) No 1431/82:

'3a. When production is estimated and established, the quantities harvested on the territory of the former German Democratic Republic shall not be taken into account for the purposes of this Article.'

ANNEX III**SOYA BEANS**

Council Regulation (EEC) No 1491/85 of 23 May 1985 (OJ No L 151, 10. 6. 1985, p. 15), as last amended by Regulation (EEC) No 2217/88 (OJ No 197, 26. 7. 1988, p. 11).

The following paragraph is added to Article 3a of Regulation (EEC) No 1491/85:

'3a. When production is estimated and established, the quantities harvested on the territory of the former German Democratic Republic shall not be taken into account for the purposes of this Article.'

ANNEX IV**COLZA, RAPE AND SUNFLOWER SEEDS**

Council Regulation No 136/66/EEC of 22 September 1966 (OJ No 172, 30. 9. 1966, p. 3025/66), as last amended by Regulation (EEC) No 2902/89 (OJ No L 280, 29. 9. 1989, p. 2).

The following paragraph shall be added to Article 27a of Regulation No 136/66/EEC:

'3a. When production is estimated and established, the quantities harvested on the territory of the former German Democratic Republic shall not be taken into account for the purposes of this Article.'

ANNEX V

SUGAR

Council Regulation (EEC) No 1785/81 of 30 June 1981 (OJ No L 177, 1. 7. 1981, p. 4), as last amended by Regulation (EEC) No 1069/89 (OJ No L 114, 27. 4. 1989, p. 1).

1. The following Article is inserted, with effect from 1 July 1990:

'Article 24a

1. Without prejudice to Article 24 (2), in the case of Germany an additional region shall be constituted for the purposes of applying the quota system to sugar-producing undertakings established in the said region which produced sugar before 1 July 1990 and continue to do so thereafter.

The region corresponds, for the purposes of this Regulation, to the territory of the former German Democratic Republic.

2. For the allocation of A and B quotas to the undertakings referred to in paragraph 1, the basic quantities shall be as follows:

(a) basic quantity A: 647 703 tonnes of white sugar;

(b) basic quantity B: 199 297 tonnes of white sugar.

3. The A quota of each sugar-producing undertaking referred to in paragraph 1 shall be determined by applying to the average annual quantity of sugar produced by the undertaking concerned during the 1984/85 to 1988/89 marketing years within the meaning of Article 2 (1), hereinafter referred to as the reference production, a coefficient representing the ratio between the basic quantity A referred to in paragraph 2 and the sum of the reference production quantities of the undertakings in the region defined in paragraph 1.

However, for the 1990/91 marketing year, where the sugar-producing undertaking did not exist as such before 1 July 1990, the reference production referred to in the first subparagraph shall be established by taking into account production during the period referred to in the said subparagraph from each factory making up as from 1 July 1990 the sugar-producing undertaking concerned.

4. The B quota of each sugar-producing undertaking referred to in paragraph 1 shall be equal to 30,77 % of its A quota determined in accordance with paragraph 3.

5. Article 25 shall apply only to transfers between the sugar-producing undertakings referred to in paragraph 1.

6. Detailed rules for applying this Article shall, where necessary, be adopted in accordance with the procedure laid down in Article 41.'

2. The following paragraph is added to Article 46:

'7. During the 1990/91, 1991/92 and 1992/93 marketing years, the Federal Republic of Germany shall be authorized to grant adaptation aid to sugar-producing undertakings referred to in Article 24a (1) under the following conditions.

The aid may be granted only in respect of the quantity of A and B sugar as defined in Article 24 (1) and produced by the undertakings referred to in Article 24a (1).

The aid shall be limited to DM 320 million for the period referred to in the first subparagraph and may not exceed, per undertaking, 20 % of the investment made'.

ANNEX VI

MILK AND MILK PRODUCTS

- I. Council Regulation (EEC) No 804/68 of 27 June 1968 (OJ No L 148, 28. 6. 1968, p. 13), as last amended by Regulation (EEC) No 3879/89 (OJ No L 378, 27. 12. 1989, p. 1)

In Article 5c (3):

1. the first subparagraph is replaced by the following:
'The sum of the reference quantities referred to in paragraph 1, subject to paragraph 4, may not exceed the guaranteed total quantity specified in the second subparagraph.'
2. the aline 'Germany 23 423' in the second subparagraph is replaced by the following:
'Germany 30 227
(of which 6 804 for the territory of the former German Democratic Republic)'
3. in the third subparagraph, point (d), the following sentence is added:
'However, in the case of Germany for the 12-month period between 1 April 1991 to 31 March 1992, the guaranteed total quantity is hereby fixed as follows in thousands of tonnes:
Germany 29 118,960
(of which 6 599,880 for the territory of the former German Democratic Republic)'

- II. Council Regulation (EEC) No 985/68 of 15 July 1968 (OJ No L 169, 18. 7. 1968, p. 1), as last amended by Regulation (EEC) No 1185/90 (OJ No L 119, 11. 5. 1990, p. 31)

The third indent of point (b) of Article 1 (3) is replaced by the following:

- graded "Markenbutter" as regards German butter, or, until 31 December 1992, "Export Qualität" as regards butter produced in the territory of the former German Democratic Republic.'

- III. Council Regulation (EEC) No 1014/68 of 20 July 1968 (OJ No L 173, 22. 7. 1968, p. 4), as last amended by Regulation (EEC) No 1272/79 (OJ No L 161, 29. 6. 1979, p. 13)

In Article 1 (1):

- the words 'and, during the 1968/1969 and 1969/1970 milk years, by the roller processes' are deleted,
- the following subparagraph is added:
'However, until the end of the 1992/93 milk year, the German intervention agency shall buy in first-quality skimmed milk powder manufactured by the roller processes provided it has been produced in the territory of the former German Democratic Republic and complies with the requirements specified in (a) and (b) of the first subparagraph. During the 1990/91 marketing year, the intervention price for skimmed milk powder manufactured by the roller processes shall be ECU 163,81 per 100 kg.'

- IV. Council Regulation (EEC) No 857/84 of 31 March 1984 (OJ No L 90, 1. 4. 1984, p. 13), as last amended by Regulation (EEC) No 1183/90 (OJ No L 119, 11. 5. 1990, p. 27)

1. In the second subparagraph of Article 2 (1),
 - in point (a), 'Member States other than Spain' is replaced by 'Member States other than Spain and, from 1 April 1991, Germany as regards the territory of the former German Democratic Republic',
 - the following point is added:
'(c) for the territory of the former German Democratic Republic, the reference quantity referred to in the first subparagraph shall be equal to the quantity of milk or milk equivalent delivered or purchased during the 1989 calendar year, weighted by a percentage established so as not to exceed the guaranteed quantity defined in Article 5c of Regulation (EEC) No 804/68.'
2. In the first subparagraph of point 3 of Article 3, the following sentence is added:
'In the territory of the former German Democratic Republic, such producers shall, at their request, obtain the taking into account of another calendar reference year within the 1987 to 1989 period.'

3. The following subparagraph is added to Article 4a (1):

'However, the provisions of the preceding subparagraph shall not apply to the territory of the German Democratic Republic and the other territories of Germany.'

4. The following subparagraph is added to Article 7 (1):

'To allow restructuring of milk production in the territory of the former German Democratic Republic and notwithstanding the preceding subparagraphs, the Federal Republic of Germany may authorize, during the eighth 12-month period within the limits of a framework programme to be drawn up for the said territory, the transfer of reference quantities without the transfer of the corresponding land. Such a transfer may take place no more than once. In this connection, the Federal Republic of Germany shall notify to the Commission the framework programme for the said territory. The programme shall be appraised in accordance with the procedure laid down in Article 31 of Regulation (EEC) No 804/68.'

5. In the table in the Annex, the entry for Germany is replaced by the following:

(1 000 tonnes)

	2.4.1984 – 31.3.1985	1.4.1985 – 31.3.1986	1.4.1986 – 31.3.1987	1.4.1987 – 31.3.1988	1.4.1988 – 31.3.1989	1.4.1989 – 31.3.1990	1.4.1990 – 31.3.1991	1.4.1991 – 31.3.1992
'Germany Of which ⁽¹⁾	305 —	130 —	130 —	94,400 —	93,100 —	93,100 —	93,100 —	153,100 60,000

⁽¹⁾ For the territory of the former German Democratic Republic.'

- V. Council Regulation (EEC) No 1336/68 of 6 May 1986 (OJ No L 119, 8. 5. 1986, p. 21), as last amended by Regulation (EEC) No 841/88 (OJ No L 87, 31. 3. 1988, p. 8)

1. The following Article is added:

'Article 4a

Articles 1, 2 and 3 shall apply to producers in the territory of the former German Democratic Republic subject to the following provisions:

- (a) the reduction in milk production must be 204 120 tonnes and must be effective by 31 March 1991 at the latest;
- (b) the Federal Republic of Germany is authorized to pay compensation of a single amount not exceeding ECU 42 per 100 kilograms;
- (c) the Federal Republic of Germany is authorized to grant compensation for the cessation of all or part of the production of each party concerned in relation to previous production.

The Federal Republic of Germany shall communicate to the Commission not later than 31 May 1991 all the information necessary for an appraisal of the effectiveness of the aid provided for in this Regulation.'

2. Article 6 is replaced by the following:

'Article 6

The financing of the action provided for in Article 2 (1) and Article 4a shall be considered as an intervention within the meaning of Article 3 of Regulation (EEC) No 729/70.'

- VI. Council Regulation (EEC) No 775/87 of 16 March 1987 (OJ No L 78, 20. 3. 1987, p. 5), as last amended by Regulation (EEC) No 3882/89 (OJ No L 378, 27. 12. 1989, p. 6)

1. In the second subparagraph of Article 1 (1), 'of Regulation (EEC) No 804/68 for the third 12-month period' is replaced by 'second subparagraph of Regulation (EEC) No 804/68.'

2. The following paragraph is inserted in Article 2:

'1a. For producers in the territory of the former German Democratic Republic and for the eighth 12-month period, the compensation is hereby fixed at ECU 21 per 100 kilograms. This compensation shall be paid to the beneficiaries as to 50 % in the first quarter and as to the remainder in the last quarter of the period in question.'

3. Article 7 is replaced by the following:

'Article 7

The financing of the action provided for in Article 2 (1) and (1a), in Article 3 (2) and Article 4, third paragraph shall be considered as an intervention within the meaning of Article 3 of Regulation (EEC) No 729/80.'

VIII. Council Regulation (EEC) No 777/87 of 16 March 1987 (OJ No L 78, 20. 3. 1987, p. 10) is amended as follows:

- in Article 1 (2), the figure of 100 000 tonnes is to be replaced by 106 000 tonnes,
- in Article 1 (4), second subparagraph, the figure of 250 000 tonnes is to be replaced by 275 000 tonnes.

ANNEX VII

BEEF AND VEAL

I. Council Regulation (EEC) No 805/68 of 27 June 1968 (OJ No L 148, 28. 6. 1968, p. 24), as last amended by Regulation (EEC) No 571/89 (OJ No L 61, 4. 3. 1989, p. 43)

In the last sentence of Article 6 (1), '220 000 tonnes' is replaced by '235 000 tonnes'.

II. Council Regulation (EEC) No 1357/80 of 5 June 1980 (OJ No L 140, 5. 6. 1980, p. 1), as last amended by Regulation (EEC) No 1187/90 (OJ No L 119, 11. 5. 1990, p. 34).

In the Annex, the following is added to the fifth indent:

'Schwarzbunte Milchrasse (SMR)'.

ANNEX VIII

SHEEPMEAT AND GOATMEAT

Council Regulation (EEC) No 3013/89 of 25 September 1989 (OJ No L 289, 7. 10. 1989, p. 1)

The following subparagraph is added to Article 8 (2):

'When the ewe herd is estimated no account shall be taken of the number of ewes bred in the territory of the former German Democratic Republic.'

ANNEX IX

PIGMEAT

Council Regulation (EEC) No 3220/84 of 13 November 1984 (OJ No L 301, 20. 11. 1984, p. 1), as last amended by Regulation (EEC) No 3530/86 (OJ No L 326, 21. 11. 1986, p. 8).

The following paragraph is added to Article 6:

'The Commission shall, in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75, lay down the conditions for establishing prices for pigs slaughtered in the territory of the former German Democratic Republic until 31 December 1992.'

ANNEX X

FRUIT AND VEGETABLES

- I. Council Regulation (EEC) No 1035/72 of 18 May 1972 (OJ No L 118, 20. 5. 1972, p. 1), as last amended by Regulation (EEC) No 1193/90 (OJ No L 178, 11. 7. 1990, p. 13)

1. The following paragraph 3 is added to Article 13:

'3. The Commission shall, in accordance with the procedure laid down in Article 33, lay down, as necessary, the conditions under which Germany may grant temporary recognition, until 31 December 1992, to producers' organizations situated in the territory of the former Democratic Republic which comply with the objectives specified in paragraph 1 (a) without complying with other provisions.

This temporary recognition shall not confer on the said producers' organizations any entitlement to the launching aid referred to in Article 14.'

2. The following Article is added:

'Article 18b

1. For each of the products subject to the intervention arrangements, the financial compensation provided for in Article 18 shall be paid for each recognized producers' organization in the territory of the former German Democratic Republic only in respect of a volume of withdrawals of products meeting the common quality standards not exceeding 10 % of production marketed, inclusive of withdrawals, during the period up to the end of 1990/91 marketing year and during the 1991/92 marketing year of each of the products.

2. The harvest and withdrawals of each of the products in the territory of the German Democratic Republic during the periods specified in paragraph 1 shall not be taken into consideration for establishing the intervention thresholds or for establishing any overrun thereof.'

- II. Council Regulation (EEC) No 1200/90 of 7 May 1990 (OJ No L 119, 11. 5. 1990, p. 63)

The following subparagraph is added to Article 2 (1):

'However, notwithstanding point (a), for beneficiaries in the territory of the former German Democratic Republic, until the end of the 1991/92 marketing year, granting of the premium for orchards exceeding 99 hectares shall be subject to an undertaking by the beneficiary to grub or have grubbed before 1 April of a specified year:

- in the case of orchards of an area between 50 and 99 hectares, all apple trees planted on an area of 25 hectares and 20 % at least of the remaining area of the orchard,
- in the case of orchards of an area greater than 99 hectares, all apple trees planted on an area of 50 hectares and 20 % at least of the remaining area of the orchard.'

ANNEX XI

PRODUCTS PROCESSED FROM FRUIT AND VEGETABLES

Council Regulation (EEC) No 1203/90 of 7 May 1990 (OJ No L 119, 11. 5. 1990, p. 68).

In Article 1 (1), the table is replaced by the following:

'All undertakings located in	Tomato concentrate		Tinned whole peeled tomatoes		Other tomato products	
	1990/91	1991/92	1990/91	1991/92	1990/91	1991/92
Spain	500 000	550 000	219 000	240 000	148 050	177 050
France	278 691	278 691	73 628	73 628	40 087	40 087
Greece	967 003	967 003	25 000	15 000	21 593	21 593
Italy	1 655 000	1 655 000	1 185 000	1 185 000	453 998	453 998
Portugal	747 945	832 945	14 800	19 600	32 192	42 192
Germany	—	33 700	—	—	—	1 300

ANNEX XII

WINE

- I. Council Regulation (EEC) No 2392/86 of 24 July 1986 (OJ No L 208, 31. 7. 1986, p. 1)

The following indent is added to Article 10:

— as appropriate, those relating to special conditions for establishing the register in the territory of the former German Democratic Republic.'

- II. Council Regulation (EEC) No 822/87 of 16 March 1987 (OJ No L 84, 24. 3. 1987, p. 1), as last amended by Regulation (EEC) No 1325/90 (OJ No L 132, 23. 5. 1990, p. 19)

1. The following subparagraph is added to Article 13 (4):

'In the case of the territory of the former German Democratic Republic the products referred to in the first subparagraph derived from wine varieties not included in the classification may circulate until 31 August 1992 on condition that they are derived from varieties traditionally grown in that territory and of the species *Vitis vinifera*.'

2. The following subparagraph is added to Article 16 (7):

'However, wine obtained by coupage before 31 August 1990 of a wine originating in a third country or in the Community with a wine derived from grapes harvested in the territory of the former German Democratic Republic and the coupage of a wine originating from a third country with a wine from the Community carried out before 3 October 1990 may be held for sale or marketed as table wine until stocks are depleted.'

3. The following sentence is added to point (e) of Annex V:

'In the territory of the former German Democratic Republic, the period of time shall run from the date of German unification for areas grubbed after 1 September 1970. This right to replant shall be restricted to 400 hectares, corresponding to the estimated area previously under vines which has ceased to be cultivated in recent decades.'

- III. Council Regulation No 823/87 of 16 March 1987 (OJ No L 84, 27. 3. 1987, p. 59), as amended by Regulation (EEC) No 2043/89 (OJ No L 202, 14. 7. 1989, p. 1)

In Article 4:

- (a) the following subparagraph is added to paragraph 1:

'For the wine-growing regions of the territory of the former German Democratic Republic, the Federal Republic of Germany shall establish the list of varieties referred to in the first subparagraph until 31 August 1992.'

- (b) the following subparagraph is added to paragraph 4:

'Until the list of varieties referred to in the second subparagraph of paragraph 1 is established, wines produced in the territory of the former German Democratic Republic, derived from varieties traditionally grown in that territory and of the species *Vitis vinifera*, shall be regarded as suitable for processing into quality wines psr.'

- IV. Council Regulation (EEC) No 2389/89 of 24 July 1989 (OJ No L 232, 9. 8. 1989, p. 1)

The first indent in Article 3 (1) is replaced by the following:

— the Regierungsbezirk or, where there is no such unit, the Land in Germany.'

ANNEX XIII

TOBACCO

Council Regulation (EEC) No 727/70 of 21 April 1970 (OJ No L 94, 28. 4. 1970, p. 1), as last amended by Regulation (EEC) No 1329/90 (OJ No L 132, 23. 5. 1990, p. 25)

1. The following subparagraph is inserted as sixth subparagraph in Article 4 (5):

'For the 1991 harvest, subject to application of the reduction and the correction referred to in the third subparagraph, the quantities of tobacco produced in the territory of the former German Democratic Republic shall not be taken into consideration for the calculation of the extent of overrun of the maximum guaranteed quantity for a variety or group of varieties.'

2. The following subparagraph is added to Article 7a (1):

'The first subparagraph shall not apply to tobacco varieties of the 1991 harvest grown in the territory of the former German Democratic Republic.'

ANNEX XIV

HOPS

Council Regulation (EEC) No 1696/71 of 26 July 1971 (OJ No L 175, 4. 8. 1971, p. 1), as last amended by Regulation (EEC) No 2780/90 (OJ No L 265, 28. 9. 1990, p. 1)

The following subparagraph is added to Article 17 (6):

'For the territory of the former German Democratic Republic, the duration for implementation of the measure referred to in Article 8 shall be five years from the date of German unification.'

ANNEX XV

AGRICULTURAL STRUCTURE (Objective 5 (a))

- I. Council Regulation (EEC) No 797/85 of 12 March 1985 (OJ No L 93, 30. 3. 1985, p. 1), as last amended by Regulation (EEC) No 2176/90 (OJ No L 198, 28. 7. 1990, p. 6)

The following Article is inserted:

'Article 32b

1. The following special provisions shall apply to the territory of the former German Democratic Republic:

(a) The arrangements provided for in Titles 01 and 02 shall be applied from the 1991/92 marketing year onwards.

(b) Land planted with potatoes may qualify for set-aside assistance notwithstanding Article 1a (2).

(c) Where the area of arable land of a holding, including, as appropriate, land planted with potatoes, as referred to in Article 1a (2), exceeds 750 hectares, the condition that not less than 20 % of the land shall be set aside as laid down in Article 1a (3) is replaced by a condition that not less than 150 hectares shall be set aside.

(d) When family holdings are being set up

- the condition in the first indent of Article 2 (2) shall not apply,
- the Federal Republic of Germany may grant the aid referred to in Articles 7 and 7a to farmers below the age of 55 years. However, aid granted to farmers over the age of 40 years is not eligible under the Fund.

(e) The conditions in the second subparagraph of Article 3 (3) and the first indent of Article 6 (4) shall not apply to aid granted in the context of the creation of new family holdings or the restructuring of cooperative holdings if the number of dairy cows on all the new or restructured holdings does not exceed the number of dairy cows held previously on the old holdings.

If the Council has not adopted, by 31 December 1990, the arrangements for applications submitted from 1 January 1991 for investment aid in the pig production sector, the conditions in Article 3 (4) and the second indent of the second subparagraph of Article 6 (4) referring to the number of pig places shall not apply to aid granted in the context of the creation of new family holdings or the restructuring of cooperative holdings if the number of pig places on all the new or restructured holdings does not exceed the number of pig places previously held on the old holdings.

(f) The volume of investment referred to in the first subparagraph of Article 4 (2) shall be ECU 140 000 per man work unit and ECU 280 000 per holding.

(g) In the context of the restructuring of cooperative holdings, Article 6 (5) shall also apply to associations which do not adopt the legal form of a cooperative.

(h) A special system of aid for holdings in less-favoured areas defined according to criteria to be laid down by the Federal Republic of Germany may be applied during 1991. During this period, Title III shall not apply to the territory of the former German Democratic Republic.

Expenditure under this special system shall not be eligible under the Fund.

2. The provisions in points (b) to (g) of paragraph 1 shall apply until 31 December 1993.

Before the end of 1992 the Commission shall submit to the European Parliament and Council a report on the implementation and development of the structural action and measures. Taking account of the results achieved and of the way the situation develops, the Commission may, if necessary, submit proposals designed to make these measures more effective.'

II. Council Regulation (EEC) No 866/90 of 29 March 1990 (OJ No L 91, 6. 4. 1990, p. 1)

The following Article is inserted:

'Article 19a

Transition period for the territory of the former German Democratic Republic

Until 31 December 1991, the Commission may decide to grant assistance for operational programmes providing for investments in the territory of the former German Democratic Republic in accordance with the selection criteria referred to in Article 8 without prior establishment for that territory of sectoral plans and Community support frameworks as referred to in Articles 2 to 7.'

ANNEX XVI

FARM ACCOUNTANCY DATA NETWORK

Council Regulation (EEC) No 79/65 of 15 June 1965 (OJ No 109, 23. 6. 1965, p. 1859/65), as last amended by Regulation (EEC) No 3768/85 (OJ No L 362, 31. 12. 1985, p. 8)

The following is added to the section 'Germany' in the Annex:

- '11 Berlin
 - 12 Brandenburg
 - 13 Mecklenburg-Vorpommern
 - 14 Sachsen
 - 15 Sachsen-Anhalt
 - 16 Thüringen.'
-

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 4 December 1990

on transitional measures applicable in Germany in the context of the harmonization of technical rules for certain products

(90/650/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽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 Community has adopted, with regard to the placing on the market and utilization of products, a set of rules which are binding on all the Member States and on all economic operators;

Whereas, from the date of German unification onwards, Community law will be automatically applicable in the territory of the former German Democratic Republic; whereas such application may give rise to difficulties owing to the level of development of the local economy;

Whereas Article 8c of the Treaty calls on the Commission to take into account the extent of the effort that certain economies showing differences in development will have to sustain during the period of establishment of the internal market;

Whereas such derogations must be temporary and must cause the least possible disturbance to the functioning of the common market; whereas they must not, however, jeopardize the health and safety of consumers;

Whereas the information available on the situation regarding the rules and regulations in force and regarding industry in the territory of the former German Democratic Republic is such that it is not possible to establish definitively the extent of the derogations; whereas, so that account can be taken of developments in that situation, a simplified procedure must be set up in accordance with the third indent of Article 145 of the Treaty for the purpose of adjusting and administering the derogations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. By way of derogation from the Directives listed in the Annex, the Federal Republic of Germany is authorized to maintain in force in the territory of the former German Democratic Republic the existing rules and regulations in respect of products which have been or which are manufactured there, on condition that this does not affect

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 8, as amended on 25 October 1990.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

the placing on the market and the free movement in that territory of products complying with Community Directives.

2. This authorization shall be applicable to the Community Directives listed in the Annex until 31 December 1992.

3. The German authorities may extend the derogations provided for in paragraphs 1 and 2 to include products covered by the agreements appearing in Annexes I and II to Council Regulation (EEC) 3568/90⁽¹⁾. Such measures shall be taken within the limits of the maximum quantities and values laid down in the said agreements and to satisfy the market requirements of the former German Democratic Republic.

Article 2

1. Without prejudice to paragraph 2, Member States shall ensure, in the context of product conformity checking procedures, that products which qualify for a derogation under Article 1 are not placed on markets other than that of the former German Democratic Republic.

2. The Federal Republic of Germany shall take all measures necessary to ensure that products not complying with the Community Directives referred to in Article 1 are not placed on the market in the territory of the Community other than the territory of the former German Democratic Republic; such measures shall be compatible with the Treaty, and in particular with the objectives of Article 8a, and shall not give rise to any additional controls or formalities at frontiers between Member States.

3. Any Member State may refer any difficulties to the Commission. The Commission shall, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures. Such measures shall be adopted according to the procedure laid down in Article 5.

Article 3

1. The rules and regulations whose maintenance in force is authorized under Article 1 and the control measures taken pursuant to Article 2 shall be notified to the Commission not later than on the date when the interim measures adopted pursuant to Regulation No 2684/90/EEC⁽¹⁾ are replaced by transitional measures, and at any rate no later than 31 December 1990. Such rules, regulations and control measures that are notified to the Commission shall be immediately published in the *Official Journal of the European Communities*.

2. The Federal Republic of Germany shall report on the application of the measures taken pursuant to this Directive on 31 December 1991, 31 December 1992 and 31 December 1995. The report shall be forwarded to the Commission, which shall communicate it to the other Member States and the European Parliament.

Article 4

1. A decision may be made in accordance with the procedure laid down in Article 5 to take measures involving adjustments to fill obvious loopholes and technical adjustments to the measures taken pursuant to this Directive.

2. Such adjustments shall be designed to ensure the consistent application of Community rules in the sector covered by this Directive in the territory of the former German Democratic Republic, taking into account the specific situation obtaining in that territory and the particular difficulties attending implementation of such rules.

They shall respect the principles underlying these rules and shall be closely related to one of the derogations provided for in the Directive.

3. The measures referred to in paragraph 1 may be taken until 31 December 1992. They shall cease to be operative on that date.

Article 5

For the purposes of Article 2 (3) and Article 4, the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 263, 26. 9. 1990, p. 1.

If, upon expiry of a period of one month from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Done at Brussels, 4 December 1990.

Article 6

This Directive is addressed to the Member States.

For the Council

The President

G. DE MICHELIS

ANNEX

1. Council Directive 73/437/EEC

Sugars

Date of adoption: 11. 12. 1973
OJ No L 356, 27. 12. 1973, p. 71

2. Council Directive 74/409/EEC

Honey

Date of adoption: 22. 7. 1974
OJ No L 221, 12. 8. 1974, p. 10

3. Council Directive 75/726/EEC

Fruit juices

Date of adoption: 17. 11. 1975
OJ No L 311, 1. 12. 1975, p. 40

Council Directive 79/168/EEC

Amendment to Directive 75/726/EEC

Date of adoption: 5. 2. 1979
OJ No L 37, 13. 2. 1979, p. 27

Council Directive 81/487/EEC

Second amendment to Directive 75/726/EEC

Date of adoption: 30. 6. 1981
OJ No L 189, 11. 7. 1981, p. 43

Council Directive 89/394/EEC

Amendment to directive 75/726/EEC

Date of adoption: 14. 6. 1989
OJ No L 186, 30. 5. 1989, p. 14

4. Council Directive 76/118/EEC

Partly or wholly dehydrated preserved milk

Date of adoption: 18. 12. 1975
OJ No L 24, 30. 1. 1976, p. 49

Council Directive 83/635/EEC

Second amendment to Directive 76/118/EEC

Date of adoption: 13. 12. 1983
OJ No L 257, 21. 12. 1983, p. 37

5. Council Directive 76/621/EEC

Erucic acid in oils and fats

Date of adoption: 20. 7. 1976
OJ No L 202, 28. 7. 1976, p. 35

6. Council Directive 79/693/EEC

Fruit jams, jellies and marmalades and chestnut purée

Date of adoption: 24. 7. 1979
OJ No L 205, 13. 8. 1979, p. 5

Council Directive 88/593/EEC

Amendment to Directive 79/693/EEC

Date of adoption: 18. 11. 1988
OJ No L 318, 25. 11. 1988, p. 44

COUNCIL DECISION

of 4 December 1990

on the adaptations necessary in the context of German unification to the Community system for the rapid exchange of information on dangers arising from the use of consumer products

(90/651/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

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

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

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

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas such application is liable to give rise to difficulties owing to the absence of suitable administrative structures;

Whereas this is the case with regard to Decision 89/45/EEC ⁽⁴⁾, as amended by Decision 90/352/EEC ⁽⁵⁾, whose purpose is to provide means for the rapid exchange at Community level of information concerning consumer products where it is established that such products marketed in the Community may endanger the health and safety of users in such a way that the rapid implementation of appropriate measures is called for; whereas, to that end, a system organized at Community and at national level has been established;

Whereas it is necessary, therefore, to make allowance for these difficulties by giving Germany the opportunity to administer the aforesaid rapid information system differently;

Whereas this derogation must be of a temporary nature and cause the least possible disruption to the functioning of the common market; whereas Germany must make every effort to achieve the objectives of the Decision throughout its territory;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS ADOPTED THIS DECISION:

Article 1

1. The Federal Republic of Germany is authorized to provide, in respect of the territory of the former German Democratic Republic, that its obligations arising out of the application of Decision 89/45/EEC, may be complied with during a period expiring not later than 31 December 1992, using means other than those already established pursuant to the aforesaid Decision.

2. The Federal Republic of Germany shall, during that period, ensure that existing structures can be used, wherever possible, to attain the objectives of Decision 89/45/EEC and shall ensure, in particular, that information received by the information system established by that Decision is transmitted appropriately throughout its territory.

Article 2

The Federal Republic of Germany shall report regularly, within the framework of consultations within the Committee set up by Article 7 of Decision 89/45/EEC, on the measures taken pursuant to Article 1 above.

⁽¹⁾ OJ No L 263, 26. 9. 1990, p. 11.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 17, 21. 1. 1989, p. 51.

⁽⁵⁾ OJ No L 173, 6. 7. 1990, p. 49.

Any Member State may refer any difficulties to the Commission. The Commission shall, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures.

Done at Brussels, 4 December 1990.

Article 3

This Decision is addressed to the Member States.

For the Council

The President

G. DE MICHELIS

COUNCIL DIRECTIVE
of 4 December 1990
amending Directive 87/167/EEC on aid to shipbuilding
(90/652/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 92 (3) (d) and Article 113 thereof,

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

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

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

Whereas from the date of German unification onwards Directive 87/167/EEC ⁽¹⁾ will apply in the territory of the united Germany;

Whereas the shipbuilding industry in the former German Democratic Republic will require an urgent restructuring process; whereas the immediate application of the common maximum ceiling for production aid may not facilitate this process, and particular arrangements should be allowed to enable the shipbuilding industry of the former German Democratic Republic gradually to complete restructuring and comply with the aid regime applicable to the Community as a whole,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 87/167/EEC is hereby amended as follows:

1. The heading of Chapter IV shall be replaced by the following:

'SPAIN, PORTUGAL, AND THE TERRITORY OF THE FORMER GERMAN DEMOCRATIC REPUBLIC'

2. The following terms shall be added to Article 9 (1):

'...nor in the territory of the former German Democratic Republic.'

3. The following paragraph shall be added to Article 9:

'4. Operating aid for shipbuilding and ship conversion in the former German Democratic Republic may be considered compatible with the common market provided that:

- the shipbuilding industry has undertaken a systematic and specific restructuring programme, including capacity reductions, which can be considered capable of allowing it to operate competitively;

- the aid is being progressively reduced.'

Article 2

This Directive shall apply from 3 October 1990, the date of German unification.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

⁽¹⁾ OJ No C 248, 2. 10. 1990, p. 6.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 69, 12. 3. 1987, p. 55.

COUNCIL DIRECTIVE

of 4 December 1990

laying down amendments for the purpose of implementing in Germany certain Community Directives relating to statistics on the carriage of goods and statistics on gas and electricity prices

(90/653/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Having regard to the proposal from the Commission ⁽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 Council has adopted Directive 78/546/EEC ⁽⁴⁾, as last amended by Directives 89/462/EEC ⁽⁵⁾, 80/1119/EEC ⁽⁶⁾ and 80/1177/EEC ⁽⁷⁾, as both amended by the Act of Accession of Spain and Portugal, on statistics on the carriage of goods;

Whereas the Council has adopted Directive 90/377/EEC concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users ⁽⁸⁾;

Whereas from the date of German unification onwards Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas the regional breakdown for carriage statistics should be extended to include the territory of the former German Democratic Republic;

Whereas the list of administrations managing the main railway networks should be amended for the purpose of statistics on the carriage of goods by rail;

Whereas the breakdown by region and locality of statistics on gas and electricity prices should be extended to include those of the territory of the former German Democratic Republic;

Whereas the current situation does not allow the regions and localities in question to be defined precisely,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. For the regional breakdown of statistics on the carriage of goods covered by Directives 78/546/EEC, 80/1177/EEC and 80/1119/EEC, the Federal Republic of Germany shall define the regions in the territory of the former German Democratic Republic and communicate them to the Commission prior to the date at which the interim measures tabled pursuant to Directive 90/476/EEC are replaced by transitional measures and at any rate not later than 31 December 1990. This information will be communicated for information to the European Parliament and the Council.

2. For the regional statistics on the carriage of goods by rail covered by Directive 80/1177/EEC, the Federal Republic of Germany shall communicate the names of the administrations managing railway lines and installations in Germany prior to the date at which the interim measures tabled pursuant to Directive 90/476/EEC are replaced by transitional measures and at any rate not later than 31 December 1990. This information will be communicated for information to the European Parliament and the Council.

Article 2

For the breakdown by region and locality of statistics on gas and electricity prices covered by Directive 90/377/EEC, Germany shall define no later than 1 July 1992 the regions and localities in the territory of the former German Democratic Republic and communicate them to the Commission. This information will be communicated for information to the Council and the Parliament.

⁽¹⁾ OJ No C 248, 2. 10. 1990, p. 7.

⁽²⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 168, 26. 6. 1978, p. 29.

⁽⁵⁾ OJ No L 226, 3. 8. 1989, p. 8.

⁽⁶⁾ OJ No L 339, 15. 12. 1980, p. 30.

⁽⁷⁾ OJ No L 350, 23. 12. 1980, p. 23.

⁽⁸⁾ OJ No L 185, 17. 7. 1990, p. 16.

Article 3

The Commission shall be authorized to amend the following:

- Annex II to the Directives referred to in Article 1 (1);
- Article 1 (2) (a) to Directive 80/1177/EEC;
- Annexes I and II to Directive 90/377/EEC, after consulting the competent committee in accordance with the procedure laid down in Article 7 of that Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

COUNCIL DIRECTIVE

of 4 December 1990

on the transitional measures and the adjustments required to the Directives on plant health, seeds, plants and animal feedingstuffs and to the veterinary and zootechnical legislation as a result of German unification

(90/654/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, as last amended by Directive 89/662/EEC ⁽²⁾, and in particular Article 4 b (1) (c) thereof,

Having regard to Council Directive 72/461/EEC of 12 December 1972 on health problems affecting intra-Community trade in fresh meat ⁽³⁾, as last amended by Directive 89/662/EEC ⁽⁴⁾, and in particular Article 13a (2) thereof,

Having regard to the proposal from the Commission ⁽⁵⁾,

Having regard to the opinion of the European Parliament ⁽⁶⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁷⁾,

Whereas the Community has adopted a body of rules implementing the common agricultural policy;

Whereas, from the date of German unification onwards, Community law will be fully applicable in the territory of the former German Democratic Republic;

Whereas to facilitate the integration of farming in the territory of the former German Democratic Republic into the common agricultural policy, the former German

Democratic Republic has been applying, in an autonomous capacity, some of the common agricultural rules since 1 July 1990;

Whereas, however, certain adjustments must be made to Community agricultural legislation in order to allow for the particular circumstances of the said territory;

Whereas the derogations provided for in this connection should as a general rule be temporary and cause the least possible disturbance to the functioning of the common agricultural policy and the pursuit of the objectives of Article 39 of the Treaty;

Whereas, given the current situation, certain Community provisions on quality and health cannot be applied immediately to the territory of the former German Democratic Republic; whereas any disturbance to the proper functioning of the internal market resulting from the application of derogations to this end must be avoided; whereas therefore products which do not conform to Community rules should not be marketed in the Community except in the territory of the former German Democratic Republic;

Whereas information about farming in the territory of the former German Democratic Republic is insufficient to permit the extent of the adjustments and derogations to be definitively established; whereas, to allow for changes in the situation, it is necessary to lay down a simplified procedure in accordance with the third indent of Article 145 of the Treaty so that the measures provided for in this Directive may be adjusted and supplemented where necessary;

Whereas the German authorities have undertaken to extend their eradication plan for classical swine fever to the territory of the former German Democratic Republic from the date of German unification; whereas they have given their assurance that the system for notifying diseases will be in operation for that territory on the same date; whereas, as a result, in the light of the animal health situation in that territory and the above undertakings, the territory should be accorded disease-free status with regard to classical swine fever from the date of German unification,

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

(2) OJ No L 395, 30. 12. 1989, p. 13.

(3) OJ No L 302, 31. 12. 1972, p. 24.

(4) OJ No L 395, 30. 12. 1989, p. 13.

(5) OJ No L 263, 26. 9. 1990, p. 24, as amended on 25 October 1990.

(6) Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

(7) Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

HAS ADOPTED THIS DIRECTIVE:

Article 1

To ensure the harmonious integration of the territory of the former German Democratic Republic into the common agricultural policy, this Directive lays down transitional arrangements and the adjustments required to the Directives on plant health, seeds, plants and animal feedingstuffs and to veterinary and zootechnical legislation.

Article 2

The adjustments and transitional arrangements referred to in Article 1 are set out in the Annexes hereto.

Article 3

1. Adjusting measures to fill obvious loopholes and to make technical adjustments to the measures provided for in this Directive may be adopted in accordance with the procedure laid down in Article 4.

2. Such adjusting measures must be designed to ensure coherent application of Community rules in the sector covered by this Directive in the territory of the former German Democratic Republic, with due regard for the specific circumstances in that territory and the special difficulties involved in the application of those rules.

They must be consistent with the principles of those rules, and be closely related to one of the derogations provided for by this Directive.

3. The measures referred to in paragraph 1 may be taken until 31 December 1992. Their applicability shall be limited to the same period; however, where this Directive sets later time limits for derogations, those time limits shall apply.

4. Where it proves essential to postpone a time limit laid down in this Directive for application of a derogation, the date in question may be postponed in accordance with the procedure laid down in Article 4, but not beyond 31 December 1992.

Article 4

Where this Article is referred to, measures shall be adopted, in accordance with the procedure laid down in the Article

providing for the adoption of detailed rules of application, in an instrument falling within the scope of this Directive.

Article 5

1. Without prejudice to paragraph 2, as part of the procedures for checking product conformity, the Member States shall ensure that products not complying with Community rules are not placed on the market in parts of the Community other than the territory of the former German Democratic Republic.

2. The Federal Republic of Germany shall, in accordance with the provisions of the Annexes, take measures to guarantee that products not complying with Community rules are not placed on the market in parts of the Community other than the territory of the former German Democratic Republic. Such measures shall be compatible with the Treaty, and in particular with the objectives of Article 8a, and shall not give rise to any additional controls or formalities at frontiers between Member States.

3. Any Member State may refer any difficulties to the Commission. The Commission shall, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures. These measures shall be adopted in accordance with the procedure laid down in Article 4.

Article 6

The Federal Republic of Germany shall notify to the Commission, at the earliest opportunity, the measures taken pursuant to the authorizations provided for in this Directive.

Upon expiry of the periods of application of the transitional measures the Federal Republic of Germany shall draw up a report on their application. The report shall be forwarded to the Commission, which shall communicate it to the other member States.

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

ANNEX I

PLANT HEALTH LEGISLATION

1. Council Directive 86/362/EEC of 24 July 1986 (OJ No L 221, 7. 8. 1986, p. 37), as amended by Directive 88/298/EEC (OJ No L 126, 20. 5. 1988, p. 53).

The following paragraphs are added to Article 16:

'However, the Federal Republic of Germany is hereby authorized to place on the market in the territory of the former German Democratic Republic, until 31 December 1992 at the latest, Annex I products whose hydrogen cyanide level exceeds that fixed in Annex II; this derogation shall apply only to products originating in the territory of the former German Democratic Republic.

The permitted levels may under no circumstances exceed those applicable under the legislation of the former German Democratic Republic.

The Federal Republic of Germany shall ensure that the products in question are not introduced into parts of the Community other than the territory of the former German Democratic Republic.'

2. Council Directive 77/93/EEC of 21 December 1976 (OJ No L 26, 31. 1. 1977, p. 20), as last amended by Directive 90/490/EEC (OJ No L 271, 3. 10. 1990, p. 28).

The following paragraph 6 is added to Article 20:

'6. Within the limits of the traditional trade flows and in response to the production needs of undertakings in the former German Democratic Republic, the Federal Republic of Germany may be authorized, at its own request and in accordance with the procedure laid down in Article 16a, to comply with Article 4 (1), Article 5 (1) and the relevant provisions of Article 12 in respect of the territory of the former German Democratic Republic at a date later than that referred to in paragraph 1 (b), but not later than 31 December 1992. The corresponding requests shall specify the product and the quantities thereof concerned. Authorization shall not be given until any resultant plant health risks have been analysed.

The Federal Republic of Germany shall ensure that the products in question are not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.'

ANNEX II

Breeding or propagating material

I. Agricultural and vegetable species

1. Council Directive 66/400/EEC of 14 June 1966 (OJ No L 125, 11. 7. 1966, p. 2290/66), as last amended by Directive 88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31).

(a) The following paragraph 4 is added to Article 16:

'4. Paragraph 1 shall also apply to the territory of the former German Democratic Republic until 31 December 1991. Detailed rules for application may be adopted in accordance with the procedure laid down in Article 21.'

(b) The following paragraphs are added to Article 23:

'The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with the following:

— Article 3 (1), in the case of:

— seed harvested prior to German unification or after unification insofar as the seed production fields had been sown before that date,

- other seed if it is certified in accordance with Article 2 (2),
- Article 16, within the limits of the traditional trade flows and in response to the production needs of undertakings in the former German Democratic Republic,

at a date later than that referred to above, but not later than 31 December 1992 in respect of the second indent and not later than 31 December 1993 in respect of the first indent.

The Federal Republic of Germany shall ensure that seed in respect of which it applies this authorization, other than seed specified in the second sub-indent of the first indent, is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.'

2. Council Directive 66/401/EEC of 14 June 1966 (OJ No 125, 11. 7. 1966, p. 2298/66), as last amended by Directive 89/100/EEC (OJ No L 38, 10. 2. 1989, p. 36).

- (a) The following paragraph 4 is added to Article 16:

'4. Paragraph 1 shall also apply to the territory of the former German Democratic Republic until 31 December 1991. Detailed rules for application may be adopted in accordance with the procedure laid down in Article 21.'

- (b) The following paragraphs are added to Article 23:

'The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with the following:

- Article 3 (1), in the case of:
 - seed harvested prior to German unification or after unification insofar as the seed production fields had been sown before that date,
 - other seed if it is certified in accordance with Article 2 (2);
- Article 8 (2), in the case of the restriction to "small quantities" for seed of *Pisum sativum* L. (*partim*) and *Vicia faba* L. (*partim*);
- Article 16, within the limits of the traditional trade flows and in response to the production needs of undertakings in the former German Democratic Republic,

at a date later than that referred to above, but not later than 31 December 1992 in respect of the third indent and not later than 31 December 1994 in respect of the other indents.

The Federal Republic of Germany shall ensure that seed in respect of which it applies this authorization, other than seed specified in the second sub-indent of the first indent, is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.'

3. Council Directive 66/402/EEC of 14 June 1966 (OJ No 125, 11. 7. 1966, p. 2309/66), as last amended by Directive 89/2/EEC (OJ No L 5, 7. 1. 1989, p. 31).

- (a) The following paragraph 4 is added to Article 16:

'4. Paragraph 1 shall also apply to the territory of the former German Democratic Republic until 31 December 1991. Detailed rules may be adopted in accordance with the procedure laid down in Article 21.'

- (b) The following paragraphs are added to Article 23:

'The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with the following:

- Article 3 (1), in the case of:
 - seed harvested prior to German unification or after unification insofar as the seed production fields had been sown before that date,
 - other seed if it is certified in accordance with Article 2 (2) (c);

- Article 8 (2), in the case of the restriction to “small quantities”;
- Article 13 (1), in the case of seed of “*Hordeum vulgare* L.”;
- Article 16, within the limits of the traditional trade flows and in response to the production needs of undertakings in the former German Democratic Republic,

at a date later than referred to above, but not later than 31 December 1992 in respect of the first and fourth indents and not later than 31 December 1994 in respect of the second and third indents.

The Federal Republic of Germany shall ensure that seed in respect of which it applies this authorization, other than seed specified in the second sub-indent of the first indent, is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.’

4. Council Directive 66/403/EEC of 14 June 1966 (OJ No 125, 11. 7. 1966, p. 2320/66), as last amended by Directive 90/403/EEC (OJ No L 208, 7. 8. 1990, p. 30).

The following paragraphs are added to Article 21:

‘The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with the following:

- Article 3 (1), in the case of:
 - seed potatoes harvested prior to German unification, or
 - seed potatoes harvested after that date if they are certified in accordance with Article 2 (2);
- Article 8 (2), in the case of the restriction to “small quantities”;
- Article 15, within the limits of the traditional trade flows and in response to the production needs of undertakings in the former German Democratic Republic,

at a date later than that referred to above, but not later than 31 December 1992 in respect of the first and third indents and not later than 31 December 1994 in respect of the second indent.

The Federal Republic of Germany shall ensure that seed potatoes in respect of which it applies this authorization, other than seed potatoes specified in the second sub-indent of the first indent, are not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.’

5. Council Directive 69/208/EEC of 30 June 1969 (OJ No L 169, 10. 7. 1969, p. 3), as last amended by Directive 88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31).

(a) The following paragraph 4 is added to Article 15:

‘4. Paragraph 1 shall also apply to the territory of the former German Democratic Republic until 31 December 1991. Detailed rules may be adopted in accordance with the procedure laid down in Article 20.’

(b) The following paragraphs are added to Article 23:

‘The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with the following:

- Article 3 (1), in the case of:
 - seed harvested prior to German unification or after unification insofar as the seed production fields had been sown before that date,
 - other seed if it is certified in accordance with Article 2 (2);
- Article 16, within the limits of the traditional trade flows and in response to the production needs of undertakings in the former German Democratic Republic,

at a date later than that referred to above, but not later than 31 December 1992.

The Federal Republic of Germany shall ensure that seed in respect of which it applies this authorization, other than seed specified in the second sub-indent of the first indent, is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.'

6. Council Directive 70/457/EEC of 29 September 1970 (OJ No L 225, 12. 10. 1970, p. 1), as last amended by Directive 88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31).

- (a) The following subparagraph is added to Article 3 (3):

'With regard to the territory of the former German Democratic Republic, the dates 1 July 1972 and 30 June 1980 respectively referred to in the first sentence of the first paragraph are replaced by those of 3 October 1990 and 31 December 1994 in respect of the varieties accepted by the authorities of the former German Democratic Republic. This provision shall apply *mutatis mutandis* to varieties which have not been officially accepted but whose seed had been marketed or sown in the territories prior to German unification.'

- (b) The following subparagraph is added to Article 12 (1):

'Acceptance of the varieties by the authorities of the former German Democratic Republic prior to German unification shall be valid until the end of the 10th calendar year at the latest following their entry in the catalogue of varieties drawn up by the Federal Republic of Germany in accordance with Article 3 (1).'

- (c) The following paragraph is added to Article 16:

'With regard to Germany, the date 1 July 1972 referred to in the introductory sentence in the first paragraph is replaced by that of 3 October 1990 in respect of varieties accepted by the authorities of the former German Democratic Republic. All the areas used for multiplication of the variety, as referred to in subparagraph (c) of the first paragraph, shall be situated in the territory of the former German Democratic Republic.'

- (d) The following paragraph is added to Article 17:

'In the cases referred to in the last paragraph of Article 16, the date 1 July 1972 referred to in the introductory sentence of the first paragraph shall be replaced by the date 3 October 1990.'

7. Council Directive 70/458/EEC of 29 September 1970 (OJ No L 225, 12. 10. 1970, p. 7), as last amended by Directive 88/380/EEC (OJ No L 187, 16. 7. 1988, p. 31).

- (a) The following subparagraph is added to Article 9 (2):

'With regard to the territory of the former German Democratic Republic, the dates 1 July 1972 and 30 June 1980 referred to in the first sentence are replaced by those of 3 October 1990 and 31 December 1994 respectively in respect of the varieties accepted by the authorities of the former German Democratic Republic.'

This provision shall apply *mutatis mutandis* to varieties which have not been officially accepted but whose seed had been marketed or sown in that territory prior to German unification.'

- (b) The following subparagraph is added to Article 13 (1):

'Acceptance of the varieties by the authorities of the former German Democratic Republic prior to German unification shall be valid until the end of the 10th calendar year at the latest following their entry in the catalogue of varieties drawn up by the Federal Republic of Germany in accordance with Article 3 (1).'

- (c) The following subparagraph is added to Article 16 (4):

'With regard to Germany, the date 1 July 1972 referred to in the first sentence of the first subparagraph is replaced by that of 3 October 1990 in respect of the varieties accepted by the authorities of the former German Democratic Republic.'

- (d) The following paragraphs are added to Article 43:

'The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with the following:

- Article 20 (1), in the case of seed harvested prior to German unification or after unification insofar as the seed production fields had been sown before that date,

— Article 32 (1) (d), within the limits of the traditional trade flows and in response to the production needs of undertakings in the former German Democratic Republic,

at a date later than that referred to above, but not later than 31 December 1992.

The Federal Republic of Germany shall ensure that seed in respect of which it applies this authorization is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.'

8. Council Decision 78/476/EEC of 30 May 1978 (OJ No L 152, 8. 6. 1978, p. 17), as last amended by Decision 88/574/EEC (OJ No L 313, 19. 11. 1988, p. 45), Council Decision 85/355/EEC of 27 June 1985 (OJ No L 195, 26. 7. 1985, p. 1) and Council Decision 85/356/EEC of 27 June 1985 (OJ No L 195, 26. 7. 1985, p. 20), the latter two as last amended by Decision 90/402/EEC (OJ No L 208, 7. 8. 1990, p. 27).

References in the Annexes to the German Democratic Republic are hereby deleted.

II. Other provisions

1. Council Directive 68/193/EEC of 9 April 1968 (OJ No L 93, 17. 4. 1968, p. 15), as last amended by Directive 88/332/EEC (OJ No L 151, 17. 6. 1988, p. 82).

The following paragraphs are added to Article 19:

'The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with Article 3 (1) at a date later than that referred to above, but not later than 1 January 1995.

The Federal Republic of Germany shall ensure that the material in respect of which it applies this authorization is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.'

2. Council Directive 66/404/EEC of 14 June 1966 (OJ No 125, 11. 7. 1966, p. 2326/66), as last amended by Directive 88/332/EEC (OJ No L 151, 17. 6. 1988, p. 82).

(a) The following sentence is added to Article 5e:

'With regard to the former German Democratic Republic, the date 1 July 1977 shall be replaced by that of 1 July 1990 and the expiry of the transitional period is fixed at 31 December 1994.'

(b) The following paragraph is added to Article 18:

'3a. The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with Article 4 (1) at a date later than referred to above, but not later than 1 January 1995.

The Federal Republic of Germany shall ensure that the material in respect of which it applies this authorization is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.'

3. Council Directive 71/161/EEC of 30 March 1971 (OJ No L 87, 17. 4. 1971, p. 14), as last amended by Regulation (EEC) No 3768/85 (OJ No L 362, 31. 12. 1985, p. 8).

The following paragraphs are added to Article 19:

'The Federal Republic of Germany is hereby authorized to comply, in respect of the territory of the former German Democratic Republic, with the provisions of Article 5 (1) at a date later than that referred to above, but not later than 1 January 1995.

The Federal Republic of Germany shall ensure that the material in respect of which it applies this authorization is not introduced into parts of the Community other than the territory of the former German Democratic Republic unless it is established that the provisions of this Directive are complied with.'

ANNEX III

LEGISLATION ON ANIMAL FEEDINGSTUFFS

1. Council Directive 70/524/EEC of 23 November 1970 (OJ No L 270, 14. 12. 1970, p. 1), as last amended by Directive 90/412/EEC (OJ No L 209, 8. 8. 1990, p. 25).

The following paragraph is added to Article 26:

'However, in the case of the territory of the former German Democratic Republic, the Federal Republic of Germany may:

- maintain the provisions applicable prior to unification under which the use of the following additives in feedingstuffs is authorized:
 - Olaquinox,
 - Nourseothricine,
 - Ergambur.

This derogation shall expire on the date of the Decision to be taken, in accordance with Article 7, on the authorization or prohibition of the use of the additives listed above, and by 31 December 1992 at the latest. The Federal Republic of Germany shall ensure that those additives and any feedingstuffs into which they are incorporated are not dispatched to other parts of the Community;

- derogate, until 31 December 1991, from the labelling provisions in Articles 14, 15 and 16 for the additives, additive pre-mixtures and compound feedingstuffs to which additives have been added, produced in the territory in question.'

2. Council Directive 77/101/EEC of 23 November 1976 (OJ No L 32, 3. 2. 1977, p. 1), as last amended by Directive 87/234/EEC (OJ No L 102, 14. 4. 1987, p. 31).

The following paragraph is added to Article 15:

'However, the Federal Republic of Germany may until 31 December 1991 derogate from the labelling provisions in Article 7 for straight feedingstuffs produced in the territory of the former German Democratic Republic.'

3. Council Directive 79/373/EEC of 2 April 1979 (OJ No L 86, 6. 4. 1979, p. 30), as last amended by Directive 90/44/EEC (OJ No L 27, 31. 1. 1990, p. 25).

The following paragraph is added to Article 16:

'However, the Federal Republic of Germany may until 21 January 1992 derogate from the labelling provisions in Article 5 for compound feedingstuffs produced in the territory of the former German Democratic Republic.'

4. Council Directive 82/471/EEC of 30 June 1982 (OJ No L 213, 21. 7. 1982, p. 8), as last amended by Directive 90/439/EEC (OJ No L 227, 21. 8. 1990, p. 33).

The following paragraph 3 is added to Article 4:

'3. In the territory of the former German Democratic Republic, the use in feedingstuffs of protein products obtained from yeast of the *Candida* genus cultured on n-alkanes shall not be prohibited until 31 December 1991. The Federal Republic of Germany shall ensure that the products in question are not dispatched to other parts of the Community.'

The following paragraph is added to Article 17:

'However, the Federal Republic of Germany may until 31 December 1991 derogate from the labelling provisions in Article 5 for feedingstuffs produced in the territory of the former German Democratic Republic.'

ANNEX IV

VETERINARY LEGISLATION

1. Council Decision 88/303/EEC of 24 May 1988 (OJ No L 132, 28. 5. 1988, p. 76), as last amended by Decision 90/63/EEC (OJ No L 43, 17. 2. 1990, p. 32).

The following territories are added to Chapter 1 of Annex II:

'Bezirke Rostock, Schwerin, Neubrandenburg, Potsdam, Frankfurt, Cottbus, Magdeburg, Halle, Erfurt, Gera, Suhl, Dresden, Leipzig, Chemnitz and Berlin.'

2. Council Directive 71/118/EEC of 15 February 1971 (OJ No L 55, 8. 3. 1971, p. 23), as last amended by Directive 89/662/EEC (OJ No L 395, 30. 12. 1989, p. 13).

The following text is inserted as Article 15d:

'Article 15d

1. Until 31 December 1992 the Federal Republic of Germany may derogate, in the territory of the former German Democratic Republic, from the following provisions:

- Article 3 (1) A. (a) and (e).
- Article 3 (1) A. (c) regarding the requirements referred to in Annex I to Chapter V 28a to 28b,
- Article 3 (1) B. (a),
- Article 3 (1) B. (e) regarding the requirements in A. (e).

2. Products from the establishments referred to in paragraph 1 shall be reserved exclusively for consumption in the territory of the former German Democratic Republic.

3. The establishments referred to in this Article shall be entered on a special list and allocated a special veterinary approval number which cannot be confused with the approval number laid down for intra-Community trade within the meaning of Article 5 (1).'

COUNCIL DECISION

of 4 December 1990

amending Decision 87/277/EEC on the allocation of the catch possibilities for cod in the Spitzbergen and Bear Island area and in Division 3M as defined in the NAFO Convention

(90/655/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 Act of Accession of Spain and Portugal, and in particular Article 11 of that Regulation,

Having regard to the proposal from the Commission⁽²⁾,

Having regard to the opinion of the European Parliament⁽³⁾,

Whereas the unification of Germany has changed the historic catches on which Decision 87/277/EEC⁽⁴⁾ was based; whereas that Decision should therefore be amended

in order to take account of catches made by the former German Democratic Republic during the reference periods used in calculating the percentage allocations in the Annex to that decision,

HAS DECIDED AS FOLLOWS:

Sole Article

The Annex to Decision 87/277/EEC shall be replaced by the Annex to this Decision.

Done at Brussels, 4 December 1990.

*For the Council**The President*

G. DE MICHELIS

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No C 248, 2. 10. 1990, p. 11.

⁽³⁾ Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 135, 23. 5. 1987, p. 29.

ANNEX

Spitzbergen — Bear Island cod (ICES division II b)

TAC (tonnes)	Community share (tonnes)	Germany (%)	Spain (%)	France (%)	Portugal (%)	United Kingdom (%)	All Other Member States (total amount)
	FIRST INSTALMENT	Percentage of the Community share after deduction of the standard amount allocated to other Member States					Standard amount
	22 018 or less	19,24	49,73	8,21	10,50	12,32	100 tonnes
	SECOND INSTALMENT	Percentage of the Community share after deduction of the first instalment and the amount allocated to other Member States					Standard amount
	22 019—24 220	29,71	28,45	16,44	4,21	21,19	250 tonnes
							Percentage of the Community share
	700 001— 800 000	29,54	28,54	16,46	4,27	21,19	1,91
	800 001— 900 000	29,51	28,56	16,47	4,27	21,19	2,86
	900 001—1 000 000	29,54	28,54	16,46	4,27	21,19	3,82
	1 000 001 or more	29,54	28,54	16,46	4,27	21,1	4,77

Cod NAFO 3M

	Germany (%)	Spain (%)	France (%)	Portugal (%)	United Kingdom (%)
FIRST INSTALMENT					
7 500 tonnes or less	9,33	28,67	4,00	39,33	18,67
SECOND INSTALMENT					
more than 7 500 tonnes	1,76	37,81	5,38	51,97	3,08

COUNCIL DIRECTIVE

of 4 December 1990

on the transitional measures applicable in Germany with regard to certain Community provisions relating to the protection of the environment

(90/656/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission ⁽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 European Economic Community has adopted a set of rules concerning the protection of the environment;

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas, however, it is necessary to take account of the particular situation in that territory as regards the state of the environment;

Whereas, to this end, it is necessary to allow Germany to lay down a specific time limit within which certain rules in force in that territory must be brought into conformity with Community law;

Whereas the derogations provided for in that connection must be temporary and cause the least possible disturbance to the functioning of the common market, and in particular to conditions of competition; whereas these derogations do not apply to new installations;

Whereas the state of the environment in the territory of the former German Democratic Republic calls for considerable improvement in order to comply with the quality standards, limit values and other environmental protection requirements laid down in Community legislation;

Whereas the time needed for adjustment depends both on the situation in that territory and on the measures required in order to comply with Community requirements; whereas the time limits cannot therefore be determined in a uniform manner;

Whereas the measures to be taken in the various fields covered by this Directive often call not only for changes in production but also for the construction of new installations; whereas these measures presuppose the existence of an appropriate administrative structure and the establishment of networks for measuring and monitoring; whereas, as a result, a period of several years must be envisaged in order to arrive at a situation which complies with Community law in the environmental field;

Whereas information on the rules in force and on the state of the environment in the territory of the former German Democratic Republic is insufficient to permit the type of adjustment or the extent of the derogations to be definitively established; whereas, in order to allow for changes in the situation, a simplified procedure must be laid down, in accordance with the third indent of Article 145 of the Treaty,

HAS ADOPTED THIS DIRECTIVE:

*Article 1***Quality of surface water**

1. By way of derogation from Directive 75/440/EEC ⁽⁴⁾ and Directive 79/869/EEC ⁽⁵⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, that the quality standards for surface water and the methods of measurement and frequencies of sampling and analysis laid down in those Directives must be complied with by 31 December 1995 at the latest.

2. The Federal Republic of Germany shall submit to the Commission, no later than 31 December 1992, an improvement plan describing how the objectives in the Directives referred to in paragraph 1 are to be achieved within the prescribed time limits.

(1) OJ No L 263, 26. 6. 1990, p. 42 as amended on 25. Oktober 1990 and 28 November 1990.

(2) Opinion delivered on 21 November 1990 (not yet published in the Official Journal).

(3) Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

(4) OJ No L 194, 25. 7. 1975, p. 34.

(5) OJ No L 271, 29. 10. 1979, p. 44.

*Article 2***Quality of bathing water**

By way of derogation from Directive 76/160/EEC ⁽¹⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, that the obligations arising out of that Directive must be complied with by 31 December 1993 at the latest.

*Article 3***Discharges of dangerous substances**

1. By way of derogation from Directive 76/464/EEC ⁽²⁾, Directive 82/176/EEC ⁽³⁾, Directive 83/513/EEC ⁽⁴⁾, Directive 84/156/EEC ⁽⁵⁾, Directive 84/491/EEC ⁽⁶⁾, Directive 86/280/EEC ⁽⁷⁾ and Directive 88/347/EEC ⁽⁸⁾, the Federal Republic of Germany shall be authorized to apply, in respect of the territory of the former German Democratic Republic, the provisions laid down in the said Directives to industrial installations which, on the date of German unification, are located in that territory, from 31 December 1992 at the latest.

2. An existing plant whose capacity for handling the substances is significantly increased is considered to be a new plant within the meaning of Article 2 (g) of Directive 86/280/EEC.

3. As regards Directive 86/280/EEC, paragraphs 1 and 2 above shall apply only in respect of the substances listed in Annex II thereto.

4. The special programmes provided for in Article 4 of Directive 84/156/EEC and Article 5 of Directive 86/280/EEC shall be drawn up and put into effect by 31 December 1992 at the latest.

*Article 4***Quality of fish-farming waters**

By way of derogation from Directive 78/659/EEC ⁽⁹⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, that the obligations arising out of the said Directive must be complied with as from 31 December 1992 at the latest.

⁽¹⁾ OJ No L 31, 5. 2. 1976, p. 1.

⁽²⁾ OJ No L 129, 18. 5. 1976, p. 23.

⁽³⁾ OJ No L 81, 27. 3. 1982, p. 29.

⁽⁴⁾ OJ No L 291, 24. 10. 1983, p. 1.

⁽⁵⁾ OJ No L 74, 17. 3. 1984, p. 49.

⁽⁶⁾ OJ No L 274, 17. 10. 1984, p. 11.

⁽⁷⁾ OJ No L 181, 4. 7. 1986, p. 16.

⁽⁸⁾ OJ No L 158, 25. 5. 1988, p. 35.

⁽⁹⁾ OJ No L 222, 14. 8. 1978, p. 1.

*Article 5***Wild birds**

By way of derogation from Directive 79/409/EEC ⁽¹⁰⁾, the Federal Republic of Germany shall be authorized to undertake, for the territory of the former German Democratic Republic, the protection measures resulting from the obligations of Articles 3 and 4 of the said Directive, by 31 December 1992 at the latest.

Within six months of the date of German unification, the Federal Republic of Germany shall identify those territories which it proposes to classify as Special Protection Areas.

In anticipation of the entry into force of the protection measures under Articles 3 and 4 of the said Directive, the Federal Republic of Germany shall ensure that the conservation value of these territories will not be affected by the intervention of public authorities.

*Article 6***Protection of groundwater against pollution**

1. By way of derogation from Directive 80/68/EEC ⁽¹¹⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, that the obligations arising out of the said Directive concerning the discharge of substances in Lists I and II as they stand on the date of unification must be complied with by 31 December 1995 at the latest.

2. The inventories of authorizations referred to in Article 15 of Directive 80/68/EEC must be completed as soon as possible and in any event by the end of the period provided for in paragraph 1 above.

3. The Federal Republic of Germany shall submit to the Commission, no later than 31 December 1992, a programme for improving the groundwater referred to in this Article containing the measures needed to prevent the introduction of substances in List I and limit the introduction of substances in List II as set out in Directive 80/68/EEC into such water.

*Article 7***Quality of water intended for human consumption**

2. By way of derogation from Directive 80/778/EEC ⁽¹²⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, that the obligations arising out of the said Directive must be complied with by 31 December 1995 at the latest. However, the Federal Republic of Germany shall endeavour to attain this objective from 31 December

⁽¹⁰⁾ OJ No L 103, 25. 4. 1979, p. 1.

⁽¹¹⁾ OJ No L 20, 26. 1. 1980, p. 43.

⁽¹²⁾ OJ No L 229, 30. 8. 1980, p. 11.

1991. If the quality standards provided for in Directive 80/778/EEC have not been met by that date, the Federal Republic of Germany shall immediately submit to the Commission all the relevant information together with an improvement plan describing how compliance with the standards in the Directive is to be ensured by 31 December 1995 at the latest.

Article 8

Air quality values for sulphur dioxide and suspended particulates

1. By way of derogation from Directive 80/779/EEC ⁽¹⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, with regard to that Directive, that:

- the obligations laid down in Article 3 (1) must be complied with by 31 December 1991 at the latest,
- the obligations laid down in Article 3 (2) to be met by 1 October 1982 and 1 April 1986 respectively must be complied with by 31 December 1991 and 31 December 1995 at the latest.

Article 9

Major-accident hazards

1. By way of derogation from directive 82/501/EEC ⁽²⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, that the obligations arising out of the said Directive must be complied with, as regards the industrial activities which are performed there on the date of German unification, by 1 July 1992 at the latest.

2. As regards the industrial activities referred to in paragraph 1, the Federal Republic of Germany shall be authorized to provide that the supplementary declaration referred to in Article 9 (4) of Directive 82/501/EEC and in Article 2 (2) of Directive 87/216/EEC ⁽³⁾ must be submitted to the competent authority no later than 1 July 1994.

Article 10

Lead in the air

By way of derogation from Directive 82/884/EEC ⁽⁴⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, with regard to the said Directive, that:

- the obligation laid down in Article 3 (1) must be complied with by 31 December 1991 at the latest,
- the obligation to inform the Commission laid down in Article 3 (2) must be complied with by 31 December 1991 at the latest,

- the obligation laid down in the first sentence of Article 3 (3) to forward to the Commission plans for the progressive improvement of air quality must be complied with by 31 December 1992 at the latest,
- the obligation laid down in the third sentence of Article 3 (3) to achieve the limit values fixed in the Directive must be complied with by 1 July 1994 at the latest.

Article 11

Air pollution from industrial plants

By way of derogation from Directive 84/360/EEC ⁽⁶⁾, the Federal Republic of Germany shall be authorized to lay down, in respect of the territory of the former German Democratic Republic, that the date taken into consideration in Article 2 (3) of that Directive for the definition of existing plants should be that of German unification.

Article 12

Air quality standards for nitrogen dioxide

By way of derogation from Directive 85/203/EEC ⁽⁷⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, with regard to the said Directive, that:

- the obligation to achieve the limit value for concentrations of nitrogen dioxide in the air laid down in Article 3 (1) must be complied with by 31 December 1991 at the latest,
- the deadlines laid down in Article 3 (2) shall be extended to 31 December 1991 at the latest,
- the deadline for forwarding the improvement plans provided for in the first sentence of the second subparagraph of Article 3 (2) shall be fixed at 31 December 1992 at the latest,
- the maximum period set out at the end of Article 3 (2) shall be extended to 31 December 1995 at the latest.

Article 13

Disposal of waste oils

By way of derogation from Directive 87/101/EEC ⁽⁷⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, with regard to that Directive, that the date taken into consideration in Article 3 should be that of German unification.

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 30.

⁽²⁾ OJ No L 230, 5. 8. 1982, p. 1.

⁽³⁾ OJ No L 85, 28. 3. 1987, p. 36.

⁽⁴⁾ OJ No L 378, 31. 12. 1982, p. 15.

⁽⁵⁾ OJ No L 188, 26. 7. 1984, p. 20.

⁽⁶⁾ OJ No L 87, 27. 3. 1985, p. 1.

⁽⁷⁾ OJ No L 42, 11. 1. 1987, p. 43.

Article 14**Pollution by asbestos**

By way of derogation from Directive 87/217/EEC ⁽¹⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German

Democratic Republic, with regard to the said Directive, that:

- the obligations laid down in Article 14 (1) must be complied with by 31 December 1991 at the latest,
- the obligations laid down in Article 14 (2) must be complied with by 30 June 1993 at the latest.

Article 15**Limitation of pollution from large combustion plants**

1. By way of derogation from Directive 88/609/EEC ⁽²⁾, the Federal Republic of Germany shall be authorized to provide, in respect of the territory of the former German Democratic Republic, with regard to that Directive, that:

- in Article 2 (9) and (10) the date of 1 July 1987 shall be replaced by 1 July 1990,
- in Article 3 (1) the date of 1 July 1990 for drawing up programmes for reducing emissions shall be replaced by 1 July 1992.

2. In Annex I to Directive 88/609/EEC, the reference to Germany shall be amended as follows:

	0	1	2	3	4	5	6	7	8	9
Member State		1993	1998	2003	1993	1998	2003	1993	1998	2003
Germany	5 000	3 000 ⁽³⁾	2 000	1 500	- 40 ⁽³⁾	- 60	- 70	⁽³⁾	—	—

⁽³⁾ Germany must comply with the value shown under this heading from 1 January 1996 onwards.

3. In Annex II to Directive 88/609/EEC, the reference to Germany shall be amended as follows:

	0	1	2	3	4	5	6
Member State		1993	1998	1993	1998	1993	1998
Germany	1 090	872 ⁽⁴⁾	654	- 20	- 40	—	—

⁽⁴⁾ Germany must comply with the value shown under this heading from 1 January 1996 onwards.

Article 16**Waste**

1. By way of derogation from Article 8 of Directive 75/442/EEC ⁽³⁾ and Article 9 of Directive 78/319/EEC ⁽⁴⁾, the Federal Republic of Germany shall be

authorized, except in the case of new installations, to take the measures necessary to ensure compliance with these obligations in the territory of the former German Democratic Republic by 31 December 1995 at the latest.

2. The Federal Republic of Germany shall submit to the Commission no later than 31 December 1991 improvement plans which conform to the requirements laid down in Article 6 of Directive 75/442/EEC and Article 12 of Directive 78/319/EEC and which enable the deadline referred to in paragraph 1 to be met.

⁽¹⁾ OJ No L 85, 28. 3. 1987, p. 40.

⁽²⁾ OJ No L 336, 7. 12. 1988, p. 1.

⁽³⁾ OJ No L 194, 25. 7. 1975, p. 39.

⁽⁴⁾ OJ No L 84, 31. 3. 1978, p. 43.

*Article 17***Information**

The Federal Republic of Germany shall forthwith inform the Commission of the measures taken pursuant to Articles 1 to 16, which the Commission shall communicate to the other Member States and to the European Parliament.

Article 18

1. Adjusting measures to fill obvious loopholes and to make technical adjustments to those provided for in this Directive may be adopted.

2. Adjusting measures must be designed to ensure coherent application of Community rules in the sector covered by this Directive in the territory of the former German Democratic Republic, with due regard for the specific circumstances in that territory and the special difficulties involved in the application of those rules.

They must be consistent with the principles of those rules and be closely related to one of the derogations provided for by this Directive.

3. The measures referred to in paragraph 1 may be adopted as follows:

- as regards Article 1, in accordance with the procedure provided for in Article 11 of Directive 79/869/EEC,
- as regards Article 2, in accordance with the procedure provided for in Article 11 of Directive 76/160/EEC,
- as regards Article 4, in accordance with the procedure provided for in Article 14 of Directive 78/659/EEC,
- as regards Article 5, in accordance with the procedure provided for in Article 17 of Directive 79/409/EEC,
- as regards Article 7, in accordance with the procedure provided for in Article 15 of Directive 80/778/EEC,
- as regards Article 8, in accordance with the procedure provided for in Article 14 of Directive 80/779/EEC,
- as regards Article 9, in accordance with the procedure provided for in Article 16 of Directive 82/501/EEC,
- as regards Article 10, in accordance with the procedure provided for in Article 11 of Directive 82/884/EEC,

- as regards Article 12, in accordance with the procedure provided for in Article 14 of Directive 85/203/EEC,
- as regards Article 14, in accordance with the procedure provided for in Article 12 of Directive 87/217/EEC,
- as regards Article 16, in accordance with the procedure provided for in Article 19 of Directive 78/319/EEC,

4. For cases not covered by the procedures provided for in paragraph 3, the measures referred to in paragraph 1 may be adopted in accordance with the following procedure after convening an *ad hoc* committee composed of representatives of the Member States and chaired by a representative of the Commission.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion of the draft within a time limit which the Chairman may lay down according to the urgency of the matter.

The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

5. The adjusting measures referred to in paragraph 1 and 2 may not be adopted after the deadlines laid down in this Directive for full application of the respective Directives. They shall not apply beyond those dates. The supplementary measures allowed under this Article may be adopted only until 31 December 1992; they shall not apply after the deadlines laid down in this Directive for full application of the respective Directives or, in the absence of such deadlines, after 31 December 1995 at the latest.

6. Where it proves essential to postpone a time limit laid down in this Directive for application of a derogation, the date in question may be postponed in accordance with the procedure laid down in paragraphs 3 or 4, but not beyond 31 December 1995.

7. Any Member State may refer any difficulties to the Commission. The Commission shall, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures.

Done at Brussels, 4 December 1990.

Article 19

This Directive is addressed to the Member States.

For the Council

The President

G. DE MICHELIS

COUNCIL DIRECTIVE

of 4 December 1990

on transitional measures applicable in Germany in the context of the harmonization of technical rules

(90/657/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 the Community has adopted, with regard to the placing on the market and the use of products, a set of rules which are binding on all the Member States and on all economic operators;

Whereas from the date of German unification, Community law will be automatically applicable in the territory of the former German Democratic Republic; whereas such application may give rise to difficulties owing to the level of development of the local economy;

Whereas under Article 8c of the Treaty the Commission is to take into account the extent of the effort that certain economies showing differences in development will have to sustain during the period of establishment of the internal market; whereas the derogations that the Commission may propose to that end must be temporary and must cause the least possible disturbance to the functioning of the common market; whereas they must not, however, have the effect of jeopardizing the health and safety of consumers;

Whereas the level of information available on the situation regarding the rules and regulations in force and regarding industry in the territory of the former German Democratic Republic is such that it is not possible to establish

definitively the extent of the derogations; whereas, so that account can be taken of developments in that situation, a simplified procedure must be set up in accordance with the third indent of Article 145 of the Treaty for the purpose of adjusting and administering the derogations,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. By way of derogation from the Directives listed in Annexes A and B, the Federal Republic of Germany is authorized to maintain in force in the territory of the former German Democratic Republic the existing rules and regulations in respect of products which have been or which are manufactured there, on condition that this does not affect the placing on the market and the free movement in that territory of products complying with the said Directives.

2. This authorization shall be applicable to the Directives referred to in Annex A until 31 December 1992; in the case of the Directives referred to in Annex B, it shall apply under the conditions laid down in that Annex.

3. The German authorities may extend the derogations provided for in paragraphs 1 and 2 to include products covered by the agreements referred to in Annexes I and II to Council Regulation (EEC) No 3568/90 ⁽⁴⁾. Such measures shall be taken within the limits of the maximum quantities and values laid down in the said agreements and to satisfy the market requirements of the former German Democratic Republic.

Article 2

1. Without prejudice to paragraph 2, Member States shall ensure, in the context of product conformity checking procedures, that products which qualify for a derogation under Article 1 are not placed on markets other than that of the former German Democratic Republic.

⁽¹⁾ OJ No L 266, 28. 9. 1990, p. 4, as amended on 25 October 1990 and 28 November 1990.

⁽²⁾ Opinion delivered on 24 October 1990 (not yet published in the Official Journal) and Decision of 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

⁽⁴⁾ See page 1 of this Official Journal.

2. The Federal Republic of Germany shall take all measures necessary to ensure that products not complying with the Directives referred to in Article 1 are not placed on the market in the territory of the Community other than the territory of the former German Democratic Republic; such measures shall be compatible with the Treaty, and in particular with the objectives of Article 8a, and shall not give rise to any additional controls or formalities at frontiers between Member States.

3. Any Member State may refer any difficulties to the Commission. The Commission shall, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures. Such measures shall be adopted according to the procedure laid down in Article 5.

Article 3

1. The rules and regulations whose maintenance in force is authorized under Article 1 and the control measures taken pursuant to Article 2 shall be notified to the Commission no later than the date on which the interim measures adopted pursuant to Directive 90/476/EEC⁽¹⁾ are replaced by transitional measures and at any rate no later than 31 December 1990. Such rules, regulations and control measures as are notified to the Commission shall be immediately published in the *Official Journal of the European Communities*.

2. The Federal Republic of Germany shall report on the application of the measures taken pursuant to this Directive on 31 December 1991, 1992 and 1995. The report shall be forwarded to the Commission, which shall communicate it to the other Member States and the European Parliament.

Article 4

1. Adjusting measures to fill obvious loopholes and to make technical adjustments to those provided for in this Directive may be adopted in accordance with the procedure laid down in Article 5.

2. Adjustments must be designed to ensure coherent application of Community rules in the sector covered by this Directive in the territory of the former German Democratic Republic, with due regard for the specific circumstances in that territory and the special difficulties involved in the application of those rules.

They must be consistent with the principles of those rules, and be closely related to one of the derogations provided for by this Directive.

3. The measures referred to in paragraph 1 shall be adopted not later than 31 December 1992. Their applicability shall be limited to the same period; however, where this Directive sets later time limits for derogations, those time limits shall apply.

Article 5

For the purposes of Article 2 (3) and Article 4, the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by a representative of the Commission.

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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on expiry of a period of one month from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

⁽¹⁾ OJ No L 266, 28. 9. 1990, p. 1.

ANNEX A

1. FOODSTUFFS

1. Council Directive of 23. 10. 1962

Colouring matters

Date of adoption: 23. 10. 1962
OJ No 115, 11. 11. 1962, p. 2645/62

Council Directive 65/469/EEC

First amendment to the Directive of 23. 10. 1962

Date of adoption: 25. 10. 1965
OJ No 178, 26. 10. 1965, p. 2793/65

Council Directive 81/20/EEC

Seventh amendment to the Directive of 23. 10. 1962

Date of adoption: 20. 1. 1981
OJ No L 43, 14. 2. 1981, p. 11

2. Council Directive 64/54/EEC

Preservatives

Date of adoption: 5. 11. 1963
OJ No 12, 27. 1. 1964, p. 161/64

Council Directive 71/160/EEC

Amendment to Directive 64/54/EEC

Date of adoption: 30. 3. 1971
OJ No L 87, 17. 4. 1971, p. 12

Council Directive 14/62/EEC

Ninth amendment to Directive 64/54/EEC

Date of adoption: 17. 12. 1973
OJ No L 38, 11. 12. 1974, p. 29

Council Directive 74/394/EEC

Tenth amendment to Directive 64/54/EEC

Date of adoption: 22. 7. 1974
OJ No L 208, 30. 7. 1974, p. 25

Council Directive 76/462/EEC

Eleventh amendment to Directive 64/54/EEC

Date of adoption: 4. 5. 1976
OJ No L 126, 14. 5. 1976, p. 31

3. Council Directive 65/66/EEC

Preservatives — criteria of purity

Date of adoption: 26. 1. 1965
OJ No 22, 9. 2. 1965, p. 373/65

Council Directive 67/428/EEC

First amendment to Directive 65/66/EEC

Date of adoption: 27. 6. 1967
OJ No L 148, 11. 7. 1967, p. 10

Council Directive 76/463/EEC

Second amendment to Directive 65/66/EEC

Date of adoption: 4. 5. 1976
OJ No L 126, 14. 5. 1976, p. 33

Council Directive 86/604/EEC

Third amendment to Directive 65/66/EEC

Date of adoption: 8. 12. 1986
OJ No L 352, 13. 12. 1986, p. 45

Council Directive 67/427/EEC

Use of certain preservatives for the surface treatment of citrus fruit and the control measures to be used for the qualitative and quantitative analysis of preservatives in and on citrus fruit

Date of adoption: 27. 6. 1967
OJ No L 148, 11. 7. 1967, p. 1

4. Council Directive 70/357/EEC

Antioxidants

Date of adoption: 13. 7. 1970
OJ No L 157, 18. 7. 1970, p. 31

5. Council Directive 78/664/EEC

Antioxidants — criteria of purity

Date of adoption: 25. 7. 1978
OJ No L 223, 14. 8. 1978, p. 30

Council Directive 82/712/EEC

First amendment to Directive 78/664/EEC

Date of adoption: 18. 10. 1982
OJ No L 297, 23. 10. 1982, p. 31

6. Council Directive 73/241/EEC

Cocoa and chocolate products

Date of adoption: 24. 7. 1973
OJ No L 228, 16. 8. 1973, p. 23

Council Directive 75/155/EEC

Third amendment to Directive 73/241/EEC

Date of adoption: 4. 3. 1975
OJ No L 64, 11. 3. 1975, p. 21

Council Directive 76/628/EEC

Fourth amendment to Directive 73/241/EEC

Date of adoption: 20. 7. 1976
OJ No L 223, 16. 8. 1976, p. 1

Council Directive 78/609/EEC

Fifth amendment to Directive 73/241/EEC

Date of adoption: 29. 6. 1978
OJ No L 197, 22. 7. 1978, p. 10

Council Directive 80/608/EEC

Seventh amendment to Directive 73/241/EEC

Date of adoption: 30. 6. 1980
OJ No L 170, 3. 7. 1980, p. 33

Council Directive 89/344/EEC

Amendment of Directive 73/241/EEC

Date of adoption: 3. 5. 1989
OJ No L 142, 25. 5. 1989, p. 19

7. *Council Directive 74/329/EEC*

Emulsifiers, stabilizers, thickeners and gelling agents

Date of adoption: 18. 6. 1974
OJ No L 189, 12. 7. 1974, p. 1

Council Directive 78/612/EEC

First amendment to Directive 74/329/EEC

Date of adoption: 29. 6. 1978
OJ No L 197, 22. 7. 1978, p. 22

Council Directive 80/597/EEC

Second amendment to Directive 74/329/EEC

Date of adoption: 29. 5. 1980
OJ No L 155, 23. 6. 1980, p. 23

Council Directive 86/102/EEC

Fourth amendment to Directive 74/329/EEC

Date of adoption: 24. 3. 1986
OJ No L 88, 3. 4. 1986, p. 40

8. *Council Directive 78/663/EEC*

Emulsifiers, stabilizers, thickeners and gelling agents — criteria of purity

Date of adoption: 25. 7. 1978
OJ No L 223, 14. 8. 1978, p. 7

Council Directive 82/504/EEC

Amendment of Directive 78/663/EEC

Date of adoption: 12. 7. 1982
OJ No L 230, 5. 8. 1982, p. 35

9. *Council Directive 77/436/EEC*

Coffee extracts and chicory extracts

Date of adoption: 27. 6. 1977
OJ No L 172, 12. 7. 1977, p. 20

Council Directive 85/573/EEC

Amendment of Directive 77/436/EEC

Date of adoption: 19. 12. 1985
OJ No L 372, 31. 12. 1985, p. 22

10. *Council Directive 78/142/EEC*

Materials and articles which contain vinyl chloride monomer

Date of adoption: 30. 1. 1978
OJ No L 44, 15. 2. 1978, p. 15

11. *Council Directive 79/112/EEC*

Labelling and presentation

Date of adoption: 18. 12. 1978
OJ No L 33, 8. 2. 1979, p. 1

Council Directive 86/197/EEC

Amendment of Directive 79/112/EEC

Date of adoption: 26. 5. 1986
OJ No L 144, 29. 5. 1986, p. 38

Council Directive 89/395/EEC

Amendment of Directive 79/112/EEC

Date of adoption: 14. 7. 1989
OJ No L 186, 30. 6. 1989, p. 17

12. *Council Directive 80/777/EEC*

Mineral waters

Date of adoption: 15. 7. 1980
OJ No L 229, 30. 8. 1980, p. 1

13. *Council Directive 89/107/EEC*

Additives

Date of adoption: 21. 12. 1988
OJ No L 40, 11. 2. 1989, p. 27

14. *Council Directive 82/711/EEC*

Migration of the constituents of plastic materials and articles

Date of adoption: 18. 10. 1982
OJ No L 297, 23. 10. 1982, p. 26

Council Directive 85/572/EEC

List of stimulants to be used for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs

Date of adoption: 19. 12. 1985
OJ No L 372, 31. 12. 1985, p. 14

15. *Council Directive 83/417/EEC*

Lactoproteins — caseins and caseinates

Date of adoption: 25. 7. 1983
OJ No L 237, 26. 8. 1983, p. 25

16. *Council Directive 84/500/EEC*

Ceramic articles

Date of adoption: 15. 10. 1984
OJ No L 277, 20. 10. 1984, p. 12

17. *Council Directive 85/591/EEC*

Methods of sampling and analysis

Date of adoption: 20. 12. 1985
OJ No L 372, 31. 12. 1985, p. 50

18. *Council Directive 83/229/EEC*

Materials and articles made of regenerated cellulose film

Date of adoption: 25. 4. 1983
OJ No L 123, 11. 5. 1983, p. 31

19. *Council Directive 88/344/EEC*

Extraction solvents

Date of adoption: 13. 6. 1988
OJ No L 157, 24. 6. 1988, p. 28

20. *Council Directive 88/388/EEC*

Flavourings

Date of adoption: 22. 6. 1988
OJ No L 184, 15. 7. 1988, p. 61

21. *Council Directive 89/108/EEC*

Quick-frozen foodstuffs

Date of adoption: 21. 12. 1988
OJ No L 40, 11. 12. 1989, p. 34

22. *Council Directive 89/396/EEC*

Indications or marks identifying the lot to which a foodstuff belongs

Date of adoption: 14. 6. 1989
OJ No L 186, 30. 5. 1989, p. 21

23. *Council Directive 89/398/EEC*

Foodstuffs intended for particular nutritional uses

Date of adoption: 3. 5. 1989
OJ No L 186, 30. 5. 1989, p. 27

2. CHEMICAL SUBSTANCES AND PREPARATIONS

1. *Council Directive 73/173/EEC*

(superseded from 7. 6. 1991 by 88/379/EEC)

Classification, packaging and labelling of dangerous substances (solvents)

Date of adoption: 4. 6. 1973
OJ No L 189, 11. 7. 1973, p. 7

Council Directive 80/781/EEC

(superseded from 7. 6. 1991 by 88/379/EEC)

Amendment of Directive 73/173/EEC

Date of adoption: 22. 7. 1980
OJ No L 229, 30. 8. 1980, p. 57

Council Directive 82/473/EEC

(superseded from 7. 6. 1991 by 88/379/EEC)

Adaptation to technical progress of Directive 73/173/EEC

Date of adoption: 10. 6. 1982
OJ No L 213, 21. 7. 1982, p. 17

2. *Council Directive 73/404/EEC*

Detergents

Date of adoption: 22. 11. 1973
OJ No L 347, 17. 12. 1973, p. 61

Council Directive 82/242/EEC

First amendment to Directive 73/404/EEC relating to methods of testing the biodegradability of non-ionic surfactants

Date of adoption: 31. 3. 1982
OJ No L 109, 22. 4. 1982, p. 1

Council Directive 86/94/EEC

Second amendment to Directive 73/404/EEC

Date of adoption: 10. 3. 1986
OJ No L 80, 25. 3. 1986, p. 51

3. *Council Directive 73/405/EEC*

Methods of testing the biodegradability of anionic surfactants

Date of adoption: 22. 11. 1973
OJ No L 347, 17. 12. 1973, p. 53

Council Directive 82/243/EEC

Amendment of Directive 73/405/EEC

Date of adoption: 31. 3. 1982
OJ No L 109, 22. 4. 1982, p. 18

4. *Council Directive 76/769/EEC*

Restrictions on the marketing and use of certain dangerous substances and preparations

Date of adoption: 27. 7. 1976
OJ No L 262, 27. 9. 1976, p. 201

Council Directive 79/663/EEC

Supplement to the first amendment to Directive 76/769/EEC (extension of the list of restrictions)

Date of adoption: 24. 7. 1979
OJ No L 197, 3. 8. 1979, p. 37

Council Directive 82/806/EEC

Second amendment (benzene) to Directive 76/769/EEC

Date of adoption: 22. 11. 1982
OJ No L 339, 1. 12. 1982, p. 55

Council Directive 82/828/EEC

Third amendment (PCT) to Directive 76/769/EEC

Date of adoption: 3. 12. 1982
OJ No L 350, 10. 12. 1982, p. 34

Council Directive 83/264/EEC

Fourth amendment to Directive 76/769/EEC

Date of adoption: 16. 5. 1983
OJ No L 147, 6. 6. 1973, p. 9

Council Directive 83/478/EEC

Fourth amendment to Directive 76/769/EEC

Date of adoption: 19. 9. 1983
OJ No L 263, 24. 9. 1983, p. 33

Council Directive 85/467/EEC

Sixth amendment (PCBS/PCTS) to Directive 76/769/EEC

Date of adoption: 1. 10. 1985
OJ No L 269, 11. 10. 1985, p. 56

Council Directive 85/610/EEC

Seventh amendment (asbestos) of Directive 76/769/EEC

Date of adoption: 20. 12. 1985
OJ No L 375, 31. 12. 1985, p. 1

Council Directive 89/677/EEC

Eighth amendment to Directive 76/769/EEC

Date of adoption: 21. 12. 1989
OJ No L 398, 30. 12. 1989, p. 19

5. *Council Directive 77/728/EEC*

(superseded from 7. 6. 1991 by Directive 88/379/EEC)

Classification, packaging and labelling of paints, varnishes, printing inks, adhesives and similar products

Date of adoption: 7. 11. 1977
OJ No L 303, 28. 11. 1977, p. 23

Council Directive 83/265/EEC

(superseded from 7. 6. 1991 by Directive 88/379/EEC)

Amendment to Directive 77/728/EEC

Date of adoption: 16. 5. 1983
OJ No L 147, 6. 6. 1983, p. 11

Council Directive 86/508/EEC

(superseded from 7. 6. 1991 by Directive 88/379/EEC)

Second adaptation to technical progress of Directive 77/728/EEC

Date of adoption: 7. 10. 1986
OJ No L 295, 18. 10. 1986, p. 31

6. *Council Directive 78/631/EEC*

Classification, packaging and labelling of dangerous substances (pesticides)

Date of adoption: 26. 6. 1978
OJ No L 206, 29. 7. 1978, p. 13

Council Directive 81/187/EEC

Amendment of Directive 78/631/EEC

Date of adoption: 23. 6. 1981
OJ No L 88, 2. 4. 1981, p. 29

7. *Council Directive 88/379/EEC*

Approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations

Date of adoption: 7. 6. 1988
OJ No L 187, 16. 7. 1988, p. 14

3. PHARMACEUTICAL PRODUCTS

1. *Chapter IV of Council Directive 75/319/EEC*

Approximation of the provisions laid down by law, regulation, or administrative action relating to proprietary medicinal products

Date of adoption: 20. 5. 1975
OJ No L 147, 9. 6. 1975, p. 13

2. *Chapter V of Council Directive 81/851/EEC*

Approximation of the laws of the Member States relating to veterinary medicinal products

Date of adoption: 28. 9. 1981
OJ No L 317, 6. 11. 1981, p. 1

4. COSMETICS

1. *Council Directive 76/768/EEC*

Cosmetic products

Date of adoption: 27. 7. 1976
OJ No L 262, 27. 9. 1976, p. 169

Council Directive 79/661/EEC

First amendment to Directive 76/768/EEC

Date of adoption: 24. 7. 1979
OJ No L 192, 31. 7. 1979, p. 35

Council Directive 82/368/EEC

Second amendment to Directive 76/768/EEC

Date of adoption: 17. 5. 1982
OJ No L 167, 15. 6. 1982, p. 1

Council Directive 83/574/EEC

Third amendment to Directive 76/768/EEC

Date of adoption: 26. 10. 1983
OJ No L 332, 28. 11. 1983, p. 38

Council Directive 88/667/EEC

Fourth amendment to Directive 76/768/EEC

Date of adoption: 21. 12. 1988
OJ No L 382, 31. 12. 1988, p. 46

Council Directive 89/679/EEC

Fifth amendment to Directive 76/768/EEC

Date of adoption: 21. 12. 1989
OJ No L 398, 30. 12. 1989, p. 25

5. TELECOMMUNICATIONS

Council Directive 87/372/EEC

Public pan-European cellular digital land-base mobile communications — frequency bands

Date of adoption: 25. 6. 1987
OJ No L 196, 17. 7. 1987, p. 85

6. MACHINERY AND ELECTRICAL EQUIPMENT

1. *Council Directive 86/295/EEC*

Roll-over protective structures (ROPS) for certain construction plant

Date of adoption: 25. 5. 1986
OJ No L 186, 8. 7. 1986, p. 1

2. *Council Directive 86/296/EEC*

Falling-object protective structures (FOPS) for certain construction plant

Date of adoption: 26. 5. 1986
OJ No L 186, 8. 7. 1986, p. 10

3. *Council Directive 86/663/EEC*

Self-propelled industrial trucks

Date of adoption: 22. 12. 1986
OJ No L 384, 31. 12. 1986, p. 12

4. *Council Directive 82/130/EEC*

Electrical equipment for use in potentially explosive atmospheres in mines susceptible to firedamp

Date of adoption: 15. 2. 1982
OJ No L 59, 2. 3. 1982, p. 10

7. TEXTILES

1. *Council Directive 71/307/EEC*

Textile names

Date of adoption: 26. 7. 1971
OJ No L 185, 16. 8. 1971, p. 16

Council Directive 75/36/EEC

First amendment to Directive 71/307/EEC

Date of adoption: 17. 12. 1974
OJ No L 14, 20. 1. 1975, p. 15

Council Directive 83/623/EEC

Second amendment to Directive 71/307/EEC

Date of adoption: 25. 11. 1983
OJ No L 353, 15. 12. 1983, p. 8

2. Council Directive 72/276/EEC

Methods for the quantitative analysis of binary textile fibre mixtures

Date of adoption: 17. 7. 1972
OJ No L 173, 31. 7. 1972, p. 1

Council Directive 81/75/EEC

Amendment to Directive 72/276/EEC

Date of adoption: 17. 2. 1981
OJ No L 57, 4. 3. 1981, p. 23

3. Council Directive 73/44/EEC

Methods for the quantitative analysis of ternary textile fibre mixtures

Date of adoption: 26. 2. 1973
OJ No L 83, 30. 3. 1973, p. 1

8. PREPACKAGES

Council Directive 75/106/EEC, as last amended by Directive 89/676/EEC

Making-up by volume of certain prepackaged liquids

Date of adoption: 19. 12. 1974
OJ No L 42, 15. 2. 1975, p. 1

and as regards the 0,70 cl packages referred to at points 1(a) and 2(a) of Annex III.

Date of adoption: 21. 12. 1989
OJ No L 398, 30. 12. 1989, p. 18

9. CRYSTAL GLASS

Council Directive 69/495/EEC

Crystal glass

Date of adoption: 15. 12. 1969
OJ No L 326, 29. 12. 1969, p. 36

10. TOBACCO PRODUCTS**1. Council Directive 89/622/EEC**

Labelling of tobacco products

Date of adoption: 13. 11. 1989
OJ No L 357, 8. 12. 1989, p. 1

2. Council Directive 90/239/EEC

Maximum tar yield of cigarettes

Date of adoption: 17. 5. 1990
OJ No L 137, 30. 5. 1990, p. 36

ANNEX B**Council Directive 75/319/EEC**

Approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products

Date of adoption: 20. 5. 1975
OJ No L 147, 9. 6. 1975, p. 13

The provisions of this Directive, other than those of Chapter IV, are being applied progressively to medicinal products placed on the market under previous provisions so that all products will have been reviewed by 31 December 1995.

Council Directive 81/851/EEC

Approximation of the laws of the Member States relating to veterinary medicinal products

Date of adoption: 28. 9. 1981
OJ No L 317, 6. 11. 1981, p. 1

The provisions of this Directive, other than those of Chapter V, are being applied progressively to medicinal products placed on the market under previous provisions so that all products will have been reviewed by 31 December 1995.

COUNCIL DIRECTIVE

of 4 December 1990

amending certain Directives on the recognition of professional qualifications consequent upon the unification of Germany

(90/658/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 49, Article 57 (1) and (2), first and third sentences, and Article 66 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, by reason of the unification of Germany, certain amendments should be made to Directives 75/362/EEC ⁽⁴⁾, 77/452/EEC ⁽⁵⁾, 78/686/EEC ⁽⁶⁾, 78/1026/EEC ⁽⁷⁾ and 80/154/EEC ⁽⁸⁾, as last amended by Directive 89/594/EEC ⁽⁹⁾ and Directive 89/595/EEC ⁽¹⁰⁾ concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications as doctors, nurses responsible for general care, dental practitioners, veterinary surgeons and midwives respectively, and to Directive 85/433/EEC ⁽¹¹⁾, as amended by Directive 85/584/EEC ⁽¹²⁾, and Directive 85/384/EEC ⁽¹³⁾, as last amended by Directive 86/17/EEC ⁽¹⁴⁾, concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in the field of pharmacy and architecture respectively and to Directive 75/363/EEC ⁽¹⁵⁾, as last amended by Directive 89/594/EEC, concerning the coordination of provisions laid down by law, regulation or administrative action relating to the activities of doctors;

Whereas from the date of German unification Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas it is necessary to make changes to the said Directives to take account of the specific situation in the said territory;

Whereas, in accordance with the principle of acquired rights, the diplomas, certificates or other evidence of formal qualifications held by German nationals in that territory who are pursuing their professional activities on the basis of training which began before unification and does not conform to Community rules on training should be granted recognition under similar conditions to those applied to other nationals of Member States at the time of the adoption of the said Directives or accessions to the Community;

Whereas it is necessary to protect at Community level the rights acquired by the holders of former qualifications which are no longer awarded as a result of changes which have taken place in the rules of the Member States which awarded the qualification to them; whereas such a provision was introduced by Directive 89/594/EEC into most Directives on the mutual recognition of diplomas, certificates and other evidence of formal qualifications; whereas it could also be applied, unamended, to German nationals from the territory of the former German Democratic Republic; whereas a similar provision should also be incorporated into Directive 85/433/EEC relating to the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy;

Whereas most of the specific provisions relating to the recognition of diplomas, certificates or other evidence of formal qualifications awarded by the former German Democratic Republic cease to be relevant as a result of German unification; whereas they should be repealed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 75/362/EEC is hereby amended as follows:

1. In Article 3 (a), point 3, 'in Germany' shall be deleted.

(1) OJ No L 266, 28. 9. 1990, p. 12, as amended on 28 November 1990.

(2) Opinion delivered on 24 October 1990 (not yet published in the Official Journal) and Decision of 21 November 1990 (not yet published in the Official Journal).

(3) Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

(4) OJ No L 167, 30. 6. 1975, p. 1.

(5) OJ No L 176, 15. 7. 1977, p. 1.

(6) OJ No L 233, 24. 8. 1978, p. 1.

(7) OJ No L 362, 23. 12. 1978, p. 1.

(8) OJ No L 33, 11. 2. 1980, p. 1.

(9) OJ No L 341, 23. 11. 1989, p. 19.

(10) OJ No L 341, 23. 11. 1989, p. 30.

(11) OJ No L 253, 24. 9. 1985, p. 37.

(12) OJ No L 372, 31. 12. 1985, p. 42.

(13) OJ No L 223, 21. 8. 1985, p. 15.

(14) OJ No L 27, 1. 2. 1986, p. 71.

(15) OJ No L 167, 30. 6. 1975, p. 14.

2. The following Article shall be inserted:

'Article 9a

1. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in medicine attest to training received on the territory of the former German Democratic Republic which does not satisfy all the minimum training requirements laid down in Article 1 of Directive 75/363/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before German unification,
- they entitle the holder to pursue the activities of a doctor throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in points 1 and 2 of Article 3 (a), and
- they are accompanied by a certificate issued by the competent German authorities stating that those nationals have effectively and lawfully been engaged in the activities in question in Germany for at least three consecutive years during the five years prior to the date of issue of the certificate.

2. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in specialized medicine attest to training received on the territory of the former German Democratic Republic which does not satisfy the minimum training requirements laid down in Articles 2 to 5 of Directive 75/363/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before the expiry of the time limit laid down in Article 9 (1), second subparagraph, of Directive 75/363/EEC, and
- they permit the pursuit, as a specialist, of the activity in question throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in Articles 5 and 7.

They may, however, require that these diplomas, certificates or other evidence of formal qualifications be accompanied by a certificate issued by the competent German authorities or bodies stating that the holders have, as specialists, been engaged in the activity in question for a period equivalent to twice the difference between the period of specialized training received on German territory and the minimum duration of training laid down in Directive 75/363/EEC, where they do not satisfy the minimum requirements regarding the duration of training laid down in Articles 4 and 5 of Directive 75/363/EEC.'

Article 2

The following second subparagraph is hereby added to Article 9 (1) of Directive 75/363/EEC:

'For the territory of the former German Democratic Republic, however, Germany shall take the measures necessary to comply with Articles 2 to 5 within 18 months of unification.'

Article 3

Directive 77/452/EEC is hereby amended as follows:

1. In Article 3 (a), the second indent, 'in Germany' shall be deleted;

2. The following Article shall be inserted:

'Article 4a

In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications as nurses responsible for general care attest to training received on the territory of the former German Democratic Republic which does not satisfy all the minimum training requirements laid down in Article 1 of Directive 77/453/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of former qualifications as being sufficient proof if:

- they attest to training commenced before German unification,
- they entitle the holder to pursue the activities of a nurse responsible for general care throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in Article 3 (a), and
- they are accompanied by a certificate issued by the competent German authorities stating that those nationals have effectively and lawfully been engaged in the activities of nurse responsible for general care in Germany for at least three years during the five years prior to the date of issue of the certificate. These activities must have included taking full responsibility for the planning, organization and carrying-out of the nursing care of the patient.'

Article 4

Directive 78/686/EEC is hereby amended as follows:

1. In Article 3 (a), 'in Germany', the following shall be deleted:

- presentation in the form of two numbered points,
- the text of point 2;

2. The following Article shall be inserted:

'Article 7 a

1. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications as dental practitioner attest to training received on the territory of the former German Democratic Republic which does not satisfy all the minimum training requirements laid down in Article 1 of Directive 78/687/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before German unification,
- they entitle the holder to pursue the activities of a dental practitioner throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in Article 3 (a), and
- they are accompanied by a certificate issued by the competent German authorities stating that those nationals have effectively and lawfully been engaged in the activities in question in Germany for at least three consecutive years during the five years prior to the date of issue of the certificate.

2. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications as specialist dental practitioners attest to training received in the territory of the former German Democratic Republic which does not satisfy the minimum training requirements laid down in Articles 2 and 3 of Directive 78/687/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before German unification, and
- they entitle the holder to pursue, as a specialist dental practitioner, the activity in question throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in Article 5 (1) and (2).

They may, however, require that these diplomas, certificates or other evidence of formal qualifications be accompanied by a certificate issued by the competent German authorities or bodies stating that the holder has, as a specialist dental practitioner, been engaged in the activity in question for a period equivalent to twice the difference between the period of specialized training received on German territory and the minimum duration of training laid down in Directive 78/687/EEC, where they do not satisfy the minimum requirements regarding the duration of training laid down in Article 2 of Directive 78/687/EEC.'

Article 5

Directive 78/1026/EEC is hereby amended as follows:

1. In Article 3 (a), 'in Germany', the following shall be deleted:

- presentation in the form of two numbered points,
- the text of point 2.

2. The following Article shall be inserted:

'Article 4a

In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications as veterinary surgeons attest to training received in the territory of the former German Democratic Republic which does not satisfy all the minimum training requirements laid down in Article 1 of Directive 78/1027/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications, as being sufficient proof if:

- they attest to training commenced before German unification;
- they entitle the holder to pursue the activities of a veterinary surgeon throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in Article 3 (a), and
- they are accompanied by a certificate issued by the competent German authorities stating that those nationals have effectively and lawfully been engaged in the activities in question in Germany for at least three consecutive years during the five years prior to the date of issue of the certificate.'

Article 6

Directive 80/154/EEC is hereby amended as follows:

1. In Article 3 (a) 'in Germany' the following shall be deleted:

- presentation in the form of two indents,
- the text of the second indent.

2. the following Article shall be added:

'Article 5a

1. In the case of Member States whose diplomas, certificates and other evidence of formal qualifications as midwife attest to training received on the territory of the former German Democratic Republic which does not satisfy all the minimum training requirements laid down in Article 1 of Directive 80/155/EEC, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before German unification;
- they entitle the holder to pursue the activities of a midwife throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in Article 3 (a), and

- they are accompanied by a certificate issued by the competent German authorities stating that those nationals have effectively and lawfully been engaged in the activities in question in Germany for at least three years during the five years prior to the date of issue of the certificate.

2. In the case of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications as midwives attest to training received in the territory of the former German Democratic Republic which satisfies all the minimum training requirements laid down in Article 1 of Directive 80/155/EEC but which, pursuant to Article 2, has to be recognized only if it is complemented by the professional practice referred to in Article 4, Member States other than Germany shall recognize those diplomas, certificates and other evidence of formal qualifications as being sufficient proof if:

- they attest to training commenced before German unification, and
- they are accompanied by a certificate stating that those nationals have effectively and lawfully been engaged in the activities in question in Germany for at least two years during the five years prior to the date of issue of the certificate.'

Article 7

Directive 85/433/EEC is hereby amended as follows:

1. In Article 4 (a), 'in Germany', the following shall be deleted:

- presentation in the form of two numbered points,
- the text of point 2.

2. In Article 6:

- the present text becomes paragraph 1,
- the following paragraph 2 shall be added:

'2. Diplomas, certificates and other university or equivalent qualifications in pharmacy which were awarded to nationals of Member States by Member States and which satisfy all the minimum training requirements laid down in Article 2 of Directive 85/432/EEC but which do not conform to the designations set out in Article 4 shall be treated, for the purposes of the Directive, as the diplomas set out in that Article if they are accompanied by a certificate stating that they attest to training conforming to the provisions of Directive 85/432/EEC referred to in Article 2 of this Directive and shall be treated by the Member States which awarded them as those designations are set out in Article 4 of this Directive.'

3. The following Article shall be inserted:

'Article 6a

Diplomas, certificates and other university or equivalent qualifications in pharmacy which attest to training received by nationals of the Member States on the territory of the former German Democratic Republic and which do not satisfy all the minimum training requirements laid down in Article 2 of Directive 85/432/EEC shall be treated as diplomas satisfying these requirements if:

- they attest to training commenced before German unification,
- they entitle the holder to pursue the activities of pharmacist throughout the territory of Germany under the same conditions as the qualifications awarded by the competent German authorities and referred to in Article 4 (c), and
- they are accompanied by a certificate stating that their holders have effectively and lawfully been engaged in Germany in one of the activities referred to in Article 1 (2) of Directive 85/432/EEC for at least three consecutive years during the five years prior to the date of issue of the certificate, provided that such activity is regulated in the Member State in question.'

Article 8

Article 6 of Directive 85/384/EEC is hereby deleted.

Article 9

Member States shall take the necessary measures to comply with this Directive by 1 July 1991. They shall forthwith inform the Commission thereof.

When Member States take 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.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

COUNCIL DIRECTIVE

of 4 December 1990

relating to the transitional measures applicable in Germany in the field of workers' health and safety

(90/659/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Having regard to the Treaty establishing the European Economic Community, and in particular Article 118a 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 the European Economic Community has adopted a number of rules on the health and safety of workers;

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas a special period must be provided for bringing the rules in force in the territory of the former German Democratic Republic into line with Community acts;

Whereas, although further administrative, technical and training problems make it difficult to apply the Directives correctly and may, in certain cases, result in delayed implementation where existing plant is concerned, any companies established after the date of unification must comply with the Directives on the protection of workers at the workplace,

The Federal Republic of Germany shall adopt, in respect of the territory of the former German Democratic Republic, the laws, regulations and administrative provisions necessary to comply with the Directives referred to in the Annex by 31 December 1992. It shall immediately inform the Commission thereof, which shall inform the other Member States and the European Parliament.

With effect from the date of unification, new plant must comply with the Directives contained in the Annex.

When the Federal Republic of Germany adopts 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 Federal Republic of Germany.

Article 2

The Federal Republic of Germany shall report on the implementation of this Directive before 31 December 1991 and 31 December 1992.

Its reports shall be forwarded to the Commission, which shall communicate them to the other Member States and the European Parliament.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

⁽¹⁾ OJ No L 266, 28. 9. 1990, p. 17, as amended on 25 October 1990 and 28 November 1990.

⁽²⁾ Opinion delivered on 24 October 1990 (not yet published in the Official Journal) and Decision of 21 November 1990 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

ANNEX

Directives to which a derogation applies until 31 December 1992 in the territory of the former German Democratic Republic.

- Council Directive 78/610/EEC of 29 June 1978 on the approximation of the laws, regulations and administrative provisions of the Member States on the protection of the health of workers exposed to vinyl chloride monomer
(OJ No L 197, 22. 7. 1978, p. 12)
 - Council Directive 80/1107/EEC of 27 November 1980 on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work
(OJ No L 327, 3. 12. 1980, p. 8)
 - Council Directive 82/605/EEC of 28 July 1982 on the protection of workers from the risks related to exposure to metallic lead and its ionic compounds at work (First individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)
(OJ No L 247, 23. 8. 1982, p. 12)
 - Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (Second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)
(OJ No L 263, 24. 9. 1983, p. 25)
 - Council Directive 86/188/EEC of 12 May 1986 on the protection of workers from the risks related to exposure to noise at work
(OJ No L 137, 24. 5. 1986, p. 28)
 - Council Directive 88/364/EEC of 9 June 1988 on the protection of workers by the banning of certain specified agents and/or certain work activities (Fourth individual Directive within the meaning of Article 8 of Directive 80/1107/EEC)
(OJ No L 179, 9. 7. 1988, p. 44)
 - Council Directive 88/642/EEC of 16 December 1988 amending Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical, physical and biological agents at work
(OJ No L 356, 24. 12. 1988, p. 74)
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COUNCIL DIRECTIVE

of 4 December 1990

on the transitional measures applicable in Germany with regard to certain Community provisions relating to the protection of the environment, in connection with the internal market

(90/660/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 the European Economic Community has adopted a set of rules concerning the protection of the environment;

Whereas, from the date of German unification onwards, Community law will be fully applicable to the territory of the former German Democratic Republic;

Whereas, however, with regard to the specific situation existing in that territory, it is necessary to allow the Federal Republic of Germany to lay down a specific time limit within which certain rules in force in that territory must be brought into conformity with Community law;

Whereas this applies more especially in the case of the Community system established by the Directives on the classification, packaging and labelling of dangerous substances and also in the case of the sulphur content of certain combustible liquids;

Whereas any derogations provided for in that connection must be temporary and cause the least possible disturbance to the functioning of the common market;

Whereas information on the rules in force in the former German Democratic Republic and on the state of the environment is insufficient to permit the extent of the

derogations to be definitively established; whereas, in order to allow for changes in the situation, a simplified procedure must be laid down in accordance with the third indent of Article 145 of the Treaty,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. By way of derogation from Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances ⁽¹⁾ as last amended by Directive 90/517/EEC ⁽²⁾, the Federal Republic of Germany is authorized to take the measures necessary to ensure compliance with the provisions of that Directive in the territory of the former German Democratic Republic by 31 December 1992 at the latest.

2. The Federal Republic of Germany shall take the measures necessary to ensure that substances and preparations which do not comply with Directive 67/548/EEC are not placed on the territory of the Community other than the territory of the former German Democratic Republic. These measures must be compatible with the Treaty, and in particular with the objectives of Article 8a thereof, and must not create checks and formalities at the borders between the Member States.

Any substance which does not appear on the Eines list provided for in Article 13 of Directive 67/548/EEC must be notified in accordance with the provisions of that Directive. The conditions governing the notification of substances existing on the market of the former German Democratic Republic prior to 18 September 1981 which do not appear on the Eines list shall be laid down by the Commission.

Article 2

1. By way of derogation from Article 2 (1) of Council Directive 75/716/EEC of 24 November 1975 on the

(1) OJ No L 263, 26. 9. 1990, p. 40, as amended on 25 October 1990 and on 28 November 1990.

(2) Opinion delivered on 24 October 1990 (not yet published in the Official Journal) and Decision of 21 November 1990 (not yet published in the Official Journal).

(3) Opinion delivered on 20 November 1990 (not yet published in the Official Journal).

(4) OJ No 196, 16. 8. 1967, p. 1.

(5) OJ No L 289, 19. 10. 1990, p. 32.

approximation of the laws of the Member States relating to the sulphur content of certain liquid fuels ⁽¹⁾, as amended by Directive 87/219/EEC ⁽²⁾, the Federal Republic of Germany shall be authorized, in respect of the territory of the former German Democratic Republic, to exempt producers established in that territory on the date of unification from the obligation to comply with the limit value for the sulphur content of gas oil.

The German authorities may grant such authorization only in cases where compliance with the limit value for the sulphur content of gas oil would be an unreasonable requirement for the producer concerned. Authorization can not be granted for values exceeding the limit of 0,5 % sulphur content limit. All such authorizations must have a cut-off date and terminate by 31 December 1994 at the latest.

2. The Federal Republic of Germany shall take the necessary measures to ensure that gas oil which does not comply with Directive 75/716/EEC is excluded from Community territory other than the territory referred to in paragraph 1. These measures must be compatible with the Treaty, and in particular with the objectives of Article 8a thereof, and must not create checks and formalities at the borders between the Member States.

Article 3

The Federal Republic of Germany shall forthwith inform the Commission of the measures taken pursuant to Articles 1 and 2, which the Commission shall communicate to the other Member States and to the European Parliament.

Article 4

1. Adjusting measures to fill obvious loopholes and to make technical adjustments to those provided for in this

Directive may be adopted in accordance with the procedure laid down in Article 21 of Directive 67/548/EEC.

2. Adjusting measures must be designed to ensure coherent application of the Directives referred to in Articles 1 and 2 in the territory of the former German Democratic Republic, with due regard for the specific circumstances in that territory and the special difficulties involved in the application of those Directives.

They must be consistent with the principles of those Directives and be closely related to one of the derogations provided for by this Directive.

3. The measures referred to in paragraph 1 may be adopted not later than 31 December 1992. Their applicability shall be limited to the same date; however, as regards the Directive referred to in Article 2, that date shall be 31 December 1994.

4. Any Member State may refer any difficulties to the Commission. The Commission shall, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 4 December 1990.

For the Council

The President

G. DE MICHELIS

⁽¹⁾ OJ No L 307, 27. 11. 1975, p. 22.

⁽²⁾ OJ No L 91, 3. 4. 1987, p. 19.