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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 404/93

of 13 February 1993

on the common organization of the market in bananas

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Protocol on the tariff quota for imports of bananas annexed to the Implementing Convention on the Association of the Overseas Countries and Territories of the Community provided for in Article 136 of the Treaty, and in particular paragraph 4 thereof,

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

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

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

Whereas the operation and development of the common market for agricultural products must be accompanied by the introduction of a common agricultural policy including in particular a common organization of the agricultural markets which may take different forms depending on the products;

Whereas there currently exist within the Member States of the Community producing bananas national market organizations which seek to ensure that producers can dispose of their products on the national market and receive an income in line with the costs of production; whereas these national market organizations impose quantitative restrictions which hamper achievement of a single market for bananas; whereas some of the Member States which do not produce bananas provide preferential outlets for bananas from the ACP States while others have liberal importation rules, which even in one case include a privileged tariff situation; whereas these different arrange-

ments prevent the free movement of bananas within the Community and implementation of common arrangements for trade with third countries; whereas, for the purposes of achievement of the single market, a balanced and flexible common organization of the market for the banana sector must replace the various national arrangements;

Whereas, so that the Community can respect Community Preference and its various international obligations, that common organization of the market should permit bananas produced in the Community and those from the ACP States which are traditional suppliers to be disposed of on the Community market providing an adequate income for producers and at fair prices for consumers without undermining imports of bananas from other third countries suppliers;

Whereas, to permit the market to be supplied with products of uniform and satisfactory quality with due regard to local peculiarities and the varieties produced and to ensure the disposal of Community products at profitable prices guaranteeing an adequate income, quality standards for fresh bananas and, if necessary, marketing rules for processed products on bananas should be introduced;

Whereas, in order to maximize income from bananas produced within the Community, the formation of producers' organizations should be encouraged, principally through the granting of start-up aid; whereas, in order for such organizations to be given an effective role in concentrating supply, their members should undertake to market the whole of their production through the organization; whereas the formation of other types of associations, comprising producers' organizations and representatives of the other stages of production, should also be permitted; whereas the conditions under which such associations representing the various aspects of the banana sector may undertake measures of general interest and have their rules extended to non-members of either locally or regionally should be defined at a later date; whereas such organizations could also be consulted when

⁽¹⁾ OJ No C 232, 10. 9. 1992, p. 3.

⁽²⁾ OJ No C 21, 25. 1. 1993.

⁽³⁾ OJ No C 19, 25. 1. 1993, p. 99.

framework programmes are drawn up and play an active role in implementing structural measures introduced as part of the market organization;

Whereas the structural shortcomings which restrict the ability of Community production to compete should be mitigated, chiefly to raise productivity; whereas programmes to achieve this in each region of production should be laid down under the Community support frameworks through cooperation between the Commission and the national and regional authorities and with the various types of organization in the sector referred to above being associated as closely as possible with preparation of the measures to be introduced;

Whereas national market organizations have hitherto enabled national banana producers to obtain from the market an adequate income to cover their production costs; whereas, since introduction of the market organization should not place producers in a worse situation than at present, and since it is likely to alter the levels of prices on those markets, provision should be made for compensation to cover the loss of income which may derive from implementation of the new system so as to permit the continuation of Community production at the costs entailed by the specific structural situation for as long as this remains unadjusted by the structural measures implemented; whereas provision should be made for aid to be adjusted to take account of increased productivity and trends in the various quality categories;

Whereas in certain very small regions of the Community where conditions are particularly unsuited to the production of bananas but better suited to alternative crops the definitive cessation of banana production should be encouraged through a premium for the cessation of banana production; whereas, in order to limit the cost of this operation, grubbing up should be carried out as soon as possible;

Whereas a forecast supply balance drawn up each year should assess the prospects for production and consumption in the Community; whereas it should be possible to revise that balance during the year in the light of circumstances, including specific climatic events;

Whereas in order to ensure satisfactory marketing of bananas produced within the Community and of products originating in the ACP States within the framework of the Lomé Convention Agreements, while maintaining traditional trade patterns as far as possible, provision should be made for the annual opening of a tariff quota; whereas, on the one hand, imports of bananas from third countries would be subject to a tariff of ECU 100 per tonne, which corresponds to the current rate under the Common

Customs Tariff, and, on the other hand, imports of non-traditional bananas from the ACP would be subject to zero duty in accordance with the abovementioned agreements; whereas provision should be made in order to ensure the adaptation of the amount of the tariff quota based on changes in Community demand recorded in the forecast supply balance;

Whereas imports not falling within the tariff quota must be subject to sufficiently high rates of duty to ensure that Community production and traditional ACP quantities are disposed of in acceptable conditions;

Whereas traditional imports of bananas from the ACP fall outside the duty-free tariff quota as part of traditional quantities which takes account of specific investments already made under programmes for increasing production;

Whereas in order to comply with the aims stated above, while taking into account the special features of marketing bananas, a distinction must be made when administering the tariff quota between, on the one hand, operators who have previously marketed third country bananas and non-traditional ACP bananas and, on the other, operators who have previously marketed bananas produced in the Community while leaving a quantity available for new operators who have recently embarked on commercial activity or are about to embark on commercial activity in this sector;

Whereas, in order not to disrupt existing commercial links, while at the same time allowing some development of marketing structures, the issue to each operator of separate import licences for each of the categories defined above must be on the basis of the average quantity of bananas marketed by the operator over the three preceding years for which statistical data are available;

Whereas in adopting additional criteria which operators should respect, the Commission is guided by the principle whereby the licences must be granted to natural or legal persons who have undertaken the commercial risk of marketing bananas and by the necessity of avoiding disturbing normal trading relations between persons occupying different points in the marketing chain;

Whereas, taking into account marketing structures, Member States must, on the basis of procedures and criteria adopted by the Commission, conduct a census of operators and establish quantities marketed to be used as a reference for the issue of certificates;

Whereas monitoring imports within the framework of the tariff quota requires an import licence scheme backed by a security;

Whereas the Commission should be able to take appropriate measures to deal with serious disturbances, or the threat of such disturbances, likely to jeopardize achievement of the objectives of Article 39 of the Treaty;

Whereas operation of the market organization would be undermined by the granting of certain assistance; whereas therefore the Treaty provisions permitting consideration of national aids granted by the Member States and the prohibition of those incompatible with the common market should be applied to the banana sector;

Whereas, to facilitate implementation of these provisions, a procedure involving close cooperation between the Member States and the Commission within a Management Committee should be included;

Whereas the common organization of the markets in the banana sector must also take appropriate account of the objectives set out in Articles 39 and 110 of the Treaty;

Whereas the replacement of the various national arrangements in operation when this Regulation comes into force by this common organization of the market threatens to disturb the internal market; whereas the Commission, as of 1 July 1993, should be able to take any transitional measures required to overcome the difficulties of implementing the new arrangements;

Whereas the scope of Council Regulation (EEC) No 1319/85 of 23 May 1985 on the reinforcement of supervision of the application of Community rules on

fruit and vegetables⁽¹⁾ should be extended to the banana sector to permit checks that the standards laid down for bananas under that Regulation are being complied with;

Having regard to the social, economic, cultural and environmental importance of banana-growing in the Community regions of the French Overseas Departments, Madeira, the Azores, the Algarve, Crete, Lakonia and the Canary Islands, which are regions characterized by insularity, remoteness and structural backwardness, aggravated in some cases by economic dependence on bananagrowing,

Whereas the operation of this Regulation should be examined after an interim period of application and before the end of the tenth year after its entry into force so that the new arrangements to apply after that date can be considered,

HAS ADOPTED THIS REGULATION:

Article 1

1. A common organization of the market in bananas is hereby established.
2. The organization shall cover the following products:

CN code	Description
ex 0803	Bananas, excluding plantains, fresh or dried
ex 0811 90 90	Frozen bananas
ex 0812 90 90	Bananas provisionally preserved
1106 30 10	Powder and flakes of bananas
ex 2006 00 90	Bananas preserved in sugar
ex 2007 10	Homogenized preparations of bananas
ex 2007 99 39	} Jams, jellies, marmalades, purées and pastes of bananas
ex 2007 99 90	
ex 2008 99 48	} Bananas otherwise prepared or preserved
ex 2008 99 69	
ex 2008 99 99	
ex 2008 92 50	} Mixtures of bananas otherwise prepared or preserved
ex 2008 92 79	
ex 2008 92 91	
ex 2008 92 99	
ex 2009 80	Banana juice

⁽¹⁾ OJ No L 137, 27. 5. 1985, p. 39.

3. The marketing year shall run from 1 January to 31 December.

TITLE I

Common quality and marketing standards

Article 2

1. Quality standards shall be laid down for bananas intended to be supplied fresh to the consumer, excluding plantains, which shall take account of the different varieties produced.

2. Marketing standards may also be laid down for processed products made from bananas.

Article 3

1. Unless the Commission decides otherwise in accordance with the procedure laid down in Article 27 products for which common standards have been laid down may be marketed within the Community only if they comply with those standards.

2. For the purpose of establishing whether products comply with quality standards, checks may be carried out by the bodies designated by the Member States.

Article 4

Quality and marketing standards, the marketing stages at which products must comply with such standards and measures to ensure the uniform implementation of the provisions of Articles 2 and 3, including those concerning checks, shall be laid down in accordance with the procedure provided for in Article 27.

TITLE II

Producers' organizations and concentration mechanisms

Article 5

1. For the purposes of this Regulation, 'producers' organization' means any organization of producers established in the Community which:

(a) is set up by the producers themselves in order to:

- concentrate supply and regulate prices at the production stage for one or more of the products referred to in Article 1,
- make available to member producers appropriate technical facilities for the packing and marketing of the products in question;

(b) is able to demonstrate a minimum volume of marketable production and a minimum number of producers;

(c) has rules containing provisions:

- requiring producers to market through the organization the whole of their production of the product or products for which they joined that organization,
- giving the producers control of the organization and its decision-making procedures,
- penalizing any violation by member producers of the rules laid down by the organization,
- imposing levies on its members,
- concerning the admission of new members;

(d) lays down rules concerning production intelligence, production, and in particular rules designed to improve quality and marketing rules;

(e) keeps separate accounts for its activities relating to bananas;

(f) is recognized by the Member State concerned in accordance with paragraph 2.

2. On application, the Member States shall recognize the organizations concerned provided they offer adequate guarantees of the length and effectiveness of their work, with particular reference to the tasks listed in paragraph 1, and provided they satisfy the conditions laid down therein.

Article 6

1. For the five years following the date of recognition, the Member States shall grant recognized producers' organizations assistance to encourage their establishment and assist their administrative operation.

2. Article 14 (1), (3) and (5) and Article 36 (2) of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾ shall apply.

Article 7

1. Associations of producers or of producers' organizations set up to carry out one or more measures of common interest may participate in the preparation of the measures provided for in the operational programmes referred to in Article 10. The members of such associations may include processors and traders.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 1754/92 (OJ No L 180, 1. 7. 1992, p. 23).

2. The measures of common interest referred to in paragraph 1 may include applied research, training of producers, a strategy on quality and the development of environmentally sound production methods.

Article 8

1. In accordance with the procedure provided for in Article 43 (2) of the Treaty, the Council shall lay down conditions for the recognition and operation of groups encompassing one or more of the economic activities relating to the production, marketing or processing of bananas in order in particular :

- to improve market intelligence and knowledge of the likely development of markets and marketing conditions ;
- and
- to reduce the dispersion of supply, guide production and promote improvements in the quality of bananas in order better to meet market needs and demand from consumers.

2. The provisions to be adopted shall include, under conditions to be determined, the possibility of extending to non-members the rules adopted by these groups provided such rules are of general interest to the sector as a whole and their extension complies with the Treaty's competition rules.

Article 9

Implementing rules for this Title shall be adopted in accordance with the procedure laid down in Article 27.

TITLE III

Assistance

Article 10

1. Acting in the framework of cooperation between the Commission and the national and regional authorities, the competent authorities of the Member States may draw up operational programmes under the Community support frameworks for the regions eligible defining the measures to be undertaken in the banana sector to achieve at least two of the following objectives :

- a quality and commercial strategy for the products of the area in the light of likely developments in costs and markets ;
- improved utilization of resources while respecting the environment ;

— greater competitiveness.

2. Acting through the cooperation referred to in paragraph 1, the competent authorities shall, as far as possible, associate in the preparation of the measures referred to in paragraph 1 groups, associations and organizations in the banana sector, as referred to in Articles 5, 7 and 8 respectively, and technical and economic research centres.

3. As regards the measures in the operational programmes, organization, decision-making and implementation shall be carried out in compliance with the regulations in force for the management of the structural Funds.

Article 11

In the framework of cooperation between the Commission and the national and regional authorities, the producers' organizations, associations and groups referred to in Articles 5, 7 and 8 may be asked to submit to the competent authorities their views on the implementation of the measures to be proposed.

Article 12

1. Compensation for any loss of income shall be granted to Community producers who are members of a recognized producers' organization which is marketing in the Community bananas complying with the common standards laid down. However, compensation may be paid to an individual producer who, because of his specific situation, and in particular his geographical location, is unable to join a producers' organization.

2. The maximum quantity of bananas produced in the Community and marketed for which compensation may be paid shall be fixed at 854 000 tonnes (net weight) to be broken down as follows for each producer region in the Community :

1. 420 000 tonnes for the Canary Islands,
2. 150 000 tonnes for Guadeloupe,
3. 219 000 tonnes for Martinique,
4. 50 000 tonnes for Madeira, the Azores and the Algarve,
5. 15 000 tonnes for Crete and Lakonia.

Subject to the maximum quantity for the Community, the quantity for each region may be adjusted.

3. Compensation shall be calculated on the basis of the difference between :

- the 'flat-rate reference income' for bananas produced and marketed within the Community, and
- the 'average production income' obtained on the Community market during the year in question for bananas produced and marketed within the Community.

4. The 'flat-rate reference income' shall be :

- the average price of bananas produced in the Community and marketed during a reference period prior to 1 January 1993 to be determined in accordance with the procedure laid down in Article 27 ;
- less the average cost of transport and delivery fob.

It shall be reviewed by the Commission when the aid is fixed after three years to take account in particular of increased productivity and trends in the various quality categories.

5. The 'average production income' for Community bananas shall be calculated each year from :

- the average price of bananas produced in the Community and marketed during the year in question,
- less the average cost of transport and delivery fob.

6. Before 1 March of each year, the Commission shall determine compensatory aid for the previous year in accordance with the procedure laid down in Article 27.

Supplementary aid shall be granted to one or more producer regions when average income from production is significantly lower than the average Community income.

7. Advances may be paid, against a security, on the basis of compensatory aid granted in the previous year.

8. The Commission shall carry out in 1993 an interim examination of average production income for that year. On the basis of this examination, advances may be paid by the Commission in accordance with the procedure laid down in Article 27.

Article 13

1. A single premium shall be granted to banana producers in the Community who cease to produce bananas.

2. Granting of the premium shall be subject to the written agreement of the recipient :

(a) to undertake or have undertaken in a single operation to take place during a period to be determined in 1993 or 1994 ;

- the grubbing-up of all banana trees on the holding where the area planted to bananas is less than five hectares ;
- the grubbing-up of half the banana trees on the holding where the area planted to bananas is five hectares or more ;

(b) not to plant banana trees on the holding concerned for a period of twenty years from the year in which grubbing-up took place.

Areas planted to bananas after this Regulation has come into force and holdings of less than 0,2 hectares shall not be eligible for the premium.

3. The premium shall be ECU 1 000 per hectare. In accordance with the procedure laid down in Article 27, this amount may be adjusted to take account of the specific conditions in certain areas.

4. In accordance with the procedure laid down in Article 27, the Commission may authorize a Member State to exclude from eligibility for the premium for cessation of banana production producers situated in areas where disappearance of this crop would have negative consequences, in particular on the maintenance of microclimatic soil, or environmental conditions or the landscape.

5. This premium shall be compatible with the granting of aid under Title III of Regulation (EEC) No 3763/91 ⁽¹⁾, Title II of Regulation (EEC) No 1600/92 ⁽²⁾ and Title III of Regulation (EEC) No 1601/92 ⁽³⁾ and with the granting of structural assistance under Regulations (EEC) No 2052/88 ⁽⁴⁾ and (EEC) No 4253/88 ⁽⁵⁾.

Article 14

Detailed rules for the application of this Title shall be adopted in accordance with the procedure laid down in Article 27.

However, detailed rules for the application of Articles 6 and 10 shall be adopted in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 4253/88.

TITLE IV

Trade with third countries

Article 15

This title shall apply only to fresh products falling within CN code ex 0803, excluding plantains.

For the purpose of this Title :

1. 'traditional imports from ACP States' means the quantities of bananas set out in the Annex exported by each ACP State which has traditionally exported bananas to the Community. Such bananas shall be referred to as 'traditional ACP bananas' ;

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽³⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽⁴⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽⁵⁾ OJ No L 374, 31. 12. 1988, p. 1.

2. 'non-traditional imports from ACP States' means the quantities of bananas exported by the ACP States which exceed the quantity defined at 1 above. Such bananas shall be referred to as 'non-traditional ACP bananas';
3. 'imports from non ACP-third countries' means quantities exported by other third countries. Such bananas shall be referred to as 'third country bananas';
4. 'Community bananas' means bananas produced within the Community;
5. 'market' and 'marketing' mean placing on the market, not including making the product available to the final consumer.

Article 16

1. Each year, a forecast supply balance shall be prepared on production and consumption in the Community and of imports and exports.
2. The forecast supply balance shall be prepared on the basis of:
 - available figures concerning quantities of bananas marketed in the Community during the previous year, broken down according to their origin,
 - forecasts of the production and marketing of Community bananas,
 - forecasts of imports of traditional ACP bananas,
 - forecasts of consumption based in particular on recent trends in consumption and the evolution in market prices.
3. Where necessary, in particular to take account of the effects of exceptional circumstances affecting production or import conditions, the balance may be adjusted during the marketing year. In such a case, the tariff quota provided for in Article 18 shall be adapted in accordance with the procedure laid down in Article 27.

Article 17

Any importation of bananas into the Community shall be subject to the submission of an import licence issued by the Member States at the request of any party concerned, irrespective of his place of establishment within the Community, without prejudice to the special provisions made for the implementation of Articles 18 and 19.

The import licence shall be valid throughout the Community. Except where derogations are granted under the procedure laid down in Article 27, the issue of such licences shall be subject to the provision of security for compliance with the import commitment, under the conditions laid down by this Regulation during the period of validity of the licence, which shall be totally or parti-

ally forfeit if the transaction is not carried out within that period or is only partially carried out.

Article 18

1. A tariff quota of two million tonnes (net weight) shall be opened each year for imports of third-country bananas and non-traditional ACP bananas.

Within the framework of the tariff quota, imports of third-country bananas shall be subject to a levy of ECU 100 per tonne and imports of non-traditional ACP bananas shall be subject to a zero duty.

For the second half of 1993, the volume of the tariff quota shall be set at one million tonnes (net weight).

Where Community demand determined on the basis of the supply balance referred to in Article 16 increases, the volume of the quota shall be increased in consequence, in accordance with the procedure laid down in Article 27. Where necessary, that adjustment shall be carried out prior to the date of 30 November preceding the marketing year concerned.

2. Apart from the quota referred to in paragraph 1,
 - imports of non-traditional ACP bananas shall be subject to a levy of ECU 750 per tonne,
 - imports of third country bananas shall be subject to a levy of ECU 850 per tonne.
3. The quantities of third-country bananas and non-traditional ACP bananas re-exported out of the Community shall not be charged to the quota referred to in paragraph 1.

Article 19

1. The tariff quota shall be opened from 1 July 1993 for:
 - (a) 66,5 % to the category of operators who marketed third country and/or non-traditional ACP bananas;
 - (b) 30 % to the category of operators who marketed Community and/or traditional ACP bananas;
 - (c) 3,5 % to the category of operators established in the Community who started marketing bananas other than Community and/or traditional ACP bananas from 1992.

The import opportunities pursuant to (a) and (b) shall be available to operators established in the Community who marketed on their own account a minimum quantity of bananas of the above origins, to be determined.

Supplementary criteria to be met by operators shall be laid down in accordance with the procedure provided for in Article 27. The Member States shall draw up the list of importers and the average quantity per operator referred to in paragraph 2.

2. On the basis of separate calculations for each of the categories of operators referred to in paragraph 1 (a) and (b), each operator shall obtain import licences on the basis of the average quantities of bananas that he has sold in the three most recent years for which figures are available. For the category of operators referred to in paragraph 1 (a), the quantities to be taken into consideration shall be the sales of third country and/or non-traditional ACP bananas. In the case of operators referred to in paragraph 1 (b), sales of traditional ACP and/or Community bananas shall be taken into consideration. Third country and/or non traditional ACP bananas imported on the basis of licences issued under paragraph 1 (b) shall not be taken into account to determine the rights to be established pursuant to paragraph 1 (a), so that the initial allocation of licences between the two categories of operators remains identical.

For the second half of 1993, each operator shall be issued licences on the basis of half of the annual average quantity marketed between 1989 and 1991.

3. If the volume of application from new operators exceeds the quantities fixed pursuant to paragraph 1 (c), each application shall be reduced by an equal percentage.

Any quantities available shall be reallocated to the operators referred to paragraph 1 (a) and (b) under conditions laid down by the procedures referred to in Article 27.

4. If the tariff quota is increased, the additional available quantity shall be allocated to importers in the categories referred to in paragraph 1 in accordance with the preceding paragraphs.

Article 20

In accordance with the procedure laid down in Article 27, the Commission shall adopt and adjust the forecast supply balance referred to in Article 16.

In accordance with the same procedure, the Commission shall adopt detailed rules for implementing this Title. Those rules may cover in particular:

- additional measures concerning the issue of licences, their term of validity, the conditions governing transferability and the requisite security mechanism; those rules may also include determination of a reconsideration period,
- frequency of issue of licences,
- the minimum quantity of bananas marketed as referred to in the second subparagraph of Article 19 (1).

TITLE V

General provisions

Article 21

1. Except where otherwise provided for in this Regulation,
 - the levying of any charge having an effect equivalent to a customs duty,
 - the application of any quantitative restrictions or measure having equivalent effect,
 shall be forbidden on the import of products referred to in Article 1.

2. The tariff quota laid down in the Protocol on the tariff quota for imports of bananas annexed to the Implementing Convention on the Association for the Overseas Countries and Territories provided for in Article 136 of the Treaty shall be discontinued.

Article 22

The general rules for the interpretation of the common customs tariff and the particular rules for its application shall apply to the classification of products coming under this Regulation. The tariff nomenclature resulting from application of this Regulation is contained in the common customs tariff.

Article 23

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 experiences, or is threatened with, serious disturbances which may endanger the objectives set out in Article 39 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

2. If the situation mentioned in paragraph 1 arises, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures; the measures shall be communicated to the Member States and shall be immediately applicable. If the Commission receives a request from a Member State, it shall take a decision thereon within three working days following receipt of the request.

3. Measures decided upon by the Commission may be referred to the Council by any Member State within three working days of the day on which they were communicated. The Council shall meet without delay. It may, acting by a qualified majority, amend or repeal the measures in question.

4. Arrangements for the implementation of this Article shall be adopted in accordance with the procedure laid down in Article 27.

Article 24

Save as otherwise provided for in this Regulation, Articles 92 to 94 of the Treaty shall apply to the production of and trade in the products referred to in Article 1.

Article 25

1. The measures laid down in Articles 12 and 13 shall constitute intervention intended to stabilize the agricultural markets within the meaning of Article 3 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾.

2. The measures laid down in Articles 6 and 10 shall be part-financed by the Guidance Section of the EAGGF.

3. Detailed rules for the application of this Article, and in particular a definition of the conditions to be met before financial aid from the Community can be paid, shall be adopted in accordance with the procedure laid down in Article 27.

Article 26

1. A Management Committee for Bananas (hereinafter called the 'Committee') shall be established, consisting of representatives of the Member States and chaired by a representative of the Commission.

2. Within the Committee the votes of Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The Chairman shall not vote.

Article 27

1. Where reference is made to the procedure laid down in this Article, the Chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

2. The representative of the Commission shall submit a draft of the measures to be taken. The Committee shall deliver its opinion on such measures within a time limit to be set by the Chairman according to the urgency of the questions under consideration. An opinion shall be adopted by the majority laid down in Article 148 (2) of the Treaty.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event, the Commission may defer appli-

cation of the measures which it has adopted for not more than one month from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within one month.

Article 28

The Committee may consider any other question referred to it by its Chairman either on his own initiative or at the request of a representative of a Member State.

Article 29

The Member States shall provide the Commission with the information it requires to implement this Regulation, in particular concerning;

- measures taken to apply and check common quality standards,
- producers' organizations,
- the content and implementation of the regional framework programmes for bananas,
- provisions for the management of any compensatory aid,
- lists of operators,
- data on production and prices,
- quantities of Community, traditional ACP, non-traditional ACP and third country bananas marketed in their territory,
- forecasts of production and consumption in the following year.

Article 30

If specific measures are required after July 1993 to assist the transition from arrangements existing before the entry into force of this Regulation to those laid down by this Regulation, and in particular to overcome difficulties of a sensitive nature, the Commission, acting in accordance with the procedure laid down in Article 27, shall take any transitional measures it judges necessary.

Article 31

In Article 1 (1) or Regulation (EEC) No 1319/85:

1. The second indent is replaced by the following:

- inspection of the conformity with quality standards, or certain quality requirements
 - (a) of products listed in Annex II to Regulation (EEC) No 1035/72 which are withdrawn from the market in accordance with Articles 15 and 15a or bought in in accordance with Articles 19 and 19a of that Regulation and
 - (b) products in the banana sector covered by Council Regulation (EEC) No 404/93⁽¹⁾;

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No L 185, 15. 7. 1988, p. 1).

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

2. The fourth indent shall be replaced by:

'verification of the recording of the prices referred to in Articles 17 and 24 of Regulation (EEC) No 1035/72'.

Article 32

No later than the end of the third year after the entry into force of this Regulation and, in any case, when the flat-rate reference income referred to in Article 12 (4) is reviewed, the Commission shall submit a report to the European Parliament and the Council on the operation of this Regulation.

This report shall contain among other things an analysis of the development of Community, of third-country and

ACP banana marketing flows since the implementation of these arrangements. The report shall be accompanied where necessary by appropriate proposals.

The Commission shall again report to the European Parliament and the Council by 31 December 2001 on the operation of this Regulation and make appropriate proposals concerning the new arrangements to apply after 31 December 2002.

Article 33

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

It shall apply as from 1 July 1993.

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

Done at Brussels, 13 February 1993.

For the Council

The President

B. WESTH

ANNEX**Traditional quantities of bananas from the ACP States**

	<i>Tonnes/net weight</i>
Cote d'Ivoire	155 000
Cameroon	155 000
Suriname	38 000
Somalia	60 000
Jamaica	105 000
St Lucia	127 000
St Vincent and the Grenadine	82 000
Dominica	71 000
Belize	40 000
Cape Verde	4 800
Grenada	14 000
Madagascar	5 900
	<u>857 700</u>

COMMISSION REGULATION (EEC) No 405/93

of 24 February 1993

fixing the import levies on cereals and on wheat or rye flour, groats and meal

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 3873/92 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 23 February 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3873/92 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 February 1993.

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

Done at Brussels, 24 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 118.

ANNEX

to the Commission Regulation of 24 February 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (*)
0709 90 60	135,88 (*) (*)
0712 90 19	135,88 (*) (*)
1001 10 00	176,46 (*) (*) (*)
1001 90 91	139,38
1001 90 99	139,38 (*)
1002 00 00	149,16 (*)
1003 00 10	124,92
1003 00 20	124,92
1003 00 80	124,92 (*)
1004 00 00	114,88
1005 10 90	135,88 (*) (*)
1005 90 00	135,88 (*) (*)
1007 00 90	136,83 (*)
1008 10 00	47,35 (*)
1008 20 00	79,48 (*)
1008 30 00	37,68 (*)
1008 90 10	(*)
1008 90 90	37,68
1101 00 00	207,85 (*) (*)
1102 10 00	221,55 (*)
1103 11 30	285,84 (*) (*)
1103 11 50	285,84 (*) (*)
1103 11 90	223,33 (*)

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

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

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

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

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

(*) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

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

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

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

(*) An amount equal to the amount fixed by Regulation (EEC) No 1825/91 (OJ No L 166, 26. 6. 1991, p. 42) is to be levied in accordance with Article 101 (4) of Decision 91/482/EEC.

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

COMMISSION REGULATION (EEC) No 406/93**of 24 February 1993****fixing the premiums to be added to the import levies on cereals, flour and malt**

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1738/92 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 23

February 1993, as regards floating currencies, should be used to calculate the levies;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 February 1993.

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

Done at Brussels, 24 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 24 February 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	5,39
0712 90 19	0	0	0	5,39
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	5,39
1005 90 00	0	0	0	5,39
1007 00 90	0	0	0	6,25
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	7,01
1008 90 90	0	0	0	7,01
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 407/93**of 23 February 1993****establishing unit values for the determination of the customs value of certain perishable goods**

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods⁽¹⁾, as last amended by Regulation (EEC) No 3334/90⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communicated to the Commission in accordance with Article 1 (2)

of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 February 1993.

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

Done at Brussels, 23 February 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 321, 21. 11. 1990, p. 6.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	32,71	1 307	243,41	63,48	214,89	8 533	26,02	60 713	71,47	26,82
1.20	0702 00 10 0702 00 90	Tomatoes	66,23	2 647	492,78	128,51	435,05	17 276	52,68	122 910	144,68	54,30
1.30	0703 10 19	Onions (other than seed)	9,84	393	73,21	19,09	64,64	2 567	7,82	18 262	21,49	8,06
1.40	0703 20 00	Garlic	195,95	7 831	1 457,97	380,23	1 287,16	51 115	155,88	363 648	428,07	160,66
1.50	ex 0703 90 00	Leeks	18,89	760	140,86	36,87	124,58	4 926	15,16	33 993	41,48	15,34
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2 331	438,81	113,34	385,48	15 133	43,14	104 614	127,38	45,06
1.70	0704 20 00	Brussels sprouts	53,72	2 267	423,88	110,06	374,08	11 735	41,29	82 719	124,09	37,72
1.80	0704 90 10	White cabbages and red cabbages	31,38	1 265	239,40	61,47	210,09	8 126	23,42	54 525	69,15	25,05
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	101,89	4 072	758,10	197,71	669,29	26 578	81,05	189 087	222,58	83,54
1.100	ex 0704 90 90	Chinese cabbage	35,35	1 412	263,02	68,59	232,21	9 221	28,12	65 604	77,22	28,98
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	130,32	5 208	969,64	252,87	856,04	33 994	103,67	241 849	284,69	106,85
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5 690	17,51	39 262	47,92	17,72
1.130	ex 0706 10 00	Carrots	29,52	1 246	232,51	60,55	203,65	7 364	22,69	45 777	68,23	20,76
1.140	ex 0706 90 90	Radishes	101,41	4 053	754,54	196,78	666,15	26 453	80,67	188 200	221,54	83,15
1.150	0707 00 11 0707 00 19	Cucumbers	116,26	4 646	865,05	225,60	763,70	30 328	92,48	215 761	255,98	95,32
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	295,26	11 801	2 196,86	572,93	1 939,40	77 020	234,88	547 942	645,02	242,09
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	172,15	6 880	1 280,88	334,04	1 130,81	44 906	136,94	319 478	376,08	141,15
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> ssp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	269,28	10 762	2 003,55	522,52	1 768,83	70 243	214,21	499 728	588,27	220,78
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	82,23	3 286	611,86	159,57	540,18	21 451	65,41	152 611	179,65	67,42
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	544,12	21 747	4 048,40	1 055,80	3 574,11	141 933	432,84	1 009 755	1 188,66	446,12
1.200.2	ex 0709 20 00	— other	526,03	21 024	3 913,81	1 020,70	3 455,29	137 215	418,45	976 186	1 149,14	431,29
1.210	0709 30 00	Aubergines (egg-plants)	161,24	6 444	1 199,67	312,87	1 059,12	42 059	128,26	299 223	352,23	132,20
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	47,42	1 895	352,87	92,02	311,53	12 371	37,72	88 015	103,60	38,88
1.230	0709 51 30	Chantarelles	1 419,0	57 401	10 720,9	2 789,11	9 463,39	362 312	1 059,4	2 384 427	3 138,97	1 157,8
1.240	0709 60 10	Sweet peppers	95,37	3 812	709,63	185,07	626,50	24 879	75,87	176 998	208,35	78,20
1.250	0709 90 50	Fennel	73,55	2 966	558,22	144,18	490,38	19 251	54,88	133 083	162,05	57,33
1.260	0709 90 70	Courgettes	38,41	1 614	304,72	78,38	267,79	8 982	29,39	59 164	88,32	27,15
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	98,95	4 174	781,50	202,59	690,51	22 594	75,77	151 536	228,30	69,55
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	83,78	3 378	639,04	164,08	560,82	21 691	62,54	145 547	184,60	66,87
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	41,04	1 640	305,37	79,64	269,59	10 706	32,64	76 166	89,66	33,65
2.30	ex 0804 30 00	Pineapples, fresh	50,92	2 035	378,87	98,81	334,49	13 283	40,50	94 499	111,24	41,75
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	83,91	3 354	624,38	162,83	551,23	21 890	66,75	155 733	183,32	68,80

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	136,37	5450	1014,65	264,61	895,78	35 573	108,48	253 076	297,91	111,81
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	33,49	1 338	249,23	64,99	220,03	8 737	26,64	62 163	73,17	27,46
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	33,99	1 358	252,91	65,95	223,28	8 866	26,04	63 081	74,25	27,87
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	19,50	784	145,41	38,06	128,60	5 085	15,65	35 091	42,83	15,84
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	76,49	3 057	569,13	148,42	502,45	19 953	60,84	141 953	167,10	62,71
2.70.2	ex 0805 20 30	— Monreales and Satsumas	33,94	1 356	252,54	65,86	222,95	8 854	27,00	62 989	74,15	27,82
2.70.3	ex 0805 20 50	— Mandarins and wilkings	57,76	2 438	454,90	118,47	398,43	14 408	44,40	89 560	133,50	40,62
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	52,63	2 103	391,65	102,14	345,76	13 730	41,87	97 685	114,99	43,15
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	34,36	1 373	255,68	66,68	225,73	8 964	27,33	63 774	75,07	28,17
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	150,60	6 019	1 120,54	292,23	989,26	39 285	119,80	279 486	329,00	123,48
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	29,21	1 167	217,33	56,68	191,87	7 619	23,23	54 208	63,81	23,95
2.90.2	ex 0805 40 00	— pink	55,29	2 209	411,38	107,28	363,18	14 422	43,98	102 607	120,78	45,33
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	148,32	5 928	1 103,54	287,80	974,25	38 689	117,98	275 246	324,01	121,60
2.110	0807 10 10	Water-melons	68,08	2 721	506,55	132,10	447,20	17 759	54,15	126 344	148,73	55,82
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	51,22	2 047	381,11	99,39	336,46	13 361	40,74	95 057	111,89	41,99
2.120.2	ex 0807 10 90	— other	130,33	5 209	969,69	252,89	856,09	33 996	103,67	241 861	284,71	106,85
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	56,37	2 253	419,42	109,38	370,28	14 704	44,84	104 613	123,14	46,21
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	65,45	2 616	487,03	127,01	429,97	17 075	52,07	121 476	142,99	53,67
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	74,63	2 982	555,29	144,82	490,24	19 468	59,37	138 502	163,04	61,19
2.150	0809 10 00	Apricots	149,80	6 026	1 116,94	292,34	987,82	39 062	120,27	269 535	328,97	121,69
2.160	0809 20 10 0809 20 90	Cherries	131,05	5 272	977,14	255,75	864,18	34 173	105,21	235 798	287,79	106,46
2.170	ex 0809 30 00	Peaches	83,23	3 326	619,32	161,51	546,76	21 712	66,21	154 471	181,84	68,24

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.180	ex 0809 30 00	Nectarines	200,31	8 006	1 490,40	388,69	1 315,79	52 252	159,34	371 738	437,60	164,24
2.190	0809 40 11 0809 40 19	Plums	103,46	4 135	769,83	200,77	679,64	26 989	82,30	192 013	226,03	84,83
2.200	0810 10 10 0810 10 90	Strawberries	346,92	13 865	2 581,23	673,17	2 278,82	90 495	275,97	643 812	757,88	284,44
2.205	0810 20 10	Raspberries	1 178,8	47 116	8 771,07	2 287,46	7 743,49	307 506	937,77	2 187 687	2 575,29	966,55
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	161,42	6 779	1 268,11	329,16	1 111,99	40 501	123,65	249 172	371,08	116,29
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	44,72	1 799	333,48	87,28	294,93	11 662	35,90	80 473	98,21	36,33
2.230	ex 0810 90 80	Pomegranates	97,15	3 883	722,86	188,51	638,17	25 342	77,28	180 296	212,24	79,65
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	100,39	4 012	746,93	194,79	659,42	26 186	79,86	186 301	219,31	82,31
2.250	ex 0810 90 30	Lychees	138,27	5 526	1 028,79	268,30	908,26	36 068	109,99	256 603	302,06	113,37

COMMISSION REGULATION (EEC) No 408/93
of 24 February 1993

**determining the extent to which applications in the beef and veal sector for the
issue of import licences lodged pursuant to Regulation (EEC) No 3771/92 may be
accepted**

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

Having regard to Council Regulation (EEC) No 3392/92
of 23 November 1992 opening and providing for the
administration of a Community tariff quota for meat of
bovine animals, frozen, falling within CN code 0202 and
products falling within CN code 0206 29 91 (1993) (1), and
in particular Article 4 thereof,

Having regard to Commission Regulation (EEC)
No 3771/92 of 22 December 1992 laying down detailed
rules for the application of the import arrangements
provided for in Council Regulation (EEC) No 3392/92 for
frozen meat of bovine animals covered by CN code 0202
and products covered by CN code 0206 29 91 (2), and in
particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 3771/92
provides in particular for the quantities reserved for tradi-
tional importers to be allocated in proportion to their
imports in 1990, 1991 and 1992; whereas in the other
cases the quantities applied for exceed the quantities
available under Article 1 (2) of that Regulation; whereas,
therefore, the quantities applied for should be reduced on
a proportional basis in accordance with Article 5 (2) of
Regulation (EEC) No 3771/92;

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

1. Every application for an import licence lodged in
accordance with Regulation (EEC) No 3771/92 shall be
granted to the following extent:

- (a) 267,429 kg per tonne imported in 1990, 1991 and
1992 for importers as defined in Article 1 (1) of Regu-
lation (EEC) No 3771/92;
- (b) 9 331 kg per application in the case of importers as
defined in Article 1 (2) of Regulation (EEC)
No 3771/92.

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, 24 February 1993.

For the Commission

René STEICHEN

Member of the Commission

(1) OJ No L 346, 27. 11. 1992, p. 3.

(2) OJ No L 383, 29. 12. 1992, p. 36.

COMMISSION REGULATION (EEC) No 409/93

of 24 February 1993

fixing the maximum export refund for white sugar for the 42nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 920/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3814/92⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 920/92 of 10 April 1992 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as last amended by Regulation (EEC) No 31/93⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 920/92, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 42nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 1432/92⁽⁵⁾, as last amended by Regulation (EEC) No 3534/92⁽⁶⁾, prohibits

trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 42nd partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 920/92 the maximum amount of the export refund is fixed at ECU 40,596 per 100 kilograms.

2. Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

Article 2

This Regulation shall enter into force on 25 February 1993.

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

Done at Brussels, 24 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 98, 11. 4. 1992, p. 11.

⁽⁴⁾ OJ No L 5, 9. 1. 1993, p. 18.

⁽⁵⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁶⁾ OJ No L 358, 8. 12. 1992, p. 16.

COMMISSION REGULATION (EEC) No 410/93

of 24 February 1993

altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3814/92 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 349/93 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 349/93 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾ are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 349/93, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 February 1993.

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

Done at Brussels, 24 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 41, 18. 2. 1993, p. 5.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 17.

ANNEX

to the Commission Regulation of 24 February 1993 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	34,77 ⁽¹⁾
1701 11 90 910	33,81 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	34,77 ⁽¹⁾
1701 12 90 910	33,81 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3780
	— ECU/100 kg —
1701 99 10 100	37,80
1701 99 10 910	38,06
1701 99 10 950	38,06
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3780

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

⁽³⁾ Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of Council Regulation (EEC) No 1432/92.

COMMISSION REGULATION (EEC) No 411/93

of 24 February 1993

fixing the import levy on molasses

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 3814/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 93/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 233/93 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 93/93 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 23 February as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00 to ECU 0,64 per 100 kilograms.

2. However, no import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

Article 2

This Regulation shall enter into force on 25 February 1993.

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

Done at Brussels, 24 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 13, 21. 1. 1993, p. 8.

⁽⁵⁾ OJ No L 27, 4. 2. 1993, p. 26.

COMMISSION REGULATION (EEC) No 412/93**of 24 February 1993****introducing a countervailing charge on apples originating in Austria**

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

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables⁽¹⁾, as last amended by
Regulation (EEC) No 1754/92⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 337/93⁽³⁾
introduced a countervailing charge on apples originating
in Austria;

Whereas for apples originating in Austria there were no
prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC)
No 1035/72 are therefore fulfilled and the countervailing
charge on imports of apples originating in Austria can be
abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 337/93 is hereby repealed.

Article 2

This Regulation shall enter into force on 25 February
1993.

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

Done at Brussels, 24 February 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 23.

⁽³⁾ OJ No L 38, 16. 2. 1993, p. 26.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 December 1992

approving the administrative arrangements foreseen in the agreements on transit traffic between the European Community and Austria, on the one hand, and between the European Community and Switzerland, on the other

(93/117/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the agreements on transit traffic between the European Community and Austria, on the one hand, and between the European Community and Switzerland on the other, decisions to conclude which were taken by the Councils of 27 November 1992 and 30 November 1992,

Considering that administrative arrangements are necessary for the implementation of these agreements:

- the agreement with Austria foresees the introduction of a system of Ecopoints intended to balance economic and ecological interests,
- the agreement with Switzerland foresees and exception to the existing weight limit in Switzerland of 28 tonnes for heavy goods vehicles,

DECIDES:

Article 1

The administrative arrangements on transit traffic between the European Community and Austria, on the

one hand, and between the European Community and Switzerland on the other, are approved in the name of the Community.

Article 2

The Member of the Commission responsible for transport or the person designated by him, is empowered to sign the administrative arrangements on behalf of the Commission.

Done at Brussels, 22 December 1992.

For the Commission

Karel VAN MIERT

Member of the Commission

ADMINISTRATIVE ARRANGEMENT

setting the date of entry into force and the procedures for the introduction of the Eco-point system referred to in the Agreement between the European Community and the Republic of Austria on the transit of goods by road and rail

In accordance with Article 24 (4) of the Agreement between the European Community and the Republic of Austria on the transit of goods by road and rail (hereinafter referred to as 'the Transit Agreement'), the competent authorities, namely

FOR THE COMMUNITY:

the Commission of the European Communities, and

FOR AUSTRIA:

the Federal Minister for Public Economy and Transport,

Having regard to the date of entry into force and the procedures relating to the Eco-point system referred to in the Transit Agreement,

Have agreed as follows:

Article 1

The Eco-point system shall enter into force on 1 January 1993.

Article 2

1. The total number of transit journeys (whether for hire or reward, on own account or unladen) made in 1991 by heavy goods vehicles registered in the European Community (Article 15 (4) (2) of the Transit Agreement) is estimated at 1 264 000.

2. The total number of transit journeys (whether for hire or reward, on own account or unladen) made in 1991 by heavy goods vehicles registered in the Republic of Austria (Article 15 (8) of the Transit Agreement) is estimated at 211 100.

Article 3

1. The driver of a heavy goods vehicle on a transit journey shall carry, and produce at the request of the supervisory authorities, a duly-completed standard form or an Austrian certificate confirming payment for the Eco points for the journey in question, modelled on Annex A and known as the 'Eco card'.

The competent Austrian authorities shall issue the form shown in Annex A to this Arrangement against payment of the cost of producing and distributing the form and the Eco points.

2. The driver of a heavy goods vehicle registered after 1 October 1990 shall also carry, and produce upon request, a standard COP document, modelled on Annex B, as

evidence of the NO_x emissions of that vehicle. Heavy goods vehicles first registered before 1 October 1990 or in respect of which no document is produced shall be assumed to have a COP value of 15,8 g/kWh.

The Parties shall notify each other in writing of the national authorities authorized to issue the above documents.

3. Transit journeys made in the circumstances listed in Annex C or under ECMT authorizations shall be exempt from the Eco-points scheme.

Article 4

1. The requisite number of Eco points shall be affixed to the form referred to in Article 3 (1) and cancelled. The Eco points shall be cancelled by signing in such a way that the signature extends over both the Eco points and the form to which they have been affixed. A rubber stamp may be used instead of a signature.

2. On a vehicle's entry into Austrian territory a duly-completed form bearing the requisite number of Eco points shall be handed to the supervisory authorities, who will hand back a copy with the proof of payment.

In the case of an Austrian-registered heavy goods vehicle, the proof of payment and the COP document shall be presented together to the supervisory authorities of the Member State on entering or leaving Italy or Germany. A copy of the proof of payment shall be presented to the customs authorities on entry.

Special Eco points shall be used for Austrian-registered heavy goods vehicles engaged in transit journeys to or from Italy or journeys which continue in Germany after transit through Austria. Their use shall be recorded on the proof of payment. The number of Eco points allocated to Austrian heavy goods vehicles for such journeys shall be set annually by the Transit Committee set up under Article 21 of the Transit Agreement.

3. Where a traction unit is switched during a transit journey, the proof of payment issued on entry shall remain valid and be retained. Where the COP value of the new traction unit exceeds that indicated on the form, additional Eco points, affixed to a new card, shall be purchased on leaving the country.

4. For journeys requiring Eco points, the form specified in Article 3 (1) shall replace all Austrian forms hitherto used for transport statistics.

5. The Community and Austrian authorities shall regularly notify each other of the number of points used. The originals, or copies, of forms bearing cancelled Eco points shall, where necessary, be made available to individual national authorities.

Article 5

1. The Parties shall ensure, in accordance with Article 16 of the Transit Agreement, that the Austrian proof of payment for Eco points for Italy or Germany is recognized as replacing the authorizations previously used in Austria and the Member States Germany and Italy. In Italy such proof of payment shall replace a bilateral half-ticket for a single journey and in Germany a bilateral authorization for a return journey.

For Austrian-registered heavy goods vehicles leaving Italy, a duly-completed copy of the form referred to in Article 3 (1), bearing the requisite number of Eco points for Italy, shall replace the authorization provided for.

2. Journeys which involve crossing the Austrian frontier once by train, whether by conventional rail transport or in a combined transport operation, and crossing the frontier by road immediately before or after crossing by rail, shall be regarded not as transit journeys within the meaning of the Transit Agreement, but as bilateral journeys.

Article 6

1. The Eco points determined under the provisions of Article 15 (5) (1) of the Transit Agreement shall be overprinted with the year for which they are valid. They may be used between 1 January of the year for which they are valid and 31 January of the following year.

2. The Parties shall issue to each other, in two equal instalments, the number of Eco points to which they are

entitled. The first instalment shall be delivered three months prior to, and the second two months after, the beginning of each calendar year.

In the circumstances provided for in Article 15 (5) (2) of the Transit Agreement, the second instalment shall be reduced by the number of Eco points calculated using the method laid down in Annex IX (4) to the Transit Agreement.

Article 7

A Transit Committee working party, made up of representatives of both Parties, shall supervise the implementation and monitoring of the Eco-point system and of the measures taken to prevent infringements. The working party shall have access to all relevant documents and meet at the request of either Party.

Article 8

1. Infringements of the Transit Agreement or this Administrative Arrangement by a driver of a heavy goods vehicle or an undertaking shall be prosecuted in accordance with the national legislation in force. Repeated infringements may lead to the driver or the undertaking concerned being temporarily banned from international transport activities.

2. The competent authorities of Austria, the Community and the Member States shall, each within the limits of their jurisdiction, provide each other with administrative assistance in investigating and prosecuting infringements of the Transit Agreement or this Administrative Arrangement, notably in ensuring that the documents specified in Article 3 are correctly used and handled.

3. Where the Eco cards referred to in Article 3 are not presented to the supervisory authorities in accordance with the provisions of this Arrangement, where such a form is incomplete or obviously incorrect, or where the Eco points are not correctly affixed, the supervisory authorities may, with due regard for the principle of proportionality as defined by the relevant national legislation, refuse permission for the journey to be continued.

For the rest, the Transit Committee shall be responsible for the implementation and correct application of the Transit Agreement.

Article 9

The Parties reserve the right, six months after the entry into force of the Eco-points system, to carry out a joint review of the arrangements for its implementation with a view to making any necessary amendments by common accord.

Article 10

Done at Vienna, 23 December 1992.

This Administrative Arrangement shall enter into force on the same day as the Transit Agreement.

Article 11

This Arrangement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

*For the Federal Minister
for Public Economy and
Transport of the
Republic of Austria*

G. HANREICH

*For the Commission of
the European
Communities*

J. ERDMENGER



00019789	Raum zum Aufkleben der Ökopunkte-Marken																																				
	Space for affixing Ecopoint stamps																																				
	Spazio per l'apposizione degli Ecopunti	<table border="1"> <tr><td>0</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr> <tr><td>A</td><td>B</td><td>C</td><td>D</td><td>E</td><td>F</td><td>G</td><td>H</td><td>I</td><td>J</td><td>K</td><td>L</td><td>M</td></tr> <tr><td>N</td><td>Ø</td><td>P</td><td>Q</td><td>R</td><td>S</td><td>T</td><td>U</td><td>V</td><td>W</td><td>X</td><td>Y</td><td>Z</td></tr> </table>	0	1	2	3	4	5	6	7	8	9	A	B	C	D	E	F	G	H	I	J	K	L	M	N	Ø	P	Q	R	S	T	U	V	W	X	Y
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Straßengüterverkehr

Ökokarte

Original

1033 Wien, Hintere Zollamtsstraße 2 b

Für nationale Kennzeichnung/National identification mark/
Segno di riconoscenza nazionale

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00019789

Erläuterungen siehe Rückseite der Bestätigung

Spiegazioni sul verso della conferma (Bestätigung)
For explanation see back of confirmation (Bestätigung)

3 Datum der Einreise (Tag, Monat, Jahr)

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4 Angaben zum LKW/Zugfahrzeug

5 Nationalität 6 Amtliches Kennzeichen

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7 Monat und Jahr
der 1. Zulassung

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8 COP-Wert
(mit 1 Dezimale)

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9 Anzahl der
Ökopunkte

--	--

10 Angaben zum Anhänger/Sattelaufleger

5 Nationalität 6 Amtliches Kennzeichen

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11 Fuhr-
gewerbe

X

12 Werk-
verkehr

X

28 Ökopunkte ohne besonderen
Aufdruck:

X

Besonders gekennzeichnete
österreichische Ökopunkte:

2 mit Aufdruck

D

X

29 mit Aufdruck

I

X

13 Angaben zum Transport (nur bei beladenem Fahrzeug)

14 Gewicht der Ladung in Tonnen (mit 1 Dezimale)

15 beladen

16 leer

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X

X

17 (Abgangs-)
Ladeland

18 (Abgangs-)
Ladeort (Postleitzahl)

19 (Ziel-)
Entladeland

20 (Ziel-)
Entladeort (Postleitzahl)

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21 Grenzübergangsstellen

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22 beim Eintritt

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23 beim Austritt

Beleg wird maschinell eingelesen

Machine-read information

Ricevato alla lettura tramite computer

[00000000]

[00019789]

26 Unterschrift und Name des Ausstellers



Straßengüterverkehr

Ökokarte

Bestätigung

Für nationale Kennzeichnung/National identification mark/
Segno di riconoscenza nazionale

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Diese Bestätigung gilt für österreichische Transportunternehmen als Genehmigung für den internationalen Straßengüterverkehr mit der Bundesrepublik Deutschland einschließlich Transitverkehr, wenn das Feld Nr. 24 einen Kontrollvermerk der zuständigen österreichischen Organe enthält. Bei Verwendung als Genehmigung ist folgendes zu beachten:

1. Gültig zwei Monate ab Datum der Einreise.
2. Diese Genehmigung ist im Fahrzeug mitzuführen und den zuständigen Kontrollbeamten auf Verlangen vorzuzeigen.
3. Sie gilt nicht für den Binnenverkehr.
4. Diese Genehmigung ist nicht übertragbar.

Zollstempel

00019789	Hinfahrt	Rückfahrt

Erläuterungen siehe Rückseite

For explanation see over

Spiegazioni sul verso

3 Datum der Einreise (Tag, Monat, Jahr) □ □ □ □ □ □	27 Name und Firma sowie vollständige Anschrift des Verkehrsunternehmers
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4 Angaben zum LKW/Zugfahrzeug 5 Nationalität 6 Amtliches Kennzeichen □ □ □	7 Monat und Jahr der 1. Zulassung □ □ □ □	8 COP-Wert (mit 1 Dezimale) □ □ □	9 Anzahl der Ökopunkte □ □
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10 Angaben zum Anhänger/Sattelaufleger 11 Nationalität 12 Amtliches Kennzeichen □ □ □	11 Fuhr-gewerbe ☒	12 Werk-verkehr ☒	28 Ökopunkte ohne besonderen Aufdruck: ☒
13 Angaben zum Transport (nur bei beladenem Fahrzeug) 14 Gewicht der Ladung in Tonnen (mit 1 Dezimale) □ □ □	15 beladen ☒	16 leer ☒	28 mit Aufdruck ☒ ☒
			28 mit Aufdruck ☒ ☒

17 (Abgangs-) Ladeland □ □ □	18 (Abgangs-) Ladeort (Postleitzahl) □ □ □ □ □ □ □ □	19 (Ziel-) Entladeland □ □ □	20 (Ziel-) Entladeort (Postleitzahl) □ □ □ □ □ □ □ □	21 Grenzübergangsstellen □ □ □
				22 beim Eintritt □ □ □
				23 beim Austritt □ □ □

24 Kontrollvermerk der zuständigen Organe		
00000000 Österreichische Ökopunkte mit Aufdruck ☒ abgegeben 24a	00019789 Österreichische Ökopunkte mit Aufdruck ☒ abgegeben 24b	Ökopunkte ohne besonderen Aufdruck abgegeben 24c
25 Datum/Stempel/Unterschrift		

Österreichische Zollämter
(Grenzübergangsstellen)

Austrian Border Customs Offices
(Frontier posts)

Uffici doganali Austriaci
(Uffici doganali in frontiera)

840 Achenkirch	547 Felsenhütt	837 Leutasch	660 Saalbrücke
545 Achleiten	947 Gaißau	445 Loibltunnel	346 Schachendorf
552 Angerhäuser	230 Gmünd	942 Lustenau	538 Schärding
455 Arnoldstein	233 Gmünd-Neunagelberg	940 Lustenau-Schmitterbrücke	838 Scharnitz
735 Bad Radkersburg	235 Grametten	941 Lustenau-Wiesrain	830 Schattwald
965 Balderschwang	700 Graz-Hauptbahnhof	938 Mäder	848 Schleching
841 Bayrischzell	777 Graz-Ostbahnhof	460 Naßfeld	655 Schwarzbach
270 Berg	645 Großgmain	862 Nauders	554 Schwarzenberg
435 Bleiburg-Grablach	946 Höchst	870 Nauders-Martinsbruck	440 Seebertsattel
355 Bonisdorf	956 Hörbranz	539 Neuhaus	734 Sieldorf
533 Braunau	958 Hörbranz-Oberhochsteg	548 Neustift	856 Sillian
860 Brenner-Straße	955 Hörbranz-Unterhochsteg	333 Nickelsdorf	534 Simbach
859 Brennerpaß	544 Haibach	844 Niederndorf	745 Spielfeld
531 Burghausen	640 Hangendenstein	549 Oberkappel	872 Spib
532 Burghausen-Alte Brücke	350 Heiligenkreuz	536 Obernberg	964 Springen
341 Deutschkreutz	939 Hohenems	665 Oberndorf	630 Steinpaß
260 Drasenhofen	960 Hohenweiler	963 Oberreute	537 Suben
635 Dürnberg	962 Hub	542 Passau-Mariahilf	832 Vils
835 Ehrwald	470 Karawankentunnel/Einfuhr	543 Passau-Saming	839 Vorderriß
845 Erl	471 Karawankentunnel/Ausfuhr	540 Passau-Voglau	650 Walsberg-Autobahn
530 Ettenau	843 Kiefersfelden	871 Pfunds	550 Wegscheid
831 Fallmühle	250 Kleinhaugsdorf	833 Pinswang	961 Weienried
935 Feldkirch-Bangs	340 Klingenbach	465 Plöckenpaß	558 Weigetschlag
936 Feldkirch-Meiningen	937 Koblach	770 Radlpaß	847 Wildbichl
934 Feldkirch-Nofels	255 Laa an der Thaya	345 Rattersdorf-Liebing	560 Wullowitz
932 Feldkirch-Tisis	760 Langegg	849 Reit im Winkl	450 Wurzenpaß
933 Feldkirch-Tosters	431 Lavamünd	834 Reutte/Plansee	

Internationale (Europäische) Kennzeichen / International (European) distinguishing signs / Targa internazionale (Europeo)

AL Albanien	F Frankreich	LV Lettland	PL Polen	YU Serbien
B Belgien	GBZ Gibraltar	FL Liechtenstein	P Portugal	SLØ Slowenien
BIH Bosnien-Herzegowina	GR Griechenland	LT Litauen	RØ Rumänien	E Spanien
BG Bulgarien	GB Großbritannien	LU Luxemburg	SU Rußland	CS Tschechei
D Deutschland	IRL Irland	M Malta	A Österreich	TR Türkei
DK Dänemark	IS Island	NL Niederlande	S Schweden	H Ungarn
EW Estland	I Italien	N Norwegen	CH Schweiz	CY Zypern
SF Finnland	CRØ Kroatien			

① Ecocard	① Ecocarta
② Federal Ministry for public economy and transport	② Ministero federale dell'economia pubblica e del traffico
③ Date of entry (Day, Month, Year)	③ Data d'ingresso (Giorno, Mese, Anno)
④ Details of HGV/articulated vehicle tractor unit	④ Dati sull'autocarro o sulla motrice di autoarticolato
⑤ Nationality	⑤ Nazionalità
⑥ Vehicle registration number	⑥ Targa del veicolo
⑦ Month and year of first registration	⑦ Mese e anno di prima immatricolazione
⑧ COP value (to one decimal place)	⑧ Valore COP (con una cifra decimale)
⑨ Number of Ecopoints	⑨ Numero de Ecopunti
⑩ Details about trailer/semi-trailer	⑩ Dettagli di rimorchio/rimorchio di trattore
⑪ Transport for hire or reward	⑪ Trasporto merci in conto terzi
⑫ Transport on own account	⑫ Trasporto in conto proprio
⑬ Details of transport (for laden vehicles only)	⑬ Dati relativi al trasporto (solo per veicoli carichi)
⑭ Weight of load in tonnes (to one decimal place)	⑭ Peso lordo in tonnellate (con una cifra decimale)
⑮ laden	⑮ carico
⑯ unladen	⑯ vuoto
⑰ Country of loading	⑰ Paese di carico
⑱ Place of loading (post code)	⑱ Località di carico (codice postale)
⑲ Country of unloading	⑲ Paese di scarico
⑳ Place of unloading (post code)	⑳ Località di scarico (codice postale)
㉑ Border Customs Office	㉑ Ufficio doganale in frontiera
㉒ of entry	㉒ d'ingresso
㉓ of exit	㉓ d'uscita
㉔ Mark indicating that check has been carried out by the appropriate authority	㉔ Segno indicante che il controllo è stato fatto dalle autorità competenti
㉕ Date/Stamp/Signature	㉕ Data/Timbro/Firma
㉖ Signature and name of person filling in this form	㉖ Firma e nome del compilatore
㉗ Name, firm and complete address of the haulier	㉗ Cognome, nome della ditta e indirizzo completo del imprenditore di trasporti
㉘ Ecopoints without special imprint	㉘ Ecopunti senza testo a stampa speciale
㉙ with imprint	㉙ con testo a stampa

Die Ökokarte ist ausschließlich unter folgender Adresse zu beziehen:

The Ecocard is available only at the following address:

L'Ecocarta è da ricevere solamente bal seguente indirizzo:

Österreichische Staatsdruckerei
Rennweg 12 a Telefon (0222) 797 89 226
Postfach 129 Telefax (0222) 797 89 419
A-1037 Wien

STAT

Ökokarte

Kontrollbeleg

Straßengüterverkehr

Für nationale Kennzeichnung/National identification mark/
Segno di riconoscenza nazionale

00019789

Erläuterungen siehe Rückseite

For explanation see over

Spiegazioni sul verso

③ Datum der Einreise (Tag, Monat, Jahr)		⑦ Name und Firma sowie vollständige Anschrift des Verkehrsunternehmers		
④ Angaben zum LKW/Zugfahrzeug ⑤ Nationalität ⑥ Amtliches Kennzeichen		⑦ Monat und Jahr der 1. Zulassung	⑧ COP-Wert (mit 1 Dezimale)	⑨ Anzahl der Ökopunkte
⑩ Angaben zum Anhänger/Sattelaufzieger ⑤ Nationalität ⑥ Amtliches Kennzeichen		⑪ Fuhr-gewerbe X	⑫ Werk-verkehr X	⑭ Ökopunkte ohne besonderen Aufdruck: X
⑬ Angaben zum Transport (nur bei beladenem Fahrzeug) ⑭ Gewicht der Ladung in Tonnen (mit 1 Dezimale)		⑮ beladen X	⑯ leer X	⑰ Besonders gekennzeichnete österreichische Ökopunkte: ⑱ mit Aufdruck ⑲ X
⑰ (Abgangs-) Ladeland		⑱ (Ziel-) Entladeland	⑲ (Ziel-) Entladeort (Postleitzahl)	⑳ Grenzübergangsstellen
⑲ (Abgangs-) Ladeort (Postleitzahl)		⑲ (Ziel-) Entladeort (Postleitzahl)	㉑ beim Eintritt	
㉑ beim Austritt				

00000000

00019789

Österreichische Zollämter
(Grenzübergangsstellen)

Austrian Border Customs Offices
(Frontier posts)

Uffici doganali Austriaci
(Uffici doganali in frontiera)

840 Achenkirch
545 Achleiten
552 Angerhäuser
455 Arnoldstein
735 Bad Radkersburg
965 Balderschwang
841 Bayrischzell
270 Berg
435 Bleiburg-Grablach
355 Bonisdorf
533 Braunau
860 Brenner-Straße
859 Brennerpaß
531 Burghausen
532 Burghausen-Alte Brücke
341 Deutschkreutz
260 Drasenhofen
635 Dürnberg
835 Ehrwald
845 Erl
530 Ettenau
831 Fallmühle
935 Feldkirch-Bangs
936 Feldkirch-Meiningen
934 Feldkirch-Nofels
932 Feldkirch-Tisis
933 Feldkirch-Tosters

547 Felsenhütt
947 Gailßau
230 Gmünd
233 Gmünd-Neunagelberg
235 Grametten
700 Graz-Hauptbahnhof
777 Graz-Ostbahnhof
645 Großgmain
946 Höchst
956 Hörbranz
958 Hörbranz-Oberhochsteg
955 Hörbranz-Unterrhochsteg
544 Haibach
640 Hangendenstein
350 Heiligenkreuz
939 Hohenems
960 Hohenweiler
962 Hub
470 Karawankentunnel/Einfuhr
471 Karawankentunnel/Ausfuhr
843 Kiefernfelden
250 Kleinhaugsdorf
340 Klingenbach
937 Koblach
255 Laa an der Thaya
760 Langegg
431 Lavamünd

837 Leutasch
445 Loibltunnel
942 Lustenau
940 Lustenau-Schmitterbrücke
941 Lustenau-Wiesenrain
938 Mäder
460 Naßfeld
862 Nauders
870 Nauders-Martinsbruck
539 Neuhaus
548 Neustift
333 Nickelsdorf
844 Niederndorf
549 Oberkappel
536 Obernberg
665 Oberndorf
963 Oberreute
542 Passau-Mariahilf
543 Passau-Saming
540 Passau-Voglau
871 Pfunds
833 Pinswang
465 Plöckenpaß
770 Radlpaß
345 Rattersdorf-Liebing
849 Reit im Winkl
834 Reutte/Plansee

660 Saalbrücke
346 Schachendorf
538 Schärding
838 Scharnitz
830 Schattwald
848 Schleching
655 Schwarzbach
554 Schwarzenberg
440 Seebergsattel
734 Sieldorf
856 Sillian
534 Simbach
745 Spielfeld
872 Spiß
964 Springen
630 Steinpaß
537 Suben
832 Vils
839 Vorderriß
650 Walsenberg-Autobahn
550 Wegscheid
961 Weienried
558 Weigetschlag
847 Wildbichl
560 Wullowitz
450 Wurzenpaß

Internationale (Europäische) Kennzeichen / International (European) distinguishing signs / Targa internazionale (Europeo)

AL Albanien	F Frankreich	LV Lettland	PL Polen	YU Serbien
B Belgien	GBZ Gibraltar	FL Liechtenstein	P Portugal	SLØ Slowenien
BIH Bosnien-Herzegowina	GR Griechenland	LT Litauen	RØ Rumänien	E Spanien
BG Bulgarien	GB Großbritannien	LU Luxemburg	SU Rußland	CS Tschechei
D Deutschland	IRL Irland	M Malta	A Österreich	TR Türkei
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- ⑭ Weight of load in tonnes (to one decimal place)
- ⑮ laden ⑯ unladen
- ⑰ Country of loading
- ⑱ Place of loading (post code)
- ⑲ Country of unloading
- ⑳ Place of unloading (post code)
- ㉑ Border Customs Office
- ㉒ of entry ㉓ of exit
- ㉔ Mark indicating that check has been carried out by the appropriate authority
- ㉕ Date/Stamp/Signature
- ㉖ Signature and name of person filling in this form
- ㉗ Name, firm and complete address of the haulier
- ㉘ Ecopoints without special imprint ㉙ with imprint

- ① Ecocarta
- ② Ministero federale dell'economia pubblica e del traffico
- ③ Data d'ingresso (Giorno, Mese, Anno)
- ④ Dati sull'autocarro o sulla motrice di autoarticolato
- ⑤ Nazionalità
- ⑥ Targa del veicolo
- ⑦ Mese e anno di prima immatricolazione
- ⑧ Valore COP (con una cifra decimale)
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- ⑪ Trasporto merci in conto terzi
- ⑫ Trasporto in conto proprio
- ⑬ Dati relativi al trasporto (solo per veicoli carichi)
- ⑭ Peso lordo in tonnellate (con una cifra decimale)
- ⑮ carico ⑯ vuoto
- ⑰ Paese di carico
- ⑱ Località di carico (codice postale)
- ⑲ Paese di scarico
- ⑳ Località di scarico (codice postale)
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- ㉒ d'ingresso ㉓ d'uscita
- ㉔ Segno indicante che il controllo è stato fatto dalle autorità competenti
- ㉕ Data/Timbro/Firma
- ㉖ Firma e nome del compilatore
- ㉗ Cognome, nome della ditta e indirizzo completo del imprenditore di trasporti
- ㉘ Ecopunti senza testo a stampa speciale ㉙ con testo a stampa

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Österreichische Staatsdruckerei
Rennweg 12 a Telefon (0222) 797 89 226
Postfach 129 Telefax (0222) 797 89 419
A-1037 Wien

COP DOCUMENT	Fortlaufende Dokumentnummer: 1) Document serial number: Numero di serie del documento:	
---------------------	--	--

Nationalität: 2) Nationality: Nazionalità:		Amtliches Kennzeichen: 3) Vehicle registration number: Targa del veicolo:	
Datum der Erstzulassung: 4) Date of first registration: Data della prima immatricolazione:		Motor wurde getauscht am: 4a) Motor was changed at: Motore cambiato il:	
EWG-Betriebserlaubnisnummer: Type approval number: CEE-numero della licenza per l'esercizio: 5) oder/ou Motorcodierungsnummer: Engine serial number: Numero di serie del motore:	(nach 88/77/EWG 91/542/EWG oder/ou ECE R 49)		
Fahrzeugidentifizierungsnummer: 6) Chassis number: Chassis numero:			
NOx Emission: 7) NOx Emission: Emissione di NOx:		COP Wert (Typengenehmigung + 10%): 8) COP Value (Type approval + 10%): Valore COP (Omologazione + 10 %):	
Anzahl Ökopunkte: 9) Number of Ecopoints: Numero di Ecopunti:			

Behördenstempel: 10) Official stamp: Timbro ufficiale:	
--	--

Herstellerbestätigung (nach Bedarf): 11) Manufacturer confirmation (if necessary): Attestazione del produttore (a seconda del fabbisogno):	
---	--

Der Lenker eines Lkw im Gütertransitverkehr durch Österreich hat dieses Dokument mitzuführen und den Kontrollorganen zur Kontrolle vorzuweisen. Wird das Dokument nicht vorgewiesen, sind für die Fahrt 16 Ökopunkte auf die Ökokarte aufzukleben und zu entwerten.

The driver of a H.G.V. in transit through Austria must carry this document with him/her and present it to control authorities for inspection. If the document is not presented for inspection then 16 Ecopoints are to be affixed to the Ecocard and cancelled.

Il conducente di un camion in transito attraverso l'Austria deve avere con sè questo documento e deve presentarlo alle Autorità competenti per il controllo. In caso di mancata presentazione del documento, 16 Ecopunti verranno applicati sull'Ecocarta e annullati.

*ANNEX C***JOURNEYS FOR WHICH NO ECO POINTS ARE REQUIRED**

1. The occasional transport of goods to and from airports when flights are diverted.
 2. The carriage of baggage in trailers attached to passenger vehicles, and the carriage of baggage to and from airports by vehicles of all kinds.
 3. The carriage of postal consignments.
 4. The carriage of damaged vehicles or vehicles in need of repair.
 5. The carriage of waste and sewage.
 6. The carriage of animal carcasses for disposal.
 7. The carriage of bees and fish spawn.
 8. The transport of corpses.
 9. The carriage of works of art for exhibition or commercial purposes.
 10. The occasional carriage of goods for advertising or educational purposes.
 11. The carriage of goods by removal firms possessing the appropriate personnel and equipment.
 12. The carriage of equipment, accessories and animals to and from theatrical, musical, cinema, sporting or circus events, exhibitions or fairs, or to and from radio, cinema or television recordings.
 13. The carriage of spare parts for ships and aircraft.
 14. The empty journey of a goods vehicle sent to replace a vehicle that has broken down in transit and the continuation of the journey by the replacement vehicle using the authorization issued for the first vehicle.
 15. The carriage of emergency medical aid (particularly in the case of natural disasters).
 16. The carriage of valuable goods (e.g. precious metals) in special vehicles escorted by the police or another security service.
 17. Journeys made by vehicles with an overall weight of less than 7,5 tonnes.
-

ADMINISTRATIVE ARRANGEMENT

**concerning the application of the overflow system laid down in the Agreement
between the European Community and Switzerland on the carriage of goods by
road and rail**

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In accordance with points 3 and 4 of heading II of Annex 6 to the Agreement between the European Community and Switzerland on the carriage of goods by road and rail (hereinafter referred to as 'the Agreement') the competent authorities, namely

FOR THE COMMUNITY:

the Commission of the European Communities,

FOR SWITZERLAND:

the Federal Department of Transport, Communications and Energy,

Having regard to the application of the planned overflow system,

Have agreed the following rules:

Article 1

Aim

The aim of this Arrangement is to establish the procedures under which Switzerland will grant exemptions for road vehicles on the Basle-Chiasso route from the 28 tonne total weight restriction on road transit, as laid down in points 3 and 4 of heading II of Annex 6 to the Agreement. An authorization system shall be established for such exemptions, hereinafter referred to as 'the overflow system'.

Article 2

Administration centre

The Federal Transport Office shall set up and run an administration centre (hereinafter referred to as 'the centre') in Berne, which will be responsible for the issue of permits (also known as overflow permits) for road vehicles under the overflow system.

The centre shall issue permits under the conditions and procedures specified below.

Article 3

Scope

Permits shall be issued only in respect of road vehicles registered in the Community.

Article 4

Transported goods

1. Permits may be issued only in respect of road vehicles which are transporting perishable goods or other urgent consignments.

2. For the definition of perishable goods, reference shall be made to the list laid down in the Agreement on the international carriage of perishable foodstuffs and on the special equipment used for such carriage (ATP). (See Annex I)

3. As regards other urgent consignments, goods shall be considered as such when delays will lead to a reduction in substantial value or when they are required for further

processing or marketing within a fixed time limit which was not long known in advance.

4. In the case of transport of urgent consignments or of perishable goods, the quantity of such goods as a proportion of the total weight may not be used as a pretext for urgency.

5. The international rules on the carriage of dangerous goods by road and the rules for their implementation in Switzerland shall be observed.

Article 5

Saturation of combined transport (CT) railway capacity

Saturation of railway capacity concerns both accompanied combined transport (ACT) and unaccompanied combined transport (UCT). The following points shall be taken into consideration:

1. In order to be considered as such, terminals must satisfy the following conditions:

- the terminal shall provide at least one connection daily for combined transport through Switzerland,
- combined transport companies and other such operators engaged in this form of transport (hereinafter 'operators') who use the terminal shall offer whole trains or, by the time the reservation is made at the latest, fixed blocks forming part of a time-tabled train,
- the terminal is fitted with electronic communication equipment.

2. Annex II contains a list of terminals which satisfy these conditions. This list will be updated by the Joint Committee provided for in Article 18 of the Agreement as and when the abovementioned requirements have been met.

Article 6

Reservation procedures

1. Reservation of a loading place on a train in combined transport shall be compulsory only for forwarding agents, haulage and transport operators (hereinafter 'consignors') who wish to take part in the overflow system.

Applications for reservations shall be accepted only from consignors who possess the appropriate vehicles and loading unit for combined transport on the line concerned.

2. The reservation must be effected or confirmed with the operators at the earliest 48 hours and at the latest 16 hours before departure of the train. In exceptional circumstances, which must be justified by the consignor, a reservation may be made less than 16 hours before the departure of the train. Reservations shall be considered in the order in which they are submitted. In the case of Sundays and public holidays, the period of reservation shall be extended until the opening time of the centre on the previous working day.

3. When the reservation is made, if the operator no longer has any CT capacity to offer corresponding to the consignor's first choice, the latter shall avail himself of the following alternative arrangements to arrive at his intended destination:

- the next train offered by the same operator at the same terminal: it shall be considered as reasonable for the consignor to wait up to six hours until the next train offering CT services,
- transfer onto a train offered by the same operator at another terminal: transfer shall be considered reasonable on condition that it takes place in the same direction as the planned route and the train's departure takes place within four hours at the latest after the departure of the train that was originally booked. Likewise it shall be considered reasonable:
 - if, in the case of UCT, the transfer can take place within 50 km of the terminal of origin, or
 - in the case of ACT, for the consignor to be asked to transfer to the nearest linked terminal. At the moment this concerns the following pairs of terminals: Freiburg-Basle and Milan-Lugano. Additions may be made to this by the Joint Committee, if necessary,
- the same train at the same terminal: if necessary, the consignor may take steps to obtain a place on the same train from another operator under comparable terms and conditions.

4. At the time of making the reservation, if the operator's corresponding CT capacity is fully booked and no alternative arrangements are possible, the consignor may apply for an overflow permit in accordance with Article 8.

Article 7

Procedure in case of exhaustion of CT railway capacity

1. The CT operator shall determine according to his dispositions when his CT capacity is exhausted and further customers have to be refused and to wait. The

centre shall be informed immediately. A consignor whose application is refused shall be informed of the exhaustion of CT capacity in writing, if he so requests.

2. If the CT operator is obliged to withdraw the train less than 24 hours before its departure as the result of a breakdown, he shall inform the centre immediately.

Article 8

Authorization procedures

1. If the consignor cannot obtain a place because transport supply is exhausted and no alternative arrangement is available, or if he does not obtain a place that he has already reserved for the reason stated above in Article 7 (2), he shall make an application for an overflow permit to the centre either by telephone or in writing.

2. In this case, the particulars listed on the form set out in Annex III should be communicated to the centre.

If any of the particulars required are omitted, the centre shall return the application to the consignor to be completed.

3. The centre shall take decisions on the issue of such permits. For this purpose, it shall work towards the most flexible working arrangements possible. If all the requirements of this administrative arrangement have been fulfilled, the centre shall be obliged to issue permits for which an application has been made. Completed applications shall be considered in the order in which they were submitted.

The centre shall communicate its decision on the application for authorization to the applicant either by telephone or by fax within two hours at the latest after it was submitted.

4. If the application is approved, the consignor shall obtain the official documents for transit through Switzerland at the customs post located at Basle-Weil, Basle-Saint Louis or Chiasso Strada (Brogeda Autostrada; Brogeda Merci).

The permit shall not be transferrable.

5. A fee of SFr 50 or the equivalent thereof shall be levied at the customs post for the issue of the road transit permit through Switzerland.

6. The centre must justify its refusal to issue a permit to the applicant. The decision shall be delivered in writing if so requested and instructions shall be provided as to the right of appeal.

Article 9

Checks

1. The centre shall be authorized to find out from the CT operator whether the consignor applying for a permit has submitted an application for a reservation.

2. For this reason, the operator shall be obliged, once his supply of transport is exhausted, to keep a register of applications for reservations (contractor's name and address, and the time of the application).

3. The customs post in Basle or in Chiasso shall issue the permit in written form, require its surrender when the vehicle leaves Switzerland, levy the fee and verify the accuracy of the statements required in accordance with Article 8 (2) and Annex III. In case of false statements, which are patently not the result of an error made in transmission, the permit shall not be delivered.

4. Possession of an overflow permit does not exempt the consignor from seeking the special exemption permit for night and Sunday operations through Switzerland. Provided that the necessary conditions have been met, such a permit shall also be issued by the centre for journeys involving an overflow permit.

Article 10

Liaison body

The parties to the Agreement shall oversee the smooth operation of the overflow system. They may inspect documents of the administration centre which are relevant to the management of the system. The Joint Committee shall be informed regularly of the results of such inspections.

The parties to the Agreement shall assess, initially six months after its entry into force, and then at regular intervals thereafter, whether procedures need to be modified.

Article 11

Administrative cooperation and penalties

Penalties shall be laid down by the Swiss authorities for cases of contravention of this Arrangement. These shall be defined in the implementing Regulation of the Federal

Council relating to administrative measures in case of contravention of the Transit Agreement or of the overflow system laid down by the related administrative arrangement (set out in Annex IV).

The Swiss and the Community authorities shall cooperate in the prosecution of cases of abuse of the system or infringements against it. The Joint Committee shall be kept informed of each case of abuse detected.

Article 12

Entry into force

This Administrative Arrangement shall enter into force at the same time as the Transit Agreement.

Article 13

Languages

This Arrangement shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

Done at Vienna, 23 December 1992.

*For the Federal
Department of
Transport,
Communications
and Energy*

W. FAGAGNINI

*For the Commission of the
European Communities*

J. ERDMENGER

*ANNEX 1***List of perishable foodstuffs referred to in Article 4 (2)**

- Deep-frozen and frozen foodstuffs, including :
 - ice cream,
 - fish, fish products, molluscs and crustaceans,
 - butter,
 - concentrated fruit juices
- Red offal
- Game
- Milk (raw or pasteurized) in tanks, for immediate consumption
- Industrial milk
- Dairy products (yoghurt, kefir, cream and fromage frais)
- Meat products, except for products stabilized by salting, smoking, drying or sterilization
- Meat
- Poultry and rabbits
- Fish, molluscs and crustaceans
- Fruit and vegetables

Cut flowers are also considered as perishable goods.

*ANNEX 2***List of the Terminals referred to in Article 5****ACCOMPANIED TRANSPORT***Terminals*

- (D) Freiburg/Rielasingen
- (CH) Basle/Lugano
- (I) Milan Greco Pirelli

Connections :

- Freiburg-Milan Greco Pirelli : 4 trains
- Freiburg-Lugano : 2 trains
- Rielasingen-Milan Greco Pirelli : 4 trains
- Basle-Lugano : 4 trains

UNACCOMPANIED COMBINED TRANSPORT*Terminals*

- (D) Frankfurt/Duisburg/Cologne/Mannheim/Neu Ulm/Hamburg/Rielasingen
- (CH) Basle
- (I) Rogoredo/Busto/Certosa/Desio/Bologna
- (NL) Rotterdam

Connections :

- Hamburg-Milan Rogoredo : 1 group
 - Cologne-Milan Rogoredo : 1 group
 - Cologne-Bologna : 1 group
 - Frankfurt-Milan Rogoredo : 1 group
 - Duisburg-Busto : 2 shuttles
 - Cologne-Busto : 6 shuttles
 - Mannheim-Busto : 4 shuttles
 - Neu Ulm-Certosa : 2 trains
 - Basle-Desio : 2 trains
 - Rielasingen-Certosa
 - Rotterdam-Milan
-



BUNDESAMT FÜR VERKEHR
OFFICE FÉDÉRAL DES TRANSPORTS
UFFICIO FEDERALE DEI TRASPORTI
UFFIZI FEDERAL DA TRAFFIC

Berner Zentrale

Telefax + 41 31 42 26 20 ☎ + 41 31 42 40 14
ab 25.9.93 + 41 31 322 26 20 + 41 31 322 40 14

Genehmigungsantrag für einen Transport mit Übergewicht durch die Schweiz

Firma:

Adresse:

Plz.: Ort: Land:

Telefax: Telefon:

Transportdatum und -zeit:

Art des Gutes:

gegebenenfalls Dringlichkeitsgrund:

Fahrzeugsgesamtgewicht:

Einreisezollamt: Ausreisezollamt:

Reservation bei einer Gesellschaft für den kombinierten Verkehr

Gesellschaft:

Datum/Zeit:

ev. Zugnummer:

War das Fahrzeug, für das man sich um eine Reservation bemüht hat, für den Kombiverkehr
auf der entsprechenden Strecke geeignet? ja / nein

Kontrollschild dieses Fahrzeuges:

Beladeterminale:

Abladeterminale:

Ausweichzüge vorhanden? ja / nein

Ausweichterminale vorhanden? ja / nein

Zugfahrzeug	Anhänger/Auflieger
Kontrollschild:	Kontrollschild:
Art:	Art:
Landeskennzeichen:	Landeskennzeichen:
Marke:	Marke:
Datum der 1. Inverkehrsetzung:	

wird eine Ausnahme vom Sonntagsfahrverbot beantragt? ja / nein

wird eine Ausnahme vom Nachtfahrverbot beantragt? ja / nein

Datum: Unterschrift:

UNVOLLSTÄNDIG EINGEREICHTE GESUCHE WERDEN ZURÜCKGEWIESEN!



**BUNDESAMT FÜR VERKEHR
OFFICE FÉDÉRAL DES TRANSPORTS
UFFICIO FEDERALE DEI TRASPORTI
UFFIZI FEDERAL DA TRAFFIC**

Berne Centrals

Telefax + 41 31 42 26 20 ☎ + 41 31 42 40 14
from 25.9.93 + 41 31 322 26 20 + 41 31 322 40 14

Application for a license concerning excess weight transportation through Switzerland

Company name:

Address:

Postal code: City: Country:

Telefax: Telephone:

Date and time of transport:

Type of goods:

possible reasons of urgency:

Total weight of vehicle:

Entry point customs office: Departure point customs office.....

Reservation with a company for combined transportation

Company:

Date/Time:

Possible train number:

Was the vehicle in question suitable on the proposed route for combined transport? yes/no

Number plate of this vehicle:

Loading terminal:

Un-loading terminal:

Alternative trains available? yes / no

Alternative terminals available? yes / no

Towing vehicle	Trailer/Articulated trailer
Number plate:	Number plate:
Type:	Type:
Country emblem:	Country emblem:
Make:	Make:
Date of 1st immatriculation:	

will a proposal be made for an exemption from Sunday driving prohibition? yes / no

will a proposal be made for an exemption from night driving prohibition? yes / no

Date: Signature::

INCOMPLETE APPLICATIONS WILL BE REFUSED!



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Demande d'autorisation pour un transport avec poids excédentaire à travers la Suisse

Entreprise:

Adresse:

No postal:..... Lieu: Pays:

Téléfax: Téléphone:

Date et heure du transport:

Genre de marchandise:

Le cas échéant, motif de l'urgence:

Poids global du véhicule:

Bureau de douane à l'entrée: à la sortie:

Réservation auprès d'une société de trafic combiné

Société:

Date/heure:

Le cas échéant, numéro du train:

Le véhicule se prêtait-il, lors de la réservation, au transport combiné sur le parcours défini?

oui / non Plaque d'immatriculation de ce véhicule:

Terminal de chargement:

Terminal de déchargement:

Trains de remplacement? oui / non

Terminaux de remplacement? oui / non

Véhicule tracteur	Remorque/semi-remorque
Plaque d'immatriculation:	Plaque d'immatriculation:
Type:	Type:
Signe distinctif du pays:	Signe distinctif du pays:
Marque:	Marque:
Date de la 1ère mise en service:	

Demande-t-on une dérogation à l'interdiction de circuler le dimanche? oui / non

Demande-t-on une dérogation à l'interdiction de circuler la nuit? oui / non

Date: Signature:

LES DEMANDES INCOMPLETES SONT REFUSEES!



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Domanda d'autorizzazione per un trasporto con peso supplementare attraverso la Svizzera

Ditta:

Indirizzo:

Cap: Luogo: Paese:

Telefax: Telefono:

Data e ora del trasporto:

Tipo di merce:

Event. motivo dell'urgenza:

Peso totale del veicolo:

Ufficio doganale di entrata: Ufficio doganale di uscita:

Prenotazione presso una società di trasporto combinato

Società:

Data/ora:

Event. numero del treno:

Il veicolo per il quale era richiesta una prenotazione era idoneo al trasporto combinato sulla tratta prevista? sì / no Targa di questo veicolo:

Terminale di carico:

Terminale di scarico:

Treni alternativi disponibili? sì / no

Terminali alternativi disponibili? sì / no

Veicolo di trazione	Rimorchio/semirimorchio
Targa:	Targa:
Tipo:	Tipo:
Contrassegno nazionale:	Contrassegno nazionale:
Marca:	Marca:
Data della prima immatricolazione:	

E'richiesta una deroga al divieto di circolazione festiva? sì / no

E'richiesta una deroga al divieto di circolazione notturna? sì / no

Data: Firma:

LE DOMANDE INCOMPLETE SONO RESPINTE!

ANNEX 4**Regulation concerning the administrative measures in case of contraventions of the Transit Agreement and the overflow system laid down in the Administrative Arrangement related thereto**

of 1992

The Federal Council of Switzerland,

in execution of the Agreement between the European Economic Community and the Swiss Confederation on the carriage of goods by road and rails (the Transit Agreement ...¹⁾) and the related Administrative Arrangement concerning the application of the overflow system laid down in the Transit Agreement ...²⁾,

*has decided as follows:***Article 1 Scope**

The present Regulation lays down the administrative measures in case of contraventions by consignors and combined transport operators of the Transit Agreement and the overflow system contained in the related Administrative Arrangement.

Article 2 Infringements

A person shall be guilty of an infringement against the system contained in this Administrative Arrangement who:

- (a) makes false statements concerning the technical data of the vehicle, the type and quantity of goods, the laden weight, the weight in working order, the destination or the route;
- (b) obtains a road transit permit under false pretences, in particular by improperly making unjustified reservations; or
- (c) otherwise abuses the system, in particular by making false statements concerning the saturation of rail capacity, the capacity of the terminal or the alternative arrangements.

Article 3 Cautions

In case of a first or petty offence against the overflow system, the Federal Transport Office may issue a caution.

Article 4 Exclusion

In the case of repeated offences by a consignor or operator against the overflow system, the Federal Transport Office may exclude him from the system for a period of up to five years.

Article 5 Appeals

Appeals against cautions or exclusion from the issue of permits or from the system may be lodged with the Federal Department of Transport and Energy. The Federal law on administrative procedures³⁾ shall apply.

Article 6 Notification

1 Decisions concerning cautions or exclusion from the overflow system shall take the form of an order containing the grounds for the decision and instructions as to the right of appeal.

2 The transmission of personal data to third parties with regard to decisions concerning cautions or exclusion from the system is forbidden.

3 An annual statistical list of operators and consignors excluded from the system shall constitute an exception. It will be subdivided by State and transmitted by the Federal Transport Office to the Joint Committee.

4 This list shall contain only information on the nature and the number of infringements without the individuals concerned being identifiable.

¹⁾ RS ... (FF 1992 III 1089)

²⁾ RS ...

³⁾ RS 172.021

Article 7 Amendments to existing legislation

The Regulation of 1 July 1987 on fines levied by the Federal Transport Office ^{*)} shall be amended as follows :

(new) Article 40 a

The fine relating to exclusion from the overflow system shall vary from SFr 100 to 1 000 according to the amount of work expended.

Article 8 Entry into force

This Regulation shall enter into force once the Administrative Arrangement is signed.

Done at

For the Federal Council of Switzerland

President of the Swiss Confederation :

Chancellor of the Swiss Confederation :

^{*)} RS 742.102