

English edition

## Legislation

### Contents

*Acts adopted pursuant to Title V of the Treaty on European Union*

1999/440/CFSP:

- ★ **Council Decision of 6 July 1999 concerning the extension of joint action 97/289/CFSP on the establishment of a European Union assistance programme to support the Palestinian Authority in its efforts to counter terrorist activities emanating from the territories under its control** ..... 1

I *Acts whose publication is obligatory*

- Commission Regulation (EC) No 1474/1999 of 6 July 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 2
- Commission Regulation (EC) No 1475/1999 of 6 July 1999 concerning the issue of import licences for certain preserved mushrooms ..... 4
- ★ **Commission Regulation (EC) No 1476/1999 of 6 July 1999 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein** ..... 5
- ★ **Commission Regulation (EC) No 1477/1999 of 6 July 1999 amending Regulation (EEC) No 3220/90 laying down conditions for the use of certain oenological practices provided for in Council Regulation (EEC) No 822/87** ..... 6
- ★ **Commission Regulation (EC) No 1478/1999 of 6 July 1999 fixing the final amount of aid for dried fodder for the 1998/99 marketing year** ..... 8
- ★ **Commission Regulation (EC) No 1479/1999 of 6 July 1999 amending Regulation (EC) No 2300/97 on detailed rules to implement Council Regulation (EC) No 1221/1997 laying down general rules for the application of measures to improve the production and marketing of honey** ..... 9

Contents (continued) Commission Regulation (EC) No 1480/1999 of 6 July 1999 on the issue of import licences for garlic originating in China ..... 11

\* **Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees** 12

---

II Acts whose publication is not obligatory

**Commission**

1999/441/EC:

\* **Commission Decision of 28 June 1999 amending Decision 92/271/EEC concerning the importation into the Community of live animals and animal products originating in or coming via the Republic of Bosnia-Herzegovina <sup>(1)</sup> (notified under document number C(1999) 1728)** ..... 17

<sup>(1)</sup> Text with EEA relevance

(Acts adopted pursuant to Title V of the Treaty on European Union)

## COUNCIL DECISION

of 6 July 1999

**concerning the extension of joint action 97/289/CFSP on the establishment of a European Union assistance programme to support the Palestinian Authority in its efforts to counter terrorist activities emanating from the territories under its control**

(1999/440/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 29 April 1997 the Council adopted joint action 97/289/CFSP <sup>(1)</sup> on the establishment of a European Union assistance programme to support the Palestinian Authority in its efforts to counter terrorist activities emanating from the territories under its control;
- (2) The said joint action, which appointed a European Union adviser, expires on 29 April 2000;
- (3) The results of the mid-term review of the said joint action confirmed that the Union's assistance programme had made an important contribution to the objectives pursued by the European Union of supporting the Palestinian Authority in its efforts to counter terrorist activities emanating from the territories under its control;
- (4) Delays have occurred in the start of the implementation of several activities contained in the Union's assistance programme and, as a result of this, the duration of these activities will probably exceed the duration of joint action 97/289/CFSP;
- (5) Continuity in the implementation of these several activities is deemed important in order to achieve the objectives pursued by the Union;
- (6) On 26 October 1998 the Council extended the mandate of the EU Special Representative for the Middle East peace process (MEPP), Mr Moratinos, to include security questions; in such circumstances it is important to

ensure coordination and coherence of the Union approach,

HAS DECIDED AS FOLLOWS:

### Article 1

joint action 97/289/CFSP is hereby extended until 31 May 2002.

### Article 2

The European Union adviser and the European Union Special Representative for the MEPP shall coordinate their action in the field of security cooperation to ensure coherence of Union action in support of the MEPP.

### Article 3

joint action 97/289/CFSP will be reviewed no later than 30 June 2000 with a view to the possible adoption of a multi-annual programme and the establishment of a financial indicative amount for the remaining period.

### Article 4

This Decision shall take effect on the date of its adoption. It shall be published in the Official Journal.

Done at Brussels, 6 July 1999.

For the Council  
The President  
T. HALONEN

<sup>(1)</sup> OJ L 120, 12.5.1997, p. 2.

## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1474/1999**  
**of 6 July 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4 (1) thereof,

- (1) Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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;

- (2) 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 7 July 1999.

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

Done at Brussels, 6 July 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

---

<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 6 July 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value	
0702 00 00	064	60,7	
	999	60,7	
0707 00 05	052	56,1	
	628	119,3	
	999	87,7	
0709 90 70	052	56,5	
	999	56,5	
0805 30 10	382	54,7	
	388	59,3	
	528	66,0	
	999	60,0	
0808 10 20, 0808 10 50, 0808 10 90	388	84,9	
	400	72,5	
	508	79,8	
	512	44,4	
	524	58,7	
	528	25,2	
	804	101,0	
	999	66,6	
	0808 20 50	388	100,0
		512	75,7
528		72,3	
0809 10 00	999	82,7	
	052	124,2	
	064	83,5	
0809 20 95	999	103,8	
	052	201,2	
	064	96,9	
	066	120,3	
	068	117,8	
	400	205,3	
	616	186,2	
0809 40 05	999	154,6	
	624	258,0	
	999	258,0	

<sup>(1)</sup> 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 1475/1999**  
**of 6 July 1999**  
**concerning the issue of import licences for certain preserved mushrooms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 2125/95 of 6 September 1995 opening and providing for the administration of Community tariff quotas for preserved mushrooms <sup>(1)</sup>, as last amended by Regulation (EC) No 2493/98 <sup>(2)</sup>, and in particular Article 6(4) thereof,

- (1) Whereas Article 6(4) of Regulation (EC) No 2125/95 lays down that where the quantities applied for exceed the quantity available, the Commission must set a flat-rate percentage reduction and suspend the issue of licences in respect of subsequent applications;
- (2) Whereas the quantities applied for on 30 June and 1 July 1999 pursuant to Article 4(1)(a) of Regulation (EC) No 2125/95 for products originating in China have exceeded the quantity available; whereas, as a result, the extent to which licences may be issued and the issue of licences for all subsequent applications should be

suspended until 31 December 1999 must both be determined,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences applied for pursuant to Article 4(1)(a) of Regulation (EC) No 2125/95 for products originating in China on 30 June and 1 July 1999 and submitted to the Commission on 2 July 1999 shall be issued, bearing the wording laid down in Article 11(1) of that Regulation, for 33,77 % of the quantity applied for.

*Article 2*

The issue of import licences applied for pursuant to Regulation (EC) No 2125/95 for china shall be suspended for applications submitted from 2 July until 31 December 1999.

*Article 3*

This Regulation shall enter into force on 7 July 1999.

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

Done at Brussels, 6 July 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 212, 7.9.1995, p. 16.

<sup>(2)</sup> OJ L 309, 19.11.1998, p. 38.

**COMMISSION REGULATION (EC) No 1476/1999**  
**of 6 July 1999**  
**amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora**  
**by regulating trade therein**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2214/98<sup>(2)</sup>, and in particular Article 19(3) thereof,

- (1) Whereas amendments have been made to Appendix III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; whereas Annex C to Regulation (EC) No 338/97 should therefore be amended to incorporate these amendments;
- (2) Whereas adaptations need to be made to the 'Notes on interpretation of Annexes A, B, C and D' to Regulation (EC) No 338/97;
- (3) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 338/97 is hereby amended as follows:

1. the 'Notes on interpretation of Annexes A, B, C and D' are amended as follows:

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

Done at Brussels, 6 July 1999.

- (a) paragraph 12 is replaced by the following:

'12. (III) against the name of species or higher taxon indicates that it is included in Appendix III to the Convention. In this case the country with respect to which the species or higher taxon is included in Appendix III is also indicated by a two-letter code as follows: BO (Bolivia), BR (Brazil), BW (Botswana), CA (Canada), CO (Colombia), CR (Costa Rica), GH (Ghana), GT (Guatemala), HN (Honduras), IN (India), MX (Mexico), MY (Malaysia), MU (Mauritius), NP (Nepal), TN (Tunisia) and UY (Uruguay).';

- (b) the following annotation is inserted at the end of paragraph 15:

'+ 219 Population of the species in Mexico';

2. in Annex C the entry

'MELIACEAE      *Swietenia macrophylla* # 5  
 (III/BO + 216/BR + 217/CR + 218)  
 (American mahogany)'

is replaced by:

'MELIACEAE      *Swietenia macrophylla* # 5  
 (III/BO + 216/BR + 217/CR + 218/MX  
 + 219)  
 (American mahogany).'

*Article 2*

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

It shall apply with effect from 29 April 1999.

*For the Commission*

Ritt BJERREGAARD

*Member of the Commission*

<sup>(1)</sup> OJ L 61, 3.3.1997, p. 1.

<sup>(2)</sup> OJ L 279, 16.10.1998, p. 3.

**COMMISSION REGULATION (EC) No 1477/1999**  
**of 6 July 1999**  
**amending Regulation (EEC) No 3220/90 laying down conditions for the use of certain oenological practices provided for in Council Regulation (EEC) No 822/87**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine <sup>(1)</sup>, as last amended by Regulation (EC) No 1627/98 <sup>(2)</sup>, and in particular Article 15(6) thereof,

- (1) Whereas Commission Regulation (EEC) No 3220/90 <sup>(3)</sup>, as last amended by Regulation (EC) No 2053/97 <sup>(4)</sup>, lays down conditions for the use of certain oenological practices provided for in Regulation (EEC) No 822/87; whereas that Regulation should be supplemented to include conditions for the use of urease as provided for in Regulation (EEC) No 822/87; whereas such treatment should be restricted to wines whose urea content could lead to an excessive ethyl carbamate content during ageing;
- (2) Whereas the Scientific Committee for Food has been consulted as regards the provisions liable to have an effect on public health;

- (3) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for wine,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3220/90 is hereby amended as follows:

1. the following paragraph 5 is added to Article 1:

'5. A urease, the use of which to reduce the urea content of wine is provided for in point 4(c) of Annex VI to Regulation (EEC) No 822/87, may only be used if it meets the requirements set out in Annex V to this Regulation.'

2. the Annex hereto is added after Annex IV.

*Article 2*

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

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

Done at Brussels, 6 July 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 84, 27.3.1987, p. 1.

<sup>(2)</sup> OJ L 210, 28.7.1998, p. 8.

<sup>(3)</sup> OJ L 308, 8.11.1990, p. 22.

<sup>(4)</sup> OJ L 287, 21.10.1997, p. 15.

## ANNEX

## 'ANNEX V

**Requirements for urease**

1. International code for urease: EC No 3-5-1-5, CAS No 9002-13-5.
2. Activity: urease activity (active at acidic pH), to break down urea into ammonia and carbon dioxide. The stated activity is not less than 5 units/mg, one unit being defined as the amount that produces 1  $\mu\text{mol}$  of  $\text{NH}_3$  per minute at 37 °C from 5 g/l urea at pH 4.
3. Origin: *Lactobacillus fermentum*
4. Area of application: breaking down urea present in wine intended for prolonged ageing, where its initial urea concentration is higher than 1 mg/l.
5. Maximum quantity to be used: 75 mg of enzyme preparation per litre of wine treated, not exceeding 375 units of urease per litre of wine. After treatment, all residual enzyme activity must be eliminated by filtering the wine (pore size < 1  $\mu\text{m}$ ).
6. Chemical and microbiological purity specifications:

Loss on drying:	less than 10 %
Heavy metals:	less than 30 ppm
Pb:	less than 10 ppm
As:	less than 2 ppm
Total coliforms:	none detectable
<i>Salmonella</i> spp:	absent in 25 g sample
Aerobic count:	less than $5 \times 10^4$ cells/g.

Urease allowed for the treatment of wine must be prepared under similar conditions as the urease considered in the opinion of the Scientific Committee for Food of 10 December 1998.'

---

**COMMISSION REGULATION (EC) No 1478/1999**  
**of 6 July 1999**  
**fixing the final amount of aid for dried fodder for the 1998/99 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 603/95 of 21 February 1995 on the common organisation of the market in dried fodder <sup>(1)</sup>, as last amended by Regulation (EC) No 1347/95 <sup>(2)</sup>, and in particular Article 18 thereof,

- (1) Whereas Article 3(2) and (3) of Regulation (EC) No 603/95 fix the amounts of aid to be paid to processors for dehydrated fodder and sun-dried fodder produced during the 1998/99 marketing year up to the maximum guaranteed quantities laid down in Article 4(1) and (3) of that Regulation;
- (2) Whereas the information forwarded to the Commission by the Member States under the second indent of Article 15(a) of Commission Regulation (EC) No 785/95 of 6 April 1995 laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organisation of the market in dried fodder <sup>(3)</sup>, as last amended by Regulation (EC) No 676/1999 <sup>(4)</sup>, indicates that the maximum guaranteed quantity for dehydrated fodder has been exceeded, and that the maximum guaranteed quantity for sun-dried fodder has not been exceeded;

- (3) Whereas it should therefore be laid down that the aid provided for in Regulation (EC) No 603/95 for dehydrated fodder should be reduced in accordance with Article 5 of that Regulation; whereas the aid for sun-dried fodder should be paid to recipients in full;
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Dried Fodder,

HAS ADOPTED THIS REGULATION:

*Article 1*

The aid for dehydrated fodder and sun-dried fodder provided for in Article 3(2) and (3) respectively of Regulation (EC) No 603/95 shall be paid as follows for the 1998/99 marketing year:

- (a) the aid for dehydrated fodder shall be reduced to EUR 65,88 per tonne in all Member States;
- (b) the aid for sun-dried fodder shall be paid in full.

*Article 2*

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

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

Done at Brussels, 6 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 63, 21.3.1995, p. 1.

<sup>(2)</sup> OJ L 131, 15.6.1995, p. 1.

<sup>(3)</sup> OJ L 79, 7.4.1995, p. 5.

<sup>(4)</sup> OJ L 83, 27.3.1999, p. 40.

**COMMISSION REGULATION (EC) No 1479/1999****of 6 July 1999****amending Regulation (EC) No 2300/97 on detailed rules to implement Council Regulation (EC) No 1221/1997 laying down general rules for the application of measures to improve the production and marketing of honey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1221/97 of 25 June 1997 laying down general rules for the application of measures to improve the production and marketing of honey <sup>(1)</sup>, as amended by Regulation (EC) No 2070/98 <sup>(2)</sup>, and in particular Article 5 thereof,

- (1) Whereas Commission Regulation (EC) No 2300/97 <sup>(3)</sup>, as last amended by Regulation (EC) No 2767/98 <sup>(4)</sup>, lays down provisions for the implementation of measures to improve the production and marketing of honey;
- (2) Whereas there have been changes to the number of hives in the Member States' communications to update the structural data on the situation in the sector as provided for in Article 1(a) of Regulation (EC) No 2300/97; whereas, as a result, Annex I to that Regulation should be amended;
- (3) Whereas Article 2(2) of Regulation (EC) No 2300/97 lays down a final date for implementation of measures under annual programmes; whereas, as a result, the new

Annex I is to apply for the first time to the annual programmes covering the 1999/2000 marketing year;

- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 2300/97 is replaced by the Annex hereto.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply for the first time to the annual programmes covering the 1999/2000 marketing year.

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

Done at Brussels, 6 July 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 173, 1.7.1997, p. 1.<sup>(2)</sup> OJ L 265, 30.9.1998, p. 1.<sup>(3)</sup> OJ L 319, 21.11.1997, p. 4.<sup>(4)</sup> OJ L 346, 22.12.1998, p. 13.

## ANNEX

## 'ANNEX I

Member State	No of hives
B	100 000
DK	85 000
D	1 038 000
GR	1 217 000
E	2 013 048
F	1 446 906
IRL	20 000
I	1 100 000
L	10 213
NL	80 000
A	373 062
P	550 000
FIN	40 000
S	110 000
UK	200 000
EUR-15	8 383 229'

**COMMISSION REGULATION (EC) No 1480/1999**  
**of 6 July 1999**  
**on the issue of import licences for garlic originating in China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 857/1999 <sup>(2)</sup>,

Having regard to Council Regulation (EC) No 1040/1999 of 20 May 1999 concerning a protective measure applicable to imports of garlic from China <sup>(3)</sup>, and in particular Article 1(3) thereof,

- (1) Whereas pursuant to Commission Regulation (EEC) No 1859/93 <sup>(4)</sup>, as amended by Regulation (EC) No 1662/94 <sup>(5)</sup>, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;
- (2) Whereas Article 1(1) of Regulation (EC) No 1040/1999, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1999 to 31 May 2000;
- (3) Whereas, given the criteria laid down in Article 1(2) of that Regulation and the import licences already issued, the quantity applied for on 1 July 1999 is in excess of

the maximum monthly quantity given in the Annex to that Regulation for the month of July 1999; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to applications lodged after 1 July 1999 and before 2 August 1999 should be refused,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences applied for from 1 July 1999 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 1,1976 % of the quantity applied for, having regard to the information available to the Commission on 6 July 1999.

For the abovementioned products applications for import licences lodged after 1 July 1999 and before 2 August 1999 shall be refused.

*Article 2*

This Regulation shall enter into force on 7 July 1999.

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

Done at Brussels, 6 July 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.

<sup>(2)</sup> OJ L 108, 27.4.1999, p. 7.

<sup>(3)</sup> OJ L 127, 21.5.1999, p. 10.

<sup>(4)</sup> OJ L 170, 13.7.1993, p. 10.

<sup>(5)</sup> OJ L 176, 9.7.1994, p. 1.

**DIRECTIVE 1999/44/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 25 May 1999**

**on certain aspects of the sale of consumer goods and associated guarantees**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

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

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty in the light of the joint text approved by the Conciliation Committee on 18 May 1999 <sup>(3)</sup>,

- (1) Whereas Article 153(1) and (3) of the Treaty provides that the Community should contribute to the achievement of a high level of consumer protection by the measures it adopts pursuant to Article 95 thereof;
- (2) Whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is guaranteed; whereas free movement of goods concerns not only transactions by persons acting in the course of a business but also transactions by private individuals; whereas it implies that consumers resident in one Member State should be free to purchase goods in the territory of another Member State on the basis of a uniform minimum set of fair rules governing the sale of consumer goods;
- (3) Whereas the laws of the Member States concerning the sale of consumer goods are somewhat disparate, with the result that national consumer goods markets differ from one another and that competition between sellers may be distorted;
- (4) Whereas consumers who are keen to benefit from the large market by purchasing goods in Member States other than their State of residence play a fundamental role in the completion of the internal market; whereas the artificial reconstruction of frontiers and the compartmentalisation of markets should be prevented; whereas the opportunities available to consumers have been greatly broadened by new communication technologies which allow ready access to distribution systems in other Member States or in third countries; whereas, in the absence of minimum harmonisation of the rules governing the sale of consumer goods, the development of the sale of goods through the medium of new distance communication technologies risks being impeded;
- (5) Whereas the creation of a common set of minimum rules of consumer law, valid no matter where goods are purchased within the Community, will strengthen

consumer confidence and enable consumers to make the most of the internal market;

- (6) Whereas the main difficulties encountered by consumers and the main source of disputes with sellers concern the non-conformity of goods with the contract; whereas it is therefore appropriate to approximate national legislation governing the sale of consumer goods in this respect, without however impinging on provisions and principles of national law relating to contractual and non-contractual liability;
- (7) Whereas the goods must, above all, conform with the contractual specifications; whereas the principle of conformity with the contract may be considered as common to the different national legal traditions; whereas in certain national legal traditions it may not be possible to rely solely on this principle to ensure a minimum level of protection for the consumer; whereas under such legal traditions, in particular, additional national provisions may be useful to ensure that the consumer is protected in cases where the parties have agreed no specific contractual terms or where the parties have concluded contractual terms or agreements which directly or indirectly waive or restrict the rights of the consumer and which, to the extent that these rights result from this Directive, are not binding on the consumer;
- (8) Whereas, in order to facilitate the application of the principle of conformity with the contract, it is useful to introduce a rebuttable presumption of conformity with the contract covering the most common situations; whereas that presumption does not restrict the principle of freedom of contract; whereas, furthermore, in the absence of specific contractual terms, as well as where the minimum protection clause is applied, the elements mentioned in this presumption may be used to determine the lack of conformity of the goods with the contract; whereas the quality and performance which consumers can reasonably expect will depend *inter alia* on whether the goods are new or second-hand; whereas the elements mentioned in the presumption are cumulative; whereas, if the circumstances of the case render any particular element manifestly inappropriate, the remaining elements of the presumption nevertheless still apply;

<sup>(1)</sup> OJ C 307, 16.10.1996, p. 8 and OJ C 148, 14.5.1998, p. 12.

<sup>(2)</sup> OJ C 66, 3.3.1997, p. 5.

<sup>(3)</sup> Opinion of the European Parliament of 10 March 1998 (OJ C 104, 6.4.1998, p. 30), Council Common Position of 24 September 1998 (OJ C 333, 30.10.1998, p. 46) and Decision of the European Parliament of 17 December 1998. (OJ C 98, 9.4.1999, p. 226). Decision of the European Parliament of 5 May 1999. Council Decision of 17 May 1999.

- (9) Whereas the seller should be directly liable to the consumer for the conformity of the goods with the contract; whereas this is the traditional solution enshrined in the legal orders of the Member States; whereas nevertheless the seller should be free, as provided for by national law, to pursue remedies against the producer, a previous seller in the same chain of

- contracts or any other intermediary, unless he has renounced that entitlement; whereas this Directive does not affect the principle of freedom of contract between the seller, the producer, a previous seller or any other intermediary; whereas the rules governing against whom and how the seller may pursue such remedies are to be determined by national law;
- (10) Whereas, in the case of non-conformity of the goods with the contract, consumers should be entitled to have the goods restored to conformity with the contract free of charge, choosing either repair or replacement, or, failing this, to have the price reduced or the contract rescinded;
- (11) Whereas the consumer in the first place may require the seller to repair the goods or to replace them unless those remedies are impossible or disproportionate; whereas whether a remedy is disproportionate should be determined objectively; whereas a remedy would be disproportionate if it imposed, in comparison with the other remedy, unreasonable costs; whereas, in order to determine whether the costs are unreasonable, the costs of one remedy should be significantly higher than the costs of the other remedy;
- (12) Whereas in cases of a lack of conformity, the seller may always offer the consumer, by way of settlement, any available remedy; whereas it is for the consumer to decide whether to accept or reject this proposal;
- (13) Whereas, in order to enable consumers to take advantage of the internal market and to buy consumer goods in another Member State, it should be recommended that, in the interests of consumers, the producers of consumer goods that are marketed in several Member States attach to the product a list with at least one contact address in every Member State where the product is marketed;
- (14) Whereas the references to the time of delivery do not imply that Member States have to change their rules on the passing of the risk;
- (15) Whereas Member States may provide that any reimbursement to the consumer may be reduced to take account of the use the consumer has had of the goods since they were delivered to him; whereas the detailed arrangements whereby rescission of the contract is effected may be laid down in national law;
- (16) Whereas the specific nature of second-hand goods makes it generally impossible to replace them; whereas therefore the consumer's right of replacement is generally not available for these goods; whereas for such goods, Member States may enable the parties to agree a shortened period of liability;
- (17) Whereas it is appropriate to limit in time the period during which the seller is liable for any lack of conformity which exists at the time of delivery of the goods; whereas Member States may also provide for a limitation on the period during which consumers can exercise their rights, provided such a period does not expire within two years from the time of delivery; whereas where, under national legislation, the time when a limitation period starts is not the time of delivery of the goods, the total duration of the limitation period provided for by national law may not be shorter than two years from the time of delivery;
- (18) Whereas Member States may provide for suspension or interruption of the period during which any lack of conformity must become apparent and of the limitation period, where applicable and in accordance with their national law, in the event of repair, replacement or negotiations between seller and consumer with a view to an amicable settlement;
- (19) Whereas Member States should be allowed to set a period within which the consumer must inform the seller of any lack of conformity; whereas Member States may ensure a higher level of protection for the consumer by not introducing such an obligation; whereas in any case consumers throughout the Community should have at least two months in which to inform the seller that a lack of conformity exists;
- (20) Whereas Member States should guard against such a period placing at a disadvantage consumers shopping across borders; whereas all Member States should inform the Commission of their use of this provision; whereas the Commission should monitor the effect of the varied application of this provision on consumers and on the internal market; whereas information on the use made of this provision by a Member State should be available to the other Member States and to consumers and consumer organisations throughout the Community; whereas a summary of the situation in all Member States should therefore be published in the *Official Journal of the European Communities*;
- (21) Whereas, for certain categories of goods, it is current practice for sellers and producers to offer guarantees on goods against any defect which becomes apparent within a certain period; whereas this practice can stimulate competition; whereas, while such guarantees are legitimate marketing tools, they should not mislead the consumer; whereas, to ensure that consumers are not misled, guarantees should contain certain information, including a statement that the guarantee does not affect the consumer's legal rights;
- (22) Whereas the parties may not, by common consent, restrict or waive the rights granted to consumers, since otherwise the legal protection afforded would be thwarted; whereas this principle should apply also to clauses which imply that the consumer was aware of any lack of conformity of the consumer goods existing at the time the contract was concluded; whereas the

protection granted to consumers under this Directive should not be reduced on the grounds that the law of a non-member State has been chosen as being applicable to the contract;

- (23) Whereas legislation and case-law in this area in the various Member States show that there is growing concern to ensure a high level of consumer protection; whereas, in the light of this trend and the experience acquired in implementing this Directive, it may be necessary to envisage more far-reaching harmonisation, notably by providing for the producer's direct liability for defects for which he is responsible;
- (24) Whereas Member States should be allowed to adopt or maintain in force more stringent provisions in the field covered by this Directive to ensure an even higher level of consumer protection;
- (25) Whereas, according to the Commission recommendation of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes <sup>(1)</sup>, Member States can create bodies that ensure impartial and efficient handling of complaints in a national and cross-border context and which consumers can use as mediators;
- (26) Whereas it is appropriate, in order to protect the collective interests of consumers, to add this Directive to the list of Directives contained in the Annex to Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests <sup>(2)</sup>,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

##### Scope and definitions

1. The purpose of this Directive is the approximation of the laws, regulations and administrative provisions of the Member States on certain aspects of the sale of consumer goods and associated guarantees in order to ensure a uniform minimum level of consumer protection in the context of the internal market.

2. For the purposes of this Directive:

- (a) *consumer*: shall mean any natural person who, in the contracts covered by this Directive, is acting for purposes which are not related to his trade, business or profession;
- (b) *consumer goods*: shall mean any tangible movable item, with the exception of:
- goods sold by way of execution or otherwise by authority of law,
  - water and gas where they are not put up for sale in a limited volume or set quantity,

— electricity;

- (c) *seller*: shall mean any natural or legal person who, under a contract, sells consumer goods in the course of his trade, business or profession;
- (d) *producer*: shall mean the manufacturer of consumer goods, the importer of consumer goods into the territory of the Community or any person purporting to be a producer by placing his name, trade mark or other distinctive sign on the consumer goods;
- (e) *guarantee*: shall mean any undertaking by a seller or producer to the consumer, given without extra charge, to reimburse the price paid or to replace, repair or handle consumer goods in any way if they do not meet the specifications set out in the guarantee statement or in the relevant advertising;
- (f) *repair*: shall mean, in the event of lack of conformity, bringing consumer goods into conformity with the contract of sale.

3. Member States may provide that the expression 'consumer goods' does not cover second-hand goods sold at public auction where consumers have the opportunity of attending the sale in person.

4. Contracts for the supply of consumer goods to be manufactured or produced shall also be deemed contracts of sale for the purpose of this Directive.

#### Article 2

##### Conformity with the contract

1. The seller must deliver goods to the consumer which are in conformity with the contract of sale.

2. Consumer goods are presumed to be in conformity with the contract if they:

- (a) comply with the description given by the seller and possess the qualities of the goods which the seller has held out to the consumer as a sample or model;
- (b) are fit for any particular purpose for which the consumer requires them and which he made known to the seller at the time of conclusion of the contract and which the seller has accepted;
- (c) are fit for the purposes for which goods of the same type are normally used;
- (d) show the quality and performance which are normal in goods of the same type and which the consumer can reasonably expect, given the nature of the goods and taking into account any public statements on the specific characteristics of the goods made about them by the seller, the producer or his representative, particularly in advertising or on labelling.

3. There shall be deemed not to be a lack of conformity for the purposes of this Article if, at the time the contract was concluded, the consumer was aware, or could not reasonably be unaware of, the lack of conformity, or if the lack of conformity has its origin in materials supplied by the consumer.

<sup>(1)</sup> OJ L 115, 17.4.1998, p. 31.

<sup>(2)</sup> OJ L 166, 11.6.1998, p. 51.

4. The seller shall not be bound by public statements, as referred to in paragraph 2(d) if he:

- shows that he was not, and could not reasonably have been, aware of the statement in question,
- shows that by the time of conclusion of the contract the statement had been corrected, or
- shows that the decision to buy the consumer goods could not have been influenced by the statement.

5. Any lack of conformity resulting from incorrect installation of the consumer goods shall be deemed to be equivalent to lack of conformity of the goods if installation forms part of the contract of sale of the goods and the goods were installed by the seller or under his responsibility. This shall apply equally if the product, intended to be installed by the consumer, is installed by the consumer and the incorrect installation is due to a shortcoming in the installation instructions.

#### Article 3

##### Rights of the consumer

1. The seller shall be liable to the consumer for any lack of conformity which exists at the time the goods were delivered.

2. In the case of a lack of conformity, the consumer shall be entitled to have the goods brought into conformity free of charge by repair or replacement, in accordance with paragraph 3, or to have an appropriate reduction made in the price or the contract rescinded with regard to those goods, in accordance with paragraphs 5 and 6.

3. In the first place, the consumer may require the seller to repair the goods or he may require the seller to replace them, in either case free of charge, unless this is impossible or disproportionate.

A remedy shall be deemed to be disproportionate if it imposes costs on the seller which, in comparison with the alternative remedy, are unreasonable, taking into account:

- the value the goods would have if there were no lack of conformity,
- the significance of the lack of conformity, and
- whether the alternative remedy could be completed without significant inconvenience to the consumer.

Any repair or replacement shall be completed within a reasonable time and without any significant inconvenience to the consumer, taking account of the nature of the goods and the purpose for which the consumer required the goods.

4. The terms 'free of charge' in paragraphs 2 and 3 refer to the necessary costs incurred to bring the goods into conformity, particularly the cost of postage, labour and materials.

5. The consumer may require an appropriate reduction of the price or have the contract rescinded:

- if the consumer is entitled to neither repair nor replacement, or

— if the seller has not completed the remedy within a reasonable time, or

— if the seller has not completed the remedy without significant inconvenience to the consumer.

6. The consumer is not entitled to have the contract rescinded if the lack of conformity is minor.

#### Article 4

##### Right of redress

Where the final seller is liable to the consumer because of a lack of conformity resulting from an act or omission by the producer, a previous seller in the same chain of contracts or any other intermediary, the final seller shall be entitled to pursue remedies against the person or persons liable in the contractual chain. The person or persons liable against whom the final seller may pursue remedies, together with the relevant actions and conditions of exercise, shall be determined by national law.

#### Article 5

##### Time limits

1. The seller shall be held liable under Article 3 where the lack of conformity becomes apparent within two years as from delivery of the goods. If, under national legislation, the rights laid down in Article 3(2) are subject to a limitation period, that period shall not expire within a period of two years from the time of delivery.

2. Member States may provide that, in order to benefit from his rights, the consumer must inform the seller of the lack of conformity within a period of two months from the date on which he detected such lack of conformity.

Member States shall inform the Commission of their use of this paragraph. The Commission shall monitor the effect of the existence of this option for the Member States on consumers and on the internal market.

Not later than 7 January 2003, the Commission shall prepare a report on the use made by Member States of this paragraph. This report shall be published in the *Official Journal of the European Communities*.

3. Unless proved otherwise, any lack of conformity which becomes apparent within six months of delivery of the goods shall be presumed to have existed at the time of delivery unless this presumption is incompatible with the nature of the goods or the nature of the lack of conformity.

#### Article 6

##### Guarantees

1. A guarantee shall be legally binding on the offerer under the conditions laid down in the guarantee statement and the associated advertising.

2. The guarantee shall:
- state that the consumer has legal rights under applicable national legislation governing the sale of consumer goods and make clear that those rights are not affected by the guarantee,
  - set out in plain intelligible language the contents of the guarantee and the essential particulars necessary for making claims under the guarantee, notably the duration and territorial scope of the guarantee as well as the name and address of the guarantor.
3. On request by the consumer, the guarantee shall be made available in writing or feature in another durable medium available and accessible to him.
4. Within its own territory, the Member State in which the consumer goods are marketed may, in accordance with the rules of the Treaty, provide that the guarantee be drafted in one or more languages which it shall determine from among the official languages of the Community.
5. Should a guarantee infringe the requirements of paragraphs 2, 3 or 4, the validity of this guarantee shall in no way be affected, and the consumer can still rely on the guarantee and require that it be honoured.

#### Article 7

##### Binding nature

1. Any contractual terms or agreements concluded with the seller before the lack of conformity is brought to the seller's attention which directly or indirectly waive or restrict the rights resulting from this Directive shall, as provided for by national law, not be binding on the consumer.

Member States may provide that, in the case of second-hand goods, the seller and consumer may agree contractual terms or agreements which have a shorter time period for the liability of the seller than that set down in Article 5(1). Such period may not be less than one year.

2. Member States shall take the necessary measures to ensure that consumers are not deprived of the protection afforded by this Directive as a result of opting for the law of a non-member State as the law applicable to the contract where the contract has a close connection with the territory of the Member States.

#### Article 8

##### National law and minimum protection

1. The rights resulting from this Directive shall be exercised without prejudice to other rights which the consumer may invoke under the national rules governing contractual or non-contractual liability.
2. Member States may adopt or maintain in force more stringent provisions, compatible with the Treaty in the field covered by this Directive, to ensure a higher level of consumer protection.

#### Article 9

Member States shall take appropriate measures to inform the consumer of the national law transposing this Directive and shall encourage, where appropriate, professional organisations to inform consumers of their rights.

#### Article 10

The Annex to Directive 98/27/EC shall be completed as follows:

- '10. Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).'

#### Article 11

##### Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 January 2002. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive, or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

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

#### Article 12

##### Review

The Commission shall, not later than 7 July 2006, review the application of this Directive and submit to the European Parliament and the Council a report. The report shall examine, *inter alia*, the case for introducing the producer's direct liability and, if appropriate, shall be accompanied by proposals.

#### Article 13

##### Entry into force

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

#### Article 14

This Directive is addressed to the Member States.

Done at Brussels, 25 May 1999.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

H. EICHEL

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 28 June 1999

**amending Decision 92/271/EEC concerning the importation into the Community of live animals and animal products originating in or coming via the Republic of Bosnia-Herzegovina**

(notified under document number C(1999) 1728)

(Text with EEA relevance)

(1999/441/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991, laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC <sup>(1)</sup>, as last amended by Directive 96/43/EC <sup>(2)</sup>, and in particular Article 18 thereof,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(3)</sup>, and in particular Article 19 thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries <sup>(4)</sup>, and in particular Article 22(6) thereof,

(1) Whereas following the situation occurring in the Republic of Bosnia-Herzegovina in 1992, on 20 May 1992, the Commission adopted, Decision 92/271/EEC <sup>(5)</sup>;

(2) Whereas this situation in Bosnia and Herzegovina has improved;

(3) Whereas Bosnia and Herzegovina have become a member of the International Office of Epizootics (OIE) and therefore should report all notifiable diseases;

(4) Whereas, taking into account the current EC legislation, it is possible to lift the ban established by Commission Decision 92/271/EEC; whereas, imports of *equidae* must not be allowed without a previous evaluation of the *equidae* health situation in Bosnia and Herzegovina;

(5) Whereas, therefore it appears that Decision 92/271/EEC should be amended appropriately;

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

HAS ADOPTED THIS DECISION:

*Article 1*

Article 1 of Decision 92/271/EEC is replaced by the following:

‘Article 1

Member States shall not authorise the importation of *equidae* originating in or coming from Bosnia and Herzegovina’

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56.

<sup>(2)</sup> OJ L 162, 1.7.1996, p. 1.

<sup>(3)</sup> OJ L 373, 31.12.1990, p. 1.

<sup>(4)</sup> OJ L 24, 31.1.1998, p. 9.

<sup>(5)</sup> OJ L 138, 21.5.1992, p. 39.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 28 June 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

---