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Contents

I *Acts whose publication is obligatory*

- ★ **Decision No 476/1999/EC of the European Parliament and of the Council of 22 February 1999 amending Decision No 2085/97/EC establishing a programme of support, including translation, in the field of books and reading (Ariane)** 1
- ★ **Decision No 477/1999/EC of the European Parliament and of the Council of 22 February 1999 amending Decision No 719/96/EC establishing a programme to support artistic and cultural activities having a European dimension (Kaleidoscope)** 2
- Commission Regulation (EC) No 478/1999 of 4 March 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables 3
- ★ **Commission Regulation (EC) No 479/1999 of 4 March 1999 repealing certain regulations in the milk and milk products sector** 5
- ★ **Commission Regulation (EC) No 480/1999 of 4 March 1999 derogating temporarily from Regulation (EC) No 1445/95 on rules of application for import and export licences in the beef and veal sector** 7
- ★ **Commission Regulation (EC) No 481/1999 of 4 March 1999 laying down general rules for the management of promotional programmes for certain agricultural products** 8
- Commission Regulation (EC) No 482/1999 of 4 March 1999 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1079/98..... 13
- Commission Regulation (EC) No 483/1999 of 4 March 1999 fixing the export refunds on cereals and on wheat or rye flour, groats and meal..... 14
- Commission Regulation (EC) No 484/1999 of 4 March 1999 fixing the corrective amount applicable to the refund on cereals 16

Contents (continued)	Commission Regulation (EC) No 485/1999 of 4 March 1999 concerning tenders notified in response to the invitation to tender for the export of rye issued in Regulation (EC) No 1746/98	18
	Commission Regulation (EC) No 486/1999 of 4 March 1999 concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1078/98	19
	Commission Regulation (EC) No 487/1999 of 4 March 1999 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2850/98	20

II Acts whose publication is not obligatory

Commission

1999/178/EC:

- ★ **Commission Decision of 17 February 1999 establishing the ecological criteria for the award of the Community eco-label to textile products⁽¹⁾ (notified under document number C(1999) 339)**

21

1999/179/EC:

- ★ **Commission Decision of 17 February 1999 establishing the ecological criteria for the award of the Community eco-label to footwear⁽¹⁾ (notified under document number C(1999) 340)**

31

Corrigenda

- ★ **Corrigendum to Joint Action 98/733/JHA of 21 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union⁽¹⁾ (OJ L 351 of 29. 12. 1998)**

36

I

(Acts whose publication is obligatory)

**DECISION No 476/1999/EC OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL
of 22 February 1999
amending Decision No 2085/97/EC establishing a programme of support,
including translation, in the field of books and reading (Ariane)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 128 thereof,

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

Having regard to the opinion of the Committee of the
Regions ⁽²⁾,

Acting in accordance with the procedure laid down in
Article 189b of the Treaty ⁽³⁾,

Whereas Decision No 2085/97/EC of the European
Parliament and of the Council ⁽⁴⁾ establishes a programme
of support, including translation, in the field of books and
reading (the 'Ariane programme') for the period 1 January
1997 to 31 December 1998;

Whereas the third paragraph of Article 8 of that Decision
provides for any suitable measure to be taken to avoid
interruption of the programme;

Whereas the Commission presented a proposal to the
European Parliament and the Council on 28 May 1998
for a Decision establishing a single financing and
programming instrument for cultural cooperation for the
period 1 January 2000 to 31 December 2004;

Whereas, pending adoption of that proposal, there is a
need to ensure the continuity of cultural action by the
European Community in the areas covered by the Ariane
programme,

HAVE DECIDED AS FOLLOWS:

Article 1

Decision No 2085/97/EC is hereby amended as follows:

1. in Article 1, '31 December 1998' shall be replaced by
'31 December 1999'.
2. in Article 6, 'ECU 7 million' shall be replaced by 'EUR
11,1 million'.

Article 2

This Decision shall enter into force on 1 January 1999.

Done at Brussels, 22 February 1999.

*For the European
Parliament*

The President

J.M. GIL-ROBLES

For the Council

The President

K.-H. FUNKE

⁽¹⁾ OJ C 319, 16. 10. 1998, p. 13, and OJ C 372, 2. 12. 1998, p. 28.

⁽²⁾ OJ C 51, 22. 2. 1999, p. 92.

⁽³⁾ Opinion of the European Parliament of 9 October 1998 (OJ C 328, 26. 10. 1998, p. 237), Council Common Position of 20 November 1998 (OJ C 404, 23. 12. 1998, p. 17) and Decision of the European Parliament of 17 December 1998 (not yet published in the Official Journal). Council Decision of 8 February 1999.

⁽⁴⁾ OJ L 291, 24. 10. 1997, p. 26.

**DECISION No 477/1999/EC OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL**

of 22 February 1999

**amending Decision No 719/96/EC establishing a programme to support artistic
and cultural activities having a European dimension (Kaleidoscope)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 128 thereof,

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

Having regard to the opinion of the Committee of the
Regions ⁽²⁾,

Acting in accordance with the procedure laid down in
Article 189b of the Treaty ⁽³⁾,

Whereas Decision No 719/96/EC of the European Parlia-
ment and of the Council ⁽⁴⁾ established a programme to
support artistic and cultural activities having a European
dimension (the 'Kaleidoscope programme') for the period
1 January 1996 to 31 December 1998;

Whereas the third paragraph of Article 8 of that Decision
provides for any suitable measure to be taken to avoid
interruption of the programme;

Whereas the Commission presented a proposal to the
European Parliament and the Council on 28 May 1998
for a Decision establishing a single financing and
programming instrument for cultural cooperation for the
period 1 January 2000 to 31 December 2004;

Whereas, pending adoption of that proposal, there is a
need to ensure the continuity of cultural action by the
European Community in the areas covered by the Kal-
eidoscope programme,

HAVE DECIDED AS FOLLOWS:

Article 1

Decision No 719/96/EC is hereby amended as follows:

1. in Article 1, '31 December 1998' shall be replaced by
'31 December 1999'.
2. in Article 6, 'ECU 26,5 million' shall be replaced by
'EUR 36,7 million'.

Article 2

This Decision shall enter into force on 1 January 1999.

Done at Brussels, 22 February 1999.

*For the European
Parliament*

The President

J. M. GIL-ROBLES

For the Council

The President

K.-H. FUNKE

⁽¹⁾ OJ C 319, 16. 10. 1998, p. 14, and OJ C 372, 2. 12. 1998, p. 30.

⁽²⁾ OJ C 51, 22. 2. 1999, p. 92.

⁽³⁾ Opinion of the European Parliament of 9 October 1998 (OJ C 328, 26. 10. 1998, p. 238), Council Common Position of 20 November 1998 (OJ C 404, 23. 12. 1998, p. 19) and Decision of the European Parliament of 17 December 1998 (not yet published in the Official Journal). Council Decision of 8 February 1999.

⁽⁴⁾ OJ L 99, 20. 4. 1996, p. 20.

COMMISSION REGULATION (EC) No 478/1999
of 4 March 1999
establishing the standard import values for determining the entry price of certain
fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 March 1999.

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

Done at Brussels, 4 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

ANNEX

to the Commission Regulation of 4 March 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	118,1
	204	47,2
	212	96,1
	624	184,0
	999	111,3
0707 00 05	052	118,3
	068	107,2
	999	112,8
0709 10 00	220	297,7
	999	297,7
0709 90 70	052	120,5
	204	140,9
	999	130,7
0805 10 10, 0805 10 30, 0805 10 50	052	48,1
	204	39,4
	212	47,0
	600	53,5
	624	49,1
	999	47,4
0805 30 10	052	48,2
	600	55,9
	999	52,1
0808 10 20, 0808 10 50, 0808 10 90	039	80,9
	060	36,7
	388	138,4
	400	80,6
	404	88,5
	508	99,1
	512	98,6
	528	100,1
	706	107,2
	720	94,1
	728	74,5
	999	90,8
0808 20 50	052	146,9
	388	81,1
	400	85,6
	512	67,4
	528	74,0
	624	68,1
	999	87,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 479/1999
of 4 March 1999
repealing certain regulations in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Articles 6(6), 7(5), 10(3) and 12(3) thereof,

Whereas a number of legislative instruments in the milk and milk products sector have come to serve no purpose, as a result in particular of amendments to the basic legislation, the fact that the purpose of those acts has been achieved and the major changes that have taken place on the market; whereas, for reasons of clarity and legal

certainty and for the sake of simplification, the legislative instruments in question should be formally repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The regulations listed in the Annex are hereby repealed.

Article 2

This Regulation shall enter into force on the seventh 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 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

ANNEX

- Commission Regulation (EEC) No 1282/72 of 21 June 1972 on the sale of butter at a reduced price to the army and similar forces (OJ L 142, 22.6.1972, p. 14), as last amended by Regulation (EEC) No 342/89 (OJ L 39, 11.2.1989, p. 19).
 - Commission Regulation (EEC) No 1717/72 of 8 August 1972 on the sale of butter at a reduced price to non-profit-making institutions and organisations (OJ L 181, 9.8.1972, p. 11), as last amended by Regulation (EEC) No 3812/85 (OJ L 368, 31.12.1985, p. 3).
 - Commission Regulation (EEC) No 368/77 of 23 February 1977 on the sale by tender of skimmed-milk powder for use in feed for animals other than young calves (OJ L 52, 24.2.1977, p. 19), as last amended by Regulation (EC) No 1802/95 (OJ L 174, 26.7.1995, p. 27).
 - Commission Regulation (EEC) No 443/77 of 2 March 1977 on the sale at a fixed price of skimmed-milk powder for use in feed for animals other than young calves and amending Regulations (EEC) No 1687/76 and (EEC) No 368/77 (OJ L 58, 3.3.1977, p. 16), as last amended by Regulation (EC) No 1802/95.
 - Commission Regulation (EEC) No 1844/77 of 10 August 1977 on the granting by tender of special aid for skimmed-milk powder intended as feed for animals other than young calves (OJ L 205, 11.8.1977, p. 11), as last amended by Regulation (EEC) No 1756/93 (OJ L 161, 2.7.1993, p. 48).
 - Commission Regulation (EEC) No 2793/77 of 15 December 1977 on detailed rules of application for granting special aid for skimmed milk for use as feed for animals other than young calves (OJ L 321, 16.12.1977, p. 30), suspended by Regulation (EEC) No 3715/87 (OJ L 349, 12.12.1987, p. 19).
 - Commission Regulation (EEC) No 2770/79 of 10 December 1979 on the sale of skimmed-milk powder intended for feed for calves and amending Regulation (EEC) No 1687/76 (OJ L 315, 11.12.1979, p. 11), as last amended by Regulation (EC) No 1802/95.
 - Commission Regulation (EEC) No 2192/81 of 31 July 1981 on the granting of aid for the purchase of butter by the armies and similar forces of the Member States (OJ L 213, 1.8.1981, p. 24), as last amended by Regulation (EEC) No 1756/93.
 - Commission Regulation (EEC) No 2268/84 of 31 July 1984 on special sales of intervention butter for export to various destinations and amending Regulation (EEC) No 1687/76 (OJ L 208, 3.8.1984, p. 35), suspended by Regulation (EEC) No 1645/85 (OJ L 159, 19.6.1985, p. 5).
 - Commission Regulation (EEC) No 2409/86 of 30 July 1986 on the sale of intervention butter intended for incorporation in compound feedingstuffs (OJ L 208, 31.7.1986, p. 29), as last amended by Regulation (EEC) No 1756/93.
 - Commission Regulation (EEC) No 2020/88 of 7 July 1988 permitting suppliers of Community food aid to purchase skimmed-milk powder from the intervention agencies and derogating from Regulation (EEC) No 2213/76 (OJ L 177, 8.7.1988, p. 37), suspended by Regulation (EEC) No 2585/88 (OJ L 230, 19.8.1988, p. 22).
 - Commission Regulation (EEC) No 1735/89 of 19 June 1989 on the recovery on export of aids granted in respect of skimmed-milk powder for use as feed and skimmed milk processed into compound feedingstuffs (OJ L 171, 20.6.1989, p. 23), suspended by Regulation (EEC) No 2601/90 (OJ L 245, 8.9.1990, p. 11).
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**COMMISSION REGULATION (EC) No 480/1999
of 4 March 1999**

**derogating temporarily from Regulation (EC) No 1445/95 on rules of application
for import and export licences in the beef and veal sector**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Articles 9 and 13 thereof,

Whereas Article 10(1) of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EC) No 2648/98 ⁽⁴⁾, provides that export licences are to be issued on the fifth working day following that on which the application is lodged, provided that no specific action has been taken by the Commission in the meantime;

Whereas, in view of the public holidays in 1999 and the fact that the Official Journal is not published regularly on those days, the period for reflection of five days is too short to ensure sound management of the market and it should be extended temporarily to seven days;

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 10(1) of Regulation (EC) No 1445/95, licences for applications lodged from:

- 29 to 31 March 1999,
- 10 to 12 May 1999,
- 28 to 29 October 1999,
- 20 to 29 December 1999,

shall be issued on the seventh working day following that on which the application is lodged, provided no specific action as indicated in Article 10(2) of that Regulation is taken by the Commission in the meantime.

Article 2

This Regulation shall enter into force on the seventh 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 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁴⁾ OJ L 335, 10. 12. 1998, p. 39.

COMMISSION REGULATION (EC) No 481/1999

of 4 March 1999

laying down general rules for the management of promotional programmes for certain agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1638/98⁽²⁾, and in particular Article 11(5) thereof,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine⁽³⁾, as last amended by Regulation (EC) No 1627/98⁽⁴⁾, and in particular Article 46(4) thereof,

Having regard to Council Regulation (EEC) No 1195/90 of 7 May 1990 on measures to increase the consumption and utilisation of apples⁽⁵⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1201/90 of 7 May 1990 on measures to increase the consumption of citrus fruit⁽⁶⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 1332/92 of 18 May 1992 introducing specific measures for table olives⁽⁷⁾, as last amended by Regulation (EC) No 1267/95⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 2067/92 of 30 June 1992 on measures to promote and market quality beef and veal⁽⁹⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 2073/92 of 30 June 1992 on promoting consumption in the Community and expanding the markets for milk and milk products⁽¹⁰⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EC) No 2275/96 of 22 November 1996 introducing specific measures for live plants and floricultural products⁽¹¹⁾, and in particular Article 5 thereof,

Whereas Commission Regulations (EEC) No 3461/85⁽¹²⁾, as last amended by Regulation (EC) No 1402/97⁽¹³⁾, (EEC) No 2282/90⁽¹⁴⁾, as last amended by Regulation (EC) No 2404/96⁽¹⁵⁾, (EEC) No 3601/92⁽¹⁶⁾, as amended by Regulation (EC) No 2507/94⁽¹⁷⁾, (EEC) No 1318/93⁽¹⁸⁾, as last amended by Regulation (EC) No 351/1999⁽¹⁹⁾, (EC) No 3582/93⁽²⁰⁾, as last amended by Regulation (EC) No 1432/97⁽²¹⁾, and (EC) No 803/98⁽²²⁾, on the promotion of grape juice, apples, citrus fruit, table olives, quality beef and veal, milk and milk products, and live plants and floricultural products respectively lay down different rules for different sectors as regards the duration of programmes, the financial management of contracts and, in particular, the terms of payment;

Whereas the various rules on the implementation of promotional contracts should be harmonised in the interests of sound financial management, in particular as regards the duration of the contracts;

Whereas the various provisions concerning fulfilment of the commitments made must be laid down in contracts concluded between the parties concerned and the competent national authorities within a reasonable time limit on the basis of standard contracts supplied by the Commission;

Whereas, in order to ensure that contracts are properly carried out, contractors should lodge a security in favour of the competent body, equal to 15 % of the Community contribution; whereas, for the same purpose, a security should be lodged if an advance payment is requested;

Whereas, for the purposes of the primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽²³⁾, as last amended by Regulation (EC) No 3403/93⁽²⁴⁾, the quality beef and veal sector should, because of its special features, be distinguished from the other sectors included in the promotional programmes;

⁽¹⁾ OJ L 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 32.

⁽³⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽⁴⁾ OJ L 210, 28. 7. 1998, p. 8.

⁽⁵⁾ OJ L 119, 11. 5. 1990, p. 53.

⁽⁶⁾ OJ L 119, 11. 5. 1990, p. 65.

⁽⁷⁾ OJ L 145, 27. 5. 1992, p. 1.

⁽⁸⁾ OJ L 123, 3. 6. 1995, p. 4.

⁽⁹⁾ OJ L 215, 30. 7. 1992, p. 57.

⁽¹⁰⁾ OJ L 215, 30. 7. 1992, p. 67.

⁽¹¹⁾ OJ L 308, 29. 11. 1996, p. 7.

⁽¹²⁾ OJ L 332, 10. 12. 1985, p. 22.

⁽¹³⁾ OJ L 194, 23. 7. 1997, p. 1.

⁽¹⁴⁾ OJ L 205, 3. 8. 1990, p. 8.

⁽¹⁵⁾ OJ L 327, 18. 12. 1996, p. 27.

⁽¹⁶⁾ OJ L 366, 15. 12. 1992, p. 17.

⁽¹⁷⁾ OJ L 267, 18. 10. 1994, p. 3.

⁽¹⁸⁾ OJ L 132, 29. 5. 1993, p. 83.

⁽¹⁹⁾ OJ L 44, 18. 2. 1999, p. 10.

⁽²⁰⁾ OJ L 326, 28. 12. 1993, p. 23.

⁽²¹⁾ OJ L 196, 24. 7. 1997, p. 51.

⁽²²⁾ OJ L 115, 17. 4. 1998, p. 5.

⁽²³⁾ OJ L 205, 3. 8. 1985, p. 5.

⁽²⁴⁾ OJ L 310, 14. 12. 1993, p. 4.

Whereas, for the purposes of budget management, provision must be made for a penalty for failure to submit payment applications or non-compliance with the deadline for the submission of intermediate quarterly payment applications or for late payment by Member States;

Whereas the payments to be made may take up the whole of the Community financial contribution, leaving no balance to pay; whereas, in order to avoid that risk and in the interests of sound financial management, it should be stipulated that the advance and the various intermediate payments cannot exceed 75 % of the Community contribution; whereas, in the same interests, the application for the balance should be made by the competent body within a set time limit;

Whereas Member States must monitor the implementation of measures and the Commission must be kept informed of the results of the measures provided for in this Regulation; whereas, in the interests of sound financial management, cooperation between Member States should be provided for where measures are carried out in a Member State other than that in which the competent body is established;

Whereas, for reasons of sound financial management and in order to improve the effectiveness of the measures carried out, provision should be made for independent evaluation of measures, in addition to internal evaluation by the contractor; whereas rules for carrying out and financing such external evaluation should be laid down;

Whereas, where the overall budget for a programme to be evaluated is relatively low and the cost of evaluation may turn out to be disproportionately high compared with the budget, provision should be made, by way of an exception, to waive the requirement for such external evaluation;

Whereas, where several programmes are implemented in any Member State, it may prove economical to entrust a single body with the task of evaluating all the programmes in that Member State;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committees for Wine, Milk and Milk Products, Fruit and Vegetables, Beef and Veal, Live Plants, and Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down general indirect management rules applying to promotional programmes for the following:

- grape juice,
- milk and milk products,
- apples and citrus fruit,
- quality beef and veal,
- live plants and floricultural products,
- olive oil and table olives, where this type of management applies.

Article 2

1. Under the programme selection procedure:

- as soon as the Member State is notified of the Commission decision approving promotional programmes, or
- in the case of live plants and floricultural products, as soon as the final list of measures selected by the Member State concerned is drawn up,

all applicants shall be informed whether or not their applications have been selected.

2. The competent bodies shall conclude contracts with the parties concerned within 30 calendar days of notification of the Commission decision or, in the case of live plants and floricultural products, of the drawing up of the final list of measures selected by the Member State concerned. Beyond that deadline, no contracts may be concluded without prior authorisation from the Commission.

The competent bodies shall use standard contracts supplied by the Commission. Those contracts shall contain the conditions applicable, which the two contracting parties shall be deemed to know and accept.

Subject to extension authorised by the Commission, the measures provided for in the contract shall be implemented within 12 months of the date on which the contract is signed by the two parties. Any extension may not exceed three months and must be the subject of a duly reasoned application from the contractor to the competent body before the expiry date.

3. Contracts may not be concluded by the two parties until a security has been lodged equal to 15 % of the maximum Community financial contribution in order to guarantee satisfactory performance of the contract. The security shall be lodged in accordance with Title III of Regulation (EEC) No 2220/85.

However, if the contractor is a body governed by public law or acts under the supervision of such a body, a written guarantee from the supervisory authority covering an amount equal to the percentage specified in the first subparagraph may be accepted by the competent body, provided that the supervisory authority undertakes to verify that:

- the obligations entered into are properly discharged,
- the sums received are used properly to discharge the obligations entered into.

Proof of lodging of the security must reach the competent body before the expiry of the time limit laid down in the first subparagraph of paragraph 2.

The security shall be released within the time limits and under the conditions laid down in Article 4 of this Regulation for payment of the balance.

4. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the implementation of the measures covered by the contract.

However, in the case of quality beef and veal, two other primary requirements within the meaning of that Article shall apply, namely:

- (a) the implementation of the measures provided for in the control record referred to in Article 4(2)(b) of Regulation (EEC) No 1318/93;
- (b) where appropriate, the application of the penalties provided for in the rules of procedure of the body referred to in Article 4(2)(e) of the abovementioned Regulation in the event of non-compliance with the specifications by its members, and comprising in particular the withdrawal of eligibility for the promotional measure.

5. The competent body shall send a copy of the contract and proof of lodging of the security to the Commission immediately.

If the contract provides for implementation of measures in another Member State, the competent body shall notify the authorities of the latter Member State that the contract has been signed.

Article 3

1. Within 30 calendar days of the signing of the contract, the contractor may submit an application for an advance to the competent body, accompanied by the security as indicated in paragraph 3. Beyond that date, no applications for an advance may be made.

The advance may cover up to 30 % of the Community financing.

2. The competent authority must pay the advance within 30 calendar days of submission of the payment application. Where payment is made late, the rules laid down in Article 4 of Commission Regulation (EC) No 296/96⁽¹⁾ shall apply.

3. The advance shall be paid subject to the lodging by the contractor of a security equal to 110 % of that advance in favour of the competent body in accordance with the conditions laid down in Title III of Regulation (EEC) No 2220/85.

However, if the contractor is a body governed by public law or acts under the supervision of such a body, a written guarantee from the supervisory authority covering an amount equal to the percentage specified in the first subparagraph may be accepted by the competent body, provided that the supervisory authority undertakes to pay the amount covered by the guarantee should entitlement to the advance paid not be established.

Article 4

1. Subsequent applications for intermediate payments shall be submitted before the end of the calendar month following the expiry of each period of 90 calendar days calculated from the date of signature of the contract. These applications shall cover expenditure incurred and paid during that quarter and shall be accompanied by the relevant supporting documents and an interim report on the implementation of the contract. Where no expenditure has been incurred during the three-month period in question, information to that effect shall be submitted within the same time limits as for applications for intermediate payments.

Except in cases of *force majeure*, where an application for an intermediate payment and the relevant documents are submitted late, the payment shall be reduced by 3 % for each whole month by which it is overdue.

The payments and the advance referred to in Article 3(1) may not in aggregate exceed 75 % of the total Community financial contribution. Once that level is reached, no more intermediate payment applications shall be submitted.

2. Applications for payment of the balance (equal to at least 25 %) shall be submitted within four months of completion of the measures covered by the contract.

To be considered as duly submitted, applications must be accompanied by:

- (a) all relevant supporting documents relating to expenditure;
- (b) a summary of the work carried out (report on operations);
- (c) an internal evaluation report, drawn up by the contractor, on the results obtained, as ascertainable on the date of the report, and the use that can be made of them.

Except in cases of *force majeure*, where an application for payment of the balance is submitted late, the balance shall be reduced by 3 % for each month by which it is overdue.

3. The balance shall be paid subject to verification of the documents referred to in paragraph 2.

The balance paid shall be reduced according to the extent of non-compliance with the primary requirement referred to in Article 2(4).

⁽¹⁾ OJ L 39, 17. 2. 1996, p. 5.

4. The security referred to in Article 3(3) shall be released on condition that definitive entitlement to the advance paid has been established.

5. The competent body shall make the payments referred to in the previous paragraphs within 60 calendar days of receipt of the application. However, at any time within 60 days of the date the application for payment is first recorded as received, that period may be interrupted by notifying the contractor concerned that the application is not acceptable because the amount is not due, because the supporting documents required for all additional applications have not been supplied or because the competent body sees the need for further information or checks. The payment period shall start running again from the date of receipt of the information requested, which must be transmitted within 30 calendar days. Except in cases of *force majeure*, where the above payments are made late, the amount reimbursed to the Member State shall be reduced in accordance with the rules laid down in Article 4 of Regulation (EC) No 296/96.

6. The security referred to in Article 2(3) must remain valid until the balance is paid and shall be released by means of a letter of discharge issued by the competent body.

7. Within 30 calendar days of receipt, the competent body shall send the Commission:

- the quarterly reports on implementation of the contract,
- the summary of the work carried out, and
- the internal evaluation report.

8. After the balance has been paid, the competent body shall send the Commission a financial statement detailing the expenditure incurred under the contract.

The competent body shall also certify that, in the light of checks carried out, all the expenditure may be considered eligible under the terms of the contract.

9. Securities withheld and penalties imposed shall be deducted from the expenditure declared to the EAGGF Guarantee Section.

Article 5

1. The competent bodies shall take the steps necessary, in particular by means of technical, administrative and accounting checks on the contractor, any partners or subcontractors, to verify:

- (a) the accuracy of the information and supporting documents supplied; and
- (b) the fulfilment of all the obligations laid down in the contract.

Without prejudice to Council Regulation (EEC) No 595/91⁽¹⁾, they shall inform the Commission at the earliest opportunity of any irregularities detected during checks.

2. For the purposes of paragraph 1, where the contractor implements measures in a Member State other than that in which the contracting competent body is established, the competent body of the Member State concerned, duly notified at least 10 working days in advance, shall afford the latter all necessary assistance in verification and checking.

3. The competent body of the Member State concerned shall determine the most appropriate way of carrying out checks on measures implemented in third countries and shall notify the Commission thereof.

4. The Commission may take part at any time in the verifications and checks referred to in paragraphs 1, 2 and 3. To that end, the competent bodies of the Member States shall notify the Commission in good time of verifications and checks as indicated in paragraphs 2 and 3.

The Commission may also carry out any additional checks it considers necessary.

Article 6

1. With a view to the drafting of the reasoned opinion on each programme presented or, in the case of live plants and floricultural products, to the drawing up of the provisional list of measures selected, the competent body of the Member State concerned shall conduct an ex-ante analysis of the suitability of the proposed measures in relation to the general and specific objectives set in the programme concerned, in accordance with the rules in force in the sector.

2. With due regard to Community rules, the competent body shall ensure as far as possible and by all appropriate means that independent bodies compete to undertake an external evaluation. The choice of evaluator must be approved by the Commission. In the case of live plants and floricultural products, the evaluation shall be conducted during the final year of implementation of the programme.

The external evaluation shall comprise the following:

- monitoring of the planned measures using a significant sample,
- an ex-post evaluation of the results obtained in relation to the objectives originally set,
- a cost/benefit analysis of the main measures of the programme on the basis of performance indicators (cost, output and impact).

The evaluation report, to be drawn up within four months of completion of the measures, shall be forwarded to the Commission at the earliest opportunity.

⁽¹⁾ OJ L 67, 14. 3. 1991, p. 11.

By way of an exception, where the total budget for the programme to be evaluated is less than EUR 100 000, the Commission may, on a reasoned request from the competent body, waive the requirement for an evaluation of that programme.

3. Where more than one programme is implemented in a given Member State, a single body may be given the task of conducting the external evaluation of all the programmes in that Member State. The cost of evaluation shall be broken down among the various programmes in proportion to their individual budgets.

4. The evaluation shall be financed on the same terms as the measures contained in the programme.

5. Subject to the last subparagraph of paragraph 2, where evaluation is not carried out or is incomplete, the Commission shall take this into account when considering subsequent programmes, irrespective of the financial implications for the evaluating body.

Article 7

The exchange rate applicable shall be governed by Commission Regulation (EC) No 2799/98 ⁽¹⁾.

Article 8

1. Where undue payments are made, the beneficiary shall repay the amounts concerned, plus interest on the time elapsing between payment and repayment by the beneficiary.

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

Done at Brussels, 4 March 1999.

The interest rate to be used shall be that applied by the European Monetary Institute to its operations in euro on the date of the undue payment, as published in the 'C' series of the *Official Journal of the European Communities*, plus three percentage points.

2. Amounts recovered and the relevant interest shall be paid to the paying agencies and departments and deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund in proportion to the Community financial contribution.

Article 9

The following provisions are repealed:

- the final sentence of Article 2(3), Article 2(3a) and (4), the second sentence of the fourth indent of Article 3(2), the final subparagraph of Article 3(2) and Articles 5 and 6 of Regulation (EEC) No 3461/85,
- Articles 1(2), (3) and (4) and 6 to 9 of Regulation (EC) No 3582/93,
- Articles 1(3), 7, 8, 8a, 9, 9a and 10 of Regulation (EEC) No 2282/90,
- Articles 1(3), 7, 8 and 9 of Regulation (EEC) No 3601/92,
- Articles 2(1), 6, 7, 8(1) and (2) and 9 of Regulation (EEC) No 1318/93,
- Articles 7 to 11 of Regulation (EC) No 803/98.

Article 10

This Regulation shall enter into force on 15 March 1999.

It shall apply to contracts concluded from that date.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 349, 24. 12. 1998, p. 1.

**COMMISSION REGULATION (EC) No 482/1999
of 4 March 1999**

**fixing the maximum export refund on common wheat in connection with the
invitation to tender issued in Regulation (EC) No 1079/98**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries with the exception of certain ACP States was opened pursuant to Commission Regulation (EC) No 1079/98⁽⁵⁾, as amended by Regulation (EC) No 2005/98⁽⁶⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of

the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 26 February to 4 March 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1079/98, the maximum refund on exportation of common wheat shall be EUR 35,98/t.

Article 2

This Regulation shall enter into force on 5 March 1999.

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

Done at Brussels, 4 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 24.

⁽⁶⁾ OJ L 258, 22. 9. 1998, p. 8.

**COMMISSION REGULATION (EC) No 483/1999
of 4 March 1999**

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 March 1999.

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

Done at Brussels, 4 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

ANNEX

**to the Commission Regulation of 4 March 1999 fixing the export refunds on cereals and on wheat
or rye flour, groats and meal**

<i>(EUR/tonne)</i>			<i>(EUR/tonne)</i>		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	49,00
1001 90 91 9000	—	—	1101 00 15 9130	01	46,00
1001 90 99 9000	03	26,00	1101 00 15 9150	01	42,25
	02	0	1101 00 15 9170	01	39,00
1002 00 00 9000	03	64,00	1101 00 15 9180	01	36,50
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	40,00	1102 10 00 9500	01	82,00
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	30,00 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	01	27,00 ⁽²⁾
1005 90 00 9000	03	36,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	30,00 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein.

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

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

COMMISSION REGULATION (EC) No 484/1999
of 4 March 1999
fixing the corrective amount applicable to the refund on cereals

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1)(c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 March 1999.

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

Done at Brussels, 4 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

ANNEX

to the Commission Regulation of 4 March 1999 fixing the corrective amount applicable to the refund on cereals

(EUR / tonne)

Product code	Destination ⁽¹⁾	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	— 1,00	— 2,00	— 2,00	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	— 10,00	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	— 25,00	— 25,00	— 35,00	— 25,00	—	—
	02	0	0	0	— 10,00	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	04	0	0	0	0	0	—	—
	02	0	— 1,00	— 2,00	— 3,00	— 4,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	— 10,00	0	—	—
1103 11 10 9400	01	0	0	0	— 10,00	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries

02 other third countries

03 United States of America, Canada and Mexico

04 Switzerland, Liechtenstein.

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

COMMISSION REGULATION (EC) No 485/1999
of 4 March 1999
concerning tenders notified in response to the invitation to tender for the export
of rye issued in Regulation (EC) No 1746/98

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1746/98 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No

1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund or minimum tax should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 26 February to 4 March 1999 in response to the invitation to tender for the refund or the tax for the export of rye issued in Regulation (EC) No 1746/98.

Article 2

This Regulation shall enter into force on 5 March 1999.

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

Done at Brussels, 4 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 219, 7. 8. 1998, p. 3.

COMMISSION REGULATION (EC) No 486/1999
of 4 March 1999
concerning tenders notified in response to the invitation to tender for the export
of barley issued in Regulation (EC) No 1078/98

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas an invitation to tender for the refund and or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1078/98 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No

1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund or a minimum tax should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 26 February to 4 March 1999 in response to the invitation to tender for the refund or the tax for the export of barley issued in Regulation (EC) No 1078/98.

Article 2

This Regulation shall enter into force on 5 March 1999.

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

Done at Brussels, 4 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 20.

**COMMISSION REGULATION (EC) No 487/1999
of 4 March 1999**

**fixing the maximum reduction in the duty on maize imported in connection
with the invitation to tender issued in Regulation (EC) No 2850/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 12(1) thereof,

Whereas an invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2850/98 ⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95 ⁽⁴⁾, as amended by Regulation (EC) No 1963/95 ⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to

any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 26 February to 4 March 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2850/98, the maximum reduction in the duty on maize imported shall be EUR 62,87/t and be valid for a total maximum quantity of 4 675 t.

Article 2

This Regulation shall enter into force on 5 March 1999.

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

Done at Brussels, 4 March 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 358, 31. 12. 1998, p. 44.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 February 1999

establishing the ecological criteria for the award of the Community eco-label to textile products

(notified under document number C(1999) 339)

(Text with EEA relevance)

(1999/178/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme⁽¹⁾, and in particular the second subparagraph of Article 5(1) thereof,

The product group 'textile products' (hereinafter referred to as 'the product group') shall mean:

textile clothing: clothing consisting at least 90 % by weight of textile fibres,

Whereas the first subparagraph of Article 5(1) of Regulation (EEC) No 880/92 provides that the conditions for the award of the Community eco-label shall be defined by product group;

interior textiles: textile products for indoor use, consisting at least 90 % by weight of textile fibres, and excluding floor coverings,

yarn and fabric, for use in textile clothing or interior textiles.

Whereas Article 10(2) of Regulation (EEC) No 880/92 states that the environmental performance of a product shall be assessed by reference to the specific criteria for product groups;

Article 2

The environmental performance and the fitness for use of the product group as defined in Article 1 shall be assessed by reference to the specific ecological and fitness-for-use criteria set out in the Annex.

Whereas, in accordance with Article 6 of Regulation (EEC) No 880/92, the Commission has consulted the principal interest groups within a consultation forum;

Article 3

Whereas the measures set out in this Decision are in accordance with the opinion of the committee set up under Article 7 of Regulation (EEC) No 880/92,

The product group definition and the criteria for the product group shall be valid for a period of three years from the first day of the month following the adoption of the criteria.

⁽¹⁾ OJ L 99, 11. 4. 1992, p. 1.

Article 4

For administrative purposes the code number assigned to the product group shall be '016'.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1999.

For the Commission

Ritt BJERREGAARD

Member of the Commission

ANNEX

In order to qualify for an eco-label, the product as defined in Article 1 must comply with the criteria of this Annex, with tests carried out on application as indicated in the criteria. Where appropriate, other test methods may be used if their equivalence is accepted by the competent body assessing the application. Where no tests are mentioned, or are mentioned as being for use in verification or monitoring, competent bodies should rely as appropriate on declarations and documentation provided by the applicant and/or independent verifications.

The competent bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, when assessing applications and monitoring compliance with the criteria in this Annex.

These criteria aim in particular at promoting the reduction of water pollution related to the key processes throughout the textile manufacturing chain, including fibre production, spinning, weaving, knitting, bleaching, dyeing and finishing.

Functional unit

The functional unit, to which inputs and outputs should be related, is:

1 kg of textile product at normal conditions ($65\% \text{ RH} \pm 2\%$ and $20^\circ\text{C} \pm 2^\circ\text{C}$ — these normal conditions are specified in ISO 139 Textiles — standard atmospheres for conditioning and testing).

A. ECOLOGICAL CRITERIA

The ecological criteria are divided into two main categories, concerning textile fibres (A1) and processes and chemicals (A2).

A1. TEXTILE FIBRES

Fibre-specific criteria are set in this section A1 for acrylic, cotton, elastane, flax and other bast fibres, greasy wool and other keratin fibres, man-made cellulose fibres, polyamide, polyester and polypropylene. Other fibres for which no fibre specific criteria are set are also allowed, with the exception of mineral fibres, glass fibres, metal fibres, carbon fibres and other inorganic fibres.

The applicant shall supply detailed information as to the composition of the textile product. The criteria set in this section A1 for a given fibre-type need not be met if that fibre contributes to less than 5 % of the total weight of the textile fibres in the product. Similarly they need not be met if the fibres are of recycled origin. In this context, recycled fibres are defined as fibres originating only from cuttings from textile and clothing manufacturers or from post-consumer waste (textile or otherwise). Nevertheless, at least 85 % by weight of all fibres in the product must be either in compliance with the corresponding fibre-specific criteria, if any, or of recycled origin.

1. Acrylic

- (a) The residual acrylonitrile content in raw white fibres leaving the fibre production plant shall be less than 1,5 mg/kg.

Test-method: extraction with boiling water and quantification by capillary gas-liquid chromatography. Test report required on application.

- (b) The emissions to air of acrylonitrile (during polymerisation and up to the solution ready for spinning), expressed as an annual average, shall be less than 1 g/kg of fibre produced.

2. Cotton

Cotton fibres shall not contain more than 0,05 ppm (sensitivity of the test method permitting) of each of the following substances: aldrin, captafol, chlordane, DDT, dieldrin, endrin, heptachlor, hexachlorobenzene, hexachlorocyclohexane (total isomers), 2,4,5-T, chlordimeform, chlorobenzilate, dinoseb and its salts, and monocrotophos.

Test methods: as appropriate, US EPA 8081 A (organo-chlorine pesticides, with ultrasonic or Soxhlet extraction and apolar solvents (iso-octane or hexane)), 8151 A (chlorinated herbicides, using methanol), 8141 A (organophosphorus compounds), or 8270 C (semi-volatile organic compounds). Test report required on application.

This requirement does not apply where more than 50 % of the cotton content is organic, that is to say certified by an independent organisation to have been produced in conformity with the production and inspection requirements laid down in Council Regulation (EEC) No 2092/91 ⁽¹⁾.

This requirement does not apply if documentary evidence can be presented that establishes the identity of the farmers producing at least 75 % of the cotton used in the final product, together with a declaration from these farmers that the substances listed above have not been applied to the fields or cotton plants producing the cotton in question, or to the cotton itself.

Where more than 95 % of the cotton is organic, that is to say certified by an independent organisation to have been produced in conformity with the production and inspection requirements laid down in Regulation (EEC) No 2092/91, the applicant may place the mention 'organic cotton' next to the eco-label.

3. Elastane

- (a) The content of zinc shall not exceed 1 000 ppm.

Test method: direct determination by atomic absorption spectrometry. Test report required on application

- (b) The emissions to air of aromatic diisocyanates during polymerisation and spinning, expressed as an annual average, shall be less than 5 mg/kg of fibre produced.

4. Flax and other bast fibres (including hemp, jute, and ramie)

Flax and other bast fibres shall not be obtained by water retting, unless the wastewater from the water retting is treated so as to reduce the COD or TOC by at least 75 % for hemp fibres and by at least 95 % for linen and the other bast fibres.

Test method: ISO 6060 (COD). Test report required on application if water retting used.

5. Greasy wool and other keratin fibres (including wool from sheep, camel, alpaca, goat)

- (a) The sum total content of the following substances shall not exceed 0,5 ppm: α -hexachlorocyclohexane, β -hexachlorocyclohexane, lindane (γ -hexachlorocyclohexane), δ -hexachlorocyclohexane, aldrin, dieldrin, endrin, p,p'-DDT, p,p'-DDD.

- (b) The sum total content of the following substances shall not exceed 2 ppm: propetamphos, diazinon, dichlofenthion, fenclorophos, chlorfenvinphos.

- (c) The sum total content of the following substances shall not exceed 3 ppm: cyhalothrin, cypermethrin, deltamethrin, fenvalerate.

These requirements (as detailed in (a), (b) and (c) and taken separately) do not apply if documentary evidence can be presented that establishes the identity of the farmers producing at least 75 % of the wool or keratin fibres in question, together with a declaration from these farmers that the substances listed above have not been applied to the fields or animals concerned.

Test method for (a), (b) and (c): serial non-polar/polar solvent extraction, clean up with gel permeation chromatography and determination with capillary gas-liquid chromatography with electron capture detection. Test report required on application.

- (d) For scouring effluent discharged to sewer, the COD discharged to sewer shall not exceed 60 g/kg greasy wool, and the effluent shall be treated off-site so as to achieve at least a further 75 % reduction of COD content.

⁽¹⁾ OJ L 198, 22. 7. 1991, p. 1.

For scouring effluent treated on site and discharged to surface waters, the COD discharged to surface waters shall not exceed 5 g COD/kg greasy wool. The pH of the effluent discharged to surface waters shall be between 6 and 9 (unless the pH of the receiving waters is outside this range), and the temperature shall be below 40 °C (unless the temperature of the receiving water is above this value).

Test method for (d): ISO 6060. Test report and appropriate data required on application.

6. Man-made cellulose fibres (including viscose, lyocell, acetate, cupro, triacetate)

- (a) The level of AOX in the fibres shall not exceed 250 ppm

Test method: ISO 11480.97 (controlled combustion and microcoulometry). Test report required on application.

- (b) For viscose fibres, the sulphur content of the emissions of sulphur compounds to air from the processing during fibre production, expressed as an annual average, shall not exceed 160 g/kg filament fibre produced and 30 g/kg staple fibre produced. Where both types of fibre are produced on a given site, the overall emissions must not exceed the corresponding weighted average.
- (c) For viscose fibres, the emission to water of zinc from the production site, expressed as an annual average, shall not exceed 1 g/kg.
- (d) For cupro fibres, the copper content of the effluent water leaving the site, expressed as an annual average, shall not exceed 0,1 ppm.

7. Polyamide

The emissions to air of N₂O during monomer production, expressed as an annual average, shall not exceed 1 g/kg fibre produced.

8. Polyester

- (a) The amount of antimony in the polyester fibres shall not exceed 300 ppm.

Test method: direct determination by atomic absorption spectrometry. Test report required on application

- (b) The emissions of VOCs during polymerisation of polyester, expressed as an annual average, shall not exceed 1,2 g/kg of produced polyester resin. (VOCs are any organic compound having at 293,15 K a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use.)

9. Polypropylene

Lead based pigments shall not be used.

A2. PROCESSES AND CHEMICALS

The criteria in this section apply, where appropriate, to all stages of production of the product, including the production of the fibres. It is nevertheless accepted that recycled fibres may contain some of the dyes or other substances excluded by these criteria, but only if they were applied in the previous life-cycle of the fibres.

10. Carding and spinning oils, waxes, finishes, lubricants and sizeing applied to fibres or yarns

- (a) At each given manufacturing step where carding and spinning oils, waxes, finishes, or lubricants are applied to fibres or yarns, the substances applied individually or at least 90 % (by dry weight) of the component substances of the preparations applied shall be sufficiently biodegradable or eliminable in waste water treatment plants.

At least 95 % (by dry weight) of the component substances of any sizeing preparation applied to fibres or yarns shall be sufficiently biodegradable or eliminable in waste water treatment plants, or else shall be recycled.

In this context, a substance is considered as sufficiently biodegradable or eliminable:

- if when tested with one of the methods OECD 301 A, OECD 301 E, ISO 7827, OECD 302 A, ISO 9887, OECD 302 B, or ISO 9888 it shows a percentage degradation of at least 70 % within 28 days,

- or if when tested with one of the methods OECD 301 B, ISO 9439, OECD 301 C, OECD 302 C, OECD 301 D, ISO 10707, OECD 301 F, ISO 9408, ISO 10708 or ISO 14593 it shows a percentage degradation of at least 60 % within 28 days,
- or if when tested with one of the methods OECD 303 or ISO 11733 it shows a percentage degradation of at least 80 % within 28 days,
- or, for substances for which these test methods are inapplicable, if evidence of an equivalent level of biodegradation or elimination is presented.

This requirement does not apply to inorganic substances or silicone oils.

Test methods and thresholds as above. Test report required on application if appropriate (notably if sufficient information on the biodegradability or eliminability of the substances used is not available).

- (b) Mineral oils used shall not contain more than 1 ppm of aromatic compounds.

11. TCP and PCP

Tetrachlorophenol and pentachlorophenol (their salts and esters) shall not be used.

Test method for purposes of verification on yarn, fabric or final product: extraction as appropriate, derivatisation with acetic anhydride, determination by capillary gas-liquid chromatography with electron capture detection, limit value 0,05 ppm.

12. Stripping or depigmentation

Heavy metal salts (except of iron) or formaldehyde shall not be used for stripping or depigmentation.

13. Weighting

Compounds of cerium shall not be used in the weighting of yarn or fabrics.

14. Detergents, fabric softeners and complexing agents

- (a) Alkylphenoethoxylates (APEOs), bis(hydrogenated tallow alkyl) dimethyl ammonium chloride (DTDMAC), distearyl dimethyl ammonium chloride (DSDMAC), di(hardened tallow) dimethyl ammonium chloride (DHTDMAC) and ethylene diamine tetra acetate (EDTA) shall not be used and shall not be part of any preparations or formulations used.
- (b) At each wet-processing site, more than 95 % by weight of the detergents, fabric softeners and complexing agents used shall be sufficiently degradable or eliminable in waste water treatment plants (as defined above in the criterion related to carding and spinning oils, waxes, finishes, lubricants and sizing).

Test methods and thresholds as defined in the criterion above related to carding and spinning oils, waxes, finishes, lubricants and sizing. Test report required on application if appropriate (notably if sufficient information on the biodegradability or eliminability of the substances used is not available).

15. Bleaching agents

In general, AOX emissions in the mixed bleaching effluent shall be less than 40 mg Cl/kg. In the following cases, the level shall be less than 100 mg Cl/kg:

- wool before printing,
- linen and other bast fibres,
- cotton which has a degree of polymerisation below 1 800 and which is intended for white end products.

This requirement does not apply to the production of man-made cellulose fibres.

Test method: ISO 9562 or prEN 1485. Test report required on application only if chlorinated bleaching agents are used.

16. Impurities in dyes

The levels of ionic impurities for dyes used shall not exceed the following: As 50 ppm; Cd 20 ppm; Cr 100 ppm; Cu 250 ppm; Hg 4 ppm; Ni 200 ppm; Pb 100 ppm; Sb 50 ppm; Sn 250 ppm; Zn 1500 ppm.

17. Impurities in pigments

The levels of ionic impurities for pigments used shall not exceed the following: As 50 ppm; Cd 50 ppm; Cr 100 ppm; Hg 25 ppm; Pb 100 ppm; Sb 250 ppm; Zn 1000 ppm.

18. Chrome mordant dyeing

Chrome mordant dyeing shall only be used for wools and other keratin fibres, and only if low-chrome dyeing is applied, as follows:

- (a) no more than 1,8 % of potassium dichromate nor more than 1,5 % of sodium dichromate (oww) to be used for chroming blacks, no more than 1 % of these substances for chroming other shades;
- (b) the exhausted chroming bath must not contain more than 5 mg/l Cr III or 0.5 mg/l Cr VI.

Test method: atomic absorption spectrometry. Test report required on application only if chrome mordant dyeing is used.

19. Metal complex dyes

If metal complex dyes based on copper, chromium or nickel are used:

- (a) where the metal complex dye constitutes more than 20 % of the dye components, less than 7 % of the dyestuff applied (input to the process) shall be discharged to waste water treatment (whether on-site or off-site);
- (b) the emissions to water after treatment shall not exceed: Cu 75 mg/kg (staple, yarn or fabric); Cr 50 mg/kg; Ni 75 mg/kg.

Test method: ISO 8288 for Cu, Ni; ISO 9174 or prEN 1233 for Cr. Test report required on application if the corresponding metal complex dyes are used.

20. Azo dyes

Azo dyes shall not be used that may cleave to any one of the following aromatic amines:

4-aminodiphenyl	(92-67-1)
benzidine	(92-87-5)
4-chloro-o-toluidine	(95-69-2)
2-naphthylamine	(91-59-8)
o-amino-azotoluene	(97-56-3)
2-amino-4-nitrotoluene	(99-55-8)
p-chloroaniline	(106-47-8)
2,4-diaminoanisole	(615-05-4)
4,4'-diaminodiphenylmethane	(101-77-9)
3,3'-dichlorobenzidine	(91-94-1)
3,3'-dimethoxybenzidine	(119-90-4)
3,3'-dimethylbenzidine	(119-93-7)
3,3'-dimethyl-4,4'-diaminodiphenylmethane	(838-88-0)
p-cresidine	(120-71-8)
4,4'-methylene-bis-(2-chloraniline)	(101-14-4)
4,4'-oxydianiline	(101-80-4)
4,4'-thiodianiline	(139-65-1)
o-toluidine	(95-53-4)
2,4-diaminotoluene	(95-80-7)
2,4,5-trimethylaniline	(137-17-7)
4-aminoazobenzene	(60-09-3)
o-anisidine	(90-04-0)

Test method if required for verification: German method B-82.02 or French method XP G 08-014, 30 ppm threshold. (*Note:* false positives may be possible with respect to the presence of 4-aminoazobenzene, and confirmation is therefore recommended).

21. Dyes that are carcinogenic, mutagenic or toxic to reproduction

The following dyes shall not be used:

- (a) C.I. Solvent Yellow 1
C.I. Solvent Yellow 2
C.I. Solvent Yellow 3
C.I. Basic Red 9
C.I. Disperse Blue 1
C.I. Acid Red 26;
- (b) any dye or dye preparation that is assigned or may be assigned any of the risk phrases R45 (may cause cancer), R46 (may cause heritable genetic damage), R60 (may impair fertility) or R61 (may cause harm to the unborn child), as defined in Council Directive 67/548/EEC ⁽¹⁾, as last amended by Commission Directive 98/73/EEC ⁽²⁾.

22. Potentially sensitising dyes

The following potentially sensitising dyes shall only be used if the fastness to perspiration (acid and alkaline) of the dyed yarn or fabric is at least 4:

- C.I. Disperse Blue 3
- C.I. Disperse Blue 35
- C.I. Disperse Blue 106
- C.I. Disperse Blue 124
- C.I. Disperse Yellow 3
- C.I. Disperse Orange 3
- C.I. Disperse Orange 37/76
- C.I. Disperse Red 1.

Test method for colour fastness: ISO 105-E04. Test report required on application only if one or more of these dyes are used.

23. Halogenated carriers

Halogenated carriers shall not be used.

24. Printing

- (a) Printing pastes used shall not contain more than 5 % volatile organic compounds (VOCs: any organic compound having at 293,15 K a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use).
- (b) Plastisol-based printing is not allowed.

25. Formaldehyde

The amount of free and partly hydrolysable formaldehyde in the final fabric shall not exceed 30 ppm for products intended for infants of less than 2 years of age, 75 ppm for products that come into direct contact with the skin, and 300 ppm for all other products.

Test method: Japan Law 112, PRENISO 14184-1 or Finnish standard SFS 4996. Test report required on application (except for yarns).

26. Waste water discharges from wet-processing

- (a) Waste water from wet-processing **sites** (except greasy wool scouring **sites**) shall, when discharged to surface waters after treatment (whether on-site or off-site), have a COD content of less than 25 g/kg.
- (b) If the effluent is treated on site and discharged directly to surface waters, it shall also have a pH between 6 and 9 (unless the pH of the receiving water is outside this range) and a temperature of less than 40 °C (unless the temperature of the receiving water is above this value).

Test method: ISO 6060. Test report and appropriate data required on application.

⁽¹⁾ OJ L 196, 16. 8. 1967, p. 1.

⁽²⁾ OJ L 305, 16. 11. 1998, p. 1.

27. Flame retardants

No use is allowed of flame retardant substances or preparations containing substances that are assigned or may be assigned any of the risk phrases R45 (may cause cancer), R46 (may cause heritable genetic damage), R50 (very toxic to aquatic organisms), R51 (toxic to aquatic organisms), R52 (harmful to aquatic organisms), R53 (may cause long-term adverse effects in the aquatic environment), R60 (may impair fertility) or R61 (may cause harm to the unborn child), as defined in Directive 67/548/EEC.

This requirement does not apply to flame retardants that on application change their chemical nature to no longer warrant classification under any of the R-phrases listed above, and where less than 0,1 % of the flame retardant on the treated yarn or fabric remains in the form as before application.

28. Shrink resistant finishes

Halogenated shrink-resist substances or preparations shall only be applied to wool slivers.

B. FITNESS FOR USE

The following tests shall be carried out on either the dyed yarn, the final fabric(s), or on the final product as appropriate.

29. Dimensional changes during washing and drying

The dimensional changes shall not exceed 6 % (length and width) for knitted products, 8 % (warp and weft) for terry towelling, or 4 % for other woven products. This criterion does not apply to products clearly labelled 'dry clean only' or equivalent (insofar as it is normal practice for such products to be so labelled), or to furniture fabrics.

Test method: ISO 5077 (three washes at temperatures as indicated on the product, with tumble drying unless otherwise indicated on the product, at temperatures as marked on the product, wash load (2 or 4 kg) as indicated on the product). Test report required on application.

30. Colour fastness to washing

The colour fastness to washing shall be at least level 3-4 (colour change and staining). This criterion does not apply to products clearly labelled 'dry clean only' or equivalent (insofar as it is normal practice for such products to be so labelled), to white products or products that are neither dyed nor printed, or to furniture fabrics.

Test method: ISO 105 C06 (single wash, at temperature as marked on the product, with perborate powder). Test report required on application.

31. Colour fastness to perspiration (acid, alkaline)

The colour fastness to perspiration (acid and alkaline) shall be at least level 3-4 (colour change and staining). This criterion does not apply to white products, to products that are neither dyed nor printed, to furniture fabrics, curtains or similar textiles intended for interior decoration. A level of 3 is nevertheless allowed when fabrics are both light coloured (standard depth < 1/12) and made of silk or of blends with more than 20 % silk.

Test method: ISO 105 E04 (acid and alkaline, comparison with multi-fibre fabric). Test report required on application.

32. Colour fastness to wet rubbing

The colour fastness to wet rubbing shall be at least level 2-3. A level of 2 is nevertheless allowed for indigo dyed denim. This criterion does not apply to white products, products that are neither dyed nor printed, or to curtains or similar textiles intended for interior decoration.

Test method: ISO 105 X12. Test report required on application.

33. Colour fastness to dry rubbing

The colour fastness to dry rubbing shall be at least level 4. A level of 3-4 is nevertheless allowed for indigo dyed denim. This criterion does not apply to white products or products that are neither dyed nor printed, or to curtains or similar textiles intended for interior decoration.

Test method: ISO 105 X12. Test report required on application.

34. Colour fastness to light

For fabrics intended for furniture, curtains or drapes, the colour fastness to light shall be at least level 5. A level of 4 is nevertheless allowed when fabrics are both light coloured (standard depth $< 1/12$) and made of silk, wool or other keratin fibres, linen or other bast fibres, or of blends with more than 20 % wool or other keratin fibres, or of blends with more than 20 % silk, or of blends with more than 20 % linen or other bast fibres.

Note: this requirement does not apply to mattress ticking.

Test method: ISO 105 B02. Test report required on application.

C. ENERGY AND WATER USE

The applicant is requested, on a voluntary basis, to provide detailed information on water and energy use for the manufacturing sites involved in spinning, knitting, weaving and wet-processing.

COMMISSION DECISION

of 17 February 1999

establishing the ecological criteria for the award of the Community eco-label to footwear

(notified under document number C(1999) 340)

(Text with EEA relevance)

(1999/179/EC)

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

Having regard to Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme⁽¹⁾, and in particular the second subparagraph of Article 5(1) thereof,

Whereas the first subparagraph of Article 5(1) of Regulation (EEC) No 880/92 provides that the conditions for the award of the Community eco-label shall be defined by product group;

Whereas Article 10(2) of Regulation (EEC) No 880/92 states that the environmental performance of a product shall be assessed by reference to the specific criteria for product groups;

Whereas in accordance with Article 6 of Regulation (EEC) No 880/92, the Commission has consulted the principal interest groups within a consultation forum;

Whereas the measures set out in this Decision are in accordance with the opinion of the committee set up pursuant to Article 7 of Regulation (EEC) No 880/92,

HAS ADOPTED THIS DECISION:

Article 1

The product group 'footwear' (hereinafter referred to as 'the product group') shall mean:

'All articles of clothing designed to protect or cover the foot, with a fixed outer sole which comes into contact with the ground'.

Article 2

The environmental performance and the fitness for use of the product group shall be assessed by reference to the specific ecological and fitness for use criteria set out in the Annex.

Article 3

The product group definition and the specific ecological criteria for the product group shall be valid for a period of three years from the first day of the month following the adoption of the criteria.

Article 4

For administrative purposes the product group code No assigned to this product group shall be '017'.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1999.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ OJ L 99, 11. 4. 1992, p. 1.

ANNEX

In order to qualify for an eco-label, the product as defined in Article 1 must comply with the criteria of this Annex, with tests carried out on application as indicated in the criteria. Where appropriate, other test methods may be used if their equivalence is accepted by the competent body assessing the application. Where no tests are mentioned, or are mentioned as being for use in verification or monitoring, competent bodies should rely as appropriate on declarations and documentation provided by the applicant and/or independent verifications.

The competent bodies are recommended to take into account the implementation of recognised environmental management schemes, such as EMAS or ISO 14001, when assessing applications and monitoring compliance with the criteria in this Annex.

These criteria aim in particular at limiting the levels of toxic residues and the emissions of volatile organic compounds, and at promoting a more durable product.

The functional unit is one pair of shoes. Requirements are based on shoe size 40 Paris point. For children's shoes the requirements apply for a size 32 Paris point (or the largest size in the case of maximum sizes smaller than 32 Paris point).

ECOLOGICAL CRITERIA

1. Residues in the final product

- (a) The average concentration of residues in the final product shall not exceed the following:

— chromium (VI):	10 ppm,
— arsenic:	10 ppm,
— cadmium:	10 ppm,
— lead:	10 ppm.

Test methods (test report required on application)

- Cr (VI): standard EN 420 (note that difficulties in measurement due to interferences may be encountered when analysing certain coloured leathers),
- Cd, Pb, As: analyses by atomic absorption spectroscopy (AAS) following digestion by strong acid.

Sample preparation:

- (1) Separate the upper components from the bottom components,
- (2) grind completely the upper components and the bottom components, keeping both separate,
- (3) analyse a sample of each of these two preparations,
- (4) the concentrations of the above substances in each of these two samples shall not exceed the above values.

- (b) The amount of free and partially hydrolysable formaldehyde of the textile components of the footwear shall not exceed 75 ppm and of the leather components shall not exceed 150 ppm.

Test methods (test report required on application)

- textiles: Japan Law 112, SFS 4996 or Preniso 14184-1
- leather: IUC 94.50001 a or DIN 53315

2. Emissions from the production of material

The waste water from leather tanning sites shall be treated, either by an in-house or municipal waste water treatment plant/facility, so as to achieve a reduction of the COD content of at least 75 %.

Test method (test report and appropriate complementary data required on application)

COD: ISO 6060 water quality, determination of chemical oxygen demand

3. Use of harmful substances (up until purchase)

- (a) Pentachlorophenol (PCP) and its salts and esters shall not be used.

Test method (for purposes of verification)

- textiles: gas chromatography (GC) with electron capture detection (ECD), limit value 0,05 ppm
- leather: analyses should be carried out by DIN 53313 with
 - (a) mass spectrometry (MS) or
 - (b) electron capture detection (ECD); limit value 5 ppm.

- (b) No azo dyes shall be used that may cleave to any of the following aromatic amines:

4-aminodiphenyl	(92-67-1)
benzidine	(92-87-5)
4-chloro-o-toluidine	(95-69-2)
2-naphthylamine	(91-59-8)
o-amino-azotoluene	(97-56-3)
2-amino-4-nitrotoluene	(99-55-8)
p-chloroaniline	(106-47-8)
2,4-diaminoanisole	(615-05-4)
4,4'-diaminodiphenylmethane	(101-77-9)
3,3'-dichlorobenzidine	(91-94-1)
3,3'-dimethoxybenzidine	(119-90-4)
3,3'-dimethylbenzidine	(119-93-7)
3,3'-dimethyl-4,4'-diaminodiphenylmethane	(838-88-0)
p-cresidine	(120-71-8)
4,4'-methylene-bis-(2-chloraniline)	(101-14-4)
4,4'-oxydianiline	(101-80-4)
4,4'-thiodianiline	(139-65-1)
o-toluidine	(95-53-4)
2,4-diaminotoluene	(95-80-7)
2,4,5-trimethylaniline	(137-17-7)
4-aminoazobenzene	(60-09-3)
o-anisidine	(90-04-0)

Test method (for purposes of verification)

- textiles: German method B-82.02 or equivalent, limit 30 ppm. (Note that false positives are possible for 4-aminoazobenzene and confirmation is therefore recommended),
- leather: standard DIN 53316, limit 30 ppm. (Note that false positives are possible for 4-aminoazobenzene, 4-aminodiphenyl and 2-naphthylamine and confirmation is therefore recommended).

4. Use of volatile organic compounds (VOCs) during final assembly of shoes

The total use of VOCs during final footwear production, for the following categories, shall not exceed on average:

- general sports, children, occupational, men's town, specialist cold: 30 gr VOC/pair,
- casual, women's town: 25 gr VOC/pair,
- fashion, infants, indoor: 20 gr VOC/pair.

VOCs are any organic compound having at 293,15 K a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use.

The total use of VOCs during final shoe production shall be calculated as follows:

$$M_{(\text{VOCtotal})} = \Sigma (M_{(\text{adhesives})} \times C_{(\text{VOCa})}) + \Sigma (A_{(\text{finishes})} \times M_{(\text{finishes})} \times C_{(\text{VOCf})})$$

Where:

$M_{(\text{VOCtotal})}$ = the total use of VOCs in the production of the pair of shoes (g),

$M_{(\text{adhesives})}$ = the amount of adhesives ⁽¹⁾ applied to the pair of shoes considered (g),

$C_{(\text{VOCa})}$ = the VOC content of the adhesives applied (index: g VOCs per g adhesive),

$A_{(\text{finishes})}$ = the area of the pair of shoes onto which the finish ⁽²⁾ is applied (m²),

$M_{(\text{finishes})}$ = the amount of finish applied per metre square (g/m²),

$C_{(\text{VOCf})}$ = the VOC content of the finishes applied (index: g VOCs per g finish),

and:

(¹) only adhesives with solvents have to be taken into account. Water based and hot melt adhesives are exempted;

(²) finishes: base coats, top coats and repair coats, (upper) finish layers of leather, synthetics upper, lining, cotton, etc. only when based on solvents.

Registration of purchased leather, adhesives, finishes and production of footwear over at least the last six months is required.

5. Electric components

The footwear shall not contain any electric or electronic components.

6. Packaging of the final product

- (a) Where cardboard boxes are used for the final packaging of footwear, they shall be made from a minimum of 80 % recycled material.
- (b) Where plastic bags are used for the final packaging of footwear, they shall be made from recycled material.

CONSUMER INFORMATION

7. User instructions

The following information shall be supplied with the product:

- these shoes have been treated to improve their water resistance. They do not require further treatment. (This criterion is applicable only to footwear that has been water-resistant treated),
- where possible repair your footwear rather than throw them away. This is less damaging to the environment.

FITNESS FOR USE CRITERIA

8. Parameters contributing to durability

Occupational and safety footwear must carry the CE mark (in accordance with Council Directive 89/686/EEC ⁽¹⁾ on the approximation of the laws of the Member States relating to personal protective equipment). All other footwear must meet the requirements indicated in the table below (*test report required on application*). The parameters referred to are measured according to the following test methods:

— uppers flex resistance:	Document CEN/TC 309 N 113
— uppers tear strength:	Document CEN/TC 309 N 115
— uppers bondability:	EN 1392
— outsoles flex resistance:	prEN 12769
— outsoles abrasion resistance:	prEN 12770
— outsoles bondability:	EN 1392
— insoles water absorption and desorption:	prEN 12746
— uppers water resistance:	Document CEN/TC 309 N 121
— outsoles water resistance:	prEN 13072.

⁽¹⁾ OJ L 399, 30. 12. 1989, p. 18.

Parameters contributing to durability

	General sports	Children's	Casual	Men's town	Specialist cold	Women's town	Fashion	Infants	Indoor
Uppers flex resistance: (kc without visible damage)	Dry = 100 Wet = 20	Dry = 100 Wet = 20	Dry = 80 Wet = 20	Dry = 80 Wet = 20	Dry = 100 Wet = 20 − 20 °C = 30	Dry = 50 Wet = 10	Dry = 15	Dry = 15	Dry = 15
Uppers tear strength: (Average tear force, N)									
— leather	≥ 80	≥ 60	≥ 60	≥ 60	≥ 60	≥ 40	≥ 30	≥ 30	≥ 30
— other materials	≥ 40	≥ 40	≥ 40	≥ 40	≥ 40	≥ 40	≥ 30	≥ 30	≥ 30
Uppers bondability: (N/mm)	≥ 4,0	≥ 4,0	≥ 3,0	≥ 3,5	≥ 4,0	≥ 3,0	≥ 2,5	≥ 3,0	≥ 2,5
Outsoles flex resistance: Cut growth (mm) Nsc = no spontaneous crack	≤ 4 nsc	≤ 4 nsc	≤ 5 nsc	≤ 6 nsc	≤ 6 nsc at − 10 °C	≤ 8 nsc	≤ 12 nsc		≤ 12 nsc
Outsoles abrasion resistance: D ≥ 0,9 g/cm ³ (mm ³) D < 0,9 g/cm ³ (mg)	≤ 200 ≤ 150	≤ 250 ≤ 170	≤ 200 ≤ 150	≤ 350 ≤ 200	≤ 200 ≤ 150	≤ 400 ≤ 250	≤ 450 ≤ 300	≤ 400 ≤ 250	≤ 450 ≤ 300
Outsoles bondability: (N/mm) D ≥ 0,9 g/cm ³ D < 0,9 g/cm ³	≥ 4,0 ≥ 3,0	≥ 4,0 ≥ 3,0	≥ 3,5 ≥ 3,0	≥ 3,5 ≥ 3,0	≥ 3,5 ≥ 3,0	≥ 3,0 ≥ 3,0	≥ 2,5 ≥ 2,5	≥ 3,0 ≥ 3,0	≥ 2,5 ≥ 2,5
Insoles water absorption and desorption: abs (mg/cm ²) des (%)	≥ 90 ≥ 60	≥ 90 ≥ 60	≥ 90 ≥ 60	≥ 90 ≥ 60	≥ 90 ≥ 60	≥ 90 ≥ 60	≥ 90 ≥ 60	≥ 90 ≥ 60	≥ 90 ≥ 60

In addition, specialist cold footwear shall meet the following requirements for water resistance:

— uppers: penetration time ≥ 240 min, absorption < 25 %,

— outsoles: penetration time ≥ 60 min and after two hours water absorption < 20 % (highly water resistant — applicable only to certain soling material).

CORRIGENDA

Corrigendum to Joint Action 98/733/JHA of 21 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on making it a criminal offence to participate in a criminal organisation in the Member States of the European Union ⁽¹⁾

(Official Journal of the European Communities L 351 of 29 December 1998)

On page 1 the footnote reference in the title, ⁽¹⁾, and the footnote itself, which reads as follows:

‘⁽¹⁾ Parliamentary scrutiny reservation from the Belgian delegation.’, shall be deleted.

Footnotes ⁽²⁾, ⁽³⁾ and ⁽⁴⁾ shall be renumbered ⁽¹⁾, ⁽²⁾ and ⁽³⁾, as shall the references in the body of the text.
