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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1093/96
of 18 June 1996**

**fixing the coefficients for reducing the compensatory payments granted under
Council Regulation (EEC) No 1765/92 in the 1996/97 marketing year in certain
regions of the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 2989/96 ⁽²⁾, and in particular Article 12 thereof,

Whereas, in order to prevent complicated regionalization plans resulting in actual yields which significantly exceed historical yields, Regulation (EEC) No 1765/92 provides for the reduction of compensatory payments during the following marketing year in proportion to the overrun of the average historical yield resulting from the 1993 regionalization plans;

Whereas the procedure to be used for measuring such overruns is laid down in Commission Regulation (EC) No 1237/95 of 31 May 1995 laying down detailed rules for the application of the stabilizer to the yields used for the calculation of the compensatory payments referred to in Regulation (EEC) No 1765/92 ⁽³⁾, as amended by Regulation (EC) 769/96 ⁽⁴⁾;

Whereas application of that method results in the fixing of the coefficients indicated in this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 (6) of Regulation (EEC) No 1765/92, the compensatory payments for the 1996/97 marketing year shall be multiplied by a coefficient of 0,996 in the case of France.

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, 18 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 312, 23. 12. 1995, p. 5.

⁽³⁾ OJ No L 121, 1. 6. 1995, p. 29.

⁽⁴⁾ OJ No L 104, 27. 4. 1996, p. 12.

COMMISSION REGULATION (EC) No 1094/96

of 18 June 1996

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2933/95⁽²⁾, and in particular Article 4 (1) 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⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 June 1996.

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

Done at Brussels, 18 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 18 June 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 35	052	75,8		284	72,1
	060	80,2		388	79,4
	064	100,2		400	76,0
	066	41,7		404	63,6
	068	62,3		416	72,7
	204	86,8		508	87,5
	208	44,0		512	66,8
	212	97,5		524	63,9
	624	95,8		528	71,3
	999	76,0		624	86,5
				728	107,3
ex 0707 00 25	052	55,3		800	78,0
	053	156,2		804	100,9
	060	61,0		999	80,0
	066	53,8		0809 10 20	052
	068	69,1			144,4
	204	144,3		061	51,3
	624	87,1		064	105,3
	999	89,5		400	338,0
0709 10 20	220	317,0		999	159,7
	999	317,0		0809 20 49	052
0709 90 77	052	44,8			193,6
	204	77,5		061	182,0
	412	54,2		064	138,6
	624	151,9		068	262,6
	999	82,1		400	272,2
0805 30 30	052	132,7		600	94,9
	204	88,8		624	288,1
	220	74,0		676	166,2
	388	74,9		999	199,8
	400	68,2		0809 30 21, 0809 30 29	052
	512	54,8			63,1
	520	66,5		220	121,8
	524	100,8		624	106,8
	528	62,6		999	97,2
	600	84,0		0809 40 20	052
	624	48,9			73,2
	999	77,8		064	64,4
				066	84,9
				068	61,2
0808 10 61, 0808 10 63, 0808 10 69	039	111,4		400	175,7
	052	64,0		624	250,4
				676	68,6
	064	78,6		999	111,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 16). Code '999' stands for 'of other origin'.

COUNCIL DIRECTIVE 96/34/EC

of 3 June 1996

on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Agreement on social policy, annexed to the Protocol (No 14) on social policy, annexed to the Treaty establishing the European Community, and in particular Article 4 (2) thereof,

Having regard to the proposal from the Commission,

- (1) Whereas on the basis of the Protocol on social policy, the Member States, with the exception of the United Kingdom of Great Britain and Northern Ireland, (hereinafter referred to as 'the Member States'), wishing to pursue the course mapped out by the 1989 Social Charter have concluded an Agreement on social policy amongst themselves;
- (2) Whereas management and labour may, in accordance with Article 4 (2) of the Agreement on social policy, request jointly that agreements at Community level be implemented by a Council decision on a proposal from the Commission;
- (3) Whereas paragraph 16 of the Community Charter of the Fundamental Social Rights of Workers on equal treatment for men and women provides, *inter alia*, that 'measures should also be developed enabling men and women to reconcile their occupational and family obligations';
- (4) Whereas the Council, despite the existence of a broad consensus, has not been able to act on the proposal for a Directive on parental leave for family reasons ⁽¹⁾, as amended ⁽²⁾ on 15 November 1984;
- (5) Whereas the Commission, in accordance with Article 3 (2) of the Agreement on social policy, consulted management and labour on the possible direction of Community action with regard to reconciling working and family life;
- (6) Whereas the Commission, considering after such consultation that Community action was desirable, once again consulted management and labour on the substance of the envisaged proposal in accordance with Article 3 (3) of the said Agreement;
- (7) Whereas the general cross-industry organizations (Unice, CEEP and the ETUC) informed the Commission in their joint letter of 5 July 1995 of

their desire to initiate the procedure provided for by Article 4 of the said Agreement;

- (8) Whereas the said cross-industry organizations concluded, on 14 December 1995, a framework agreement on parental leave; whereas they have forwarded to the Commission their joint request to implement this framework agreement by a Council Decision on a proposal from the Commission in accordance with Article 4 (2) of the said Agreement;
- (9) Whereas the Council, in its Resolution of 6 December 1994 on certain aspects for a European Union social policy; a contribution to economic and social convergence in the Union ⁽³⁾, asked the two sides of industry to make use of the possibilities for concluding agreements, since they are as a rule closer to social reality and to social problems; whereas in Madrid, the members of the European Council from those States which have signed the Agreement on social policy welcomed the conclusion of this framework agreement;
- (10) Whereas the signatory parties wanted to conclude a framework agreement setting out minimum requirements on parental leave and time off from work on grounds of *force majeure* and referring back to the Member States and/or management and labour for the definition of the conditions under which parental leave would be implemented, in order to take account of the situation, including the situation with regard to family policy, existing in each Member State, particularly as regards the conditions for granting parental leave and exercise of the right to parental leave;
- (11) Whereas the proper instrument for implementing this framework agreement is a Directive within the meaning of Article 189 of the Treaty; whereas it is therefore binding on the Member States as to the result to be achieved, but leaves them the choice of form and methods;
- (12) Whereas, in keeping with the principle of subsidiarity and the principle of proportionality as set out in Article 3b of the Treaty, the objectives of this Directive cannot be sufficiently achieved by the Member States and can therefore be better achieved by the Community; whereas this Directive is confined to the minimum required to achieve these objectives and does not go beyond what is necessary to achieve that purpose;

⁽¹⁾ OJ No C 333, 9. 12. 1983, p. 6.

⁽²⁾ OJ No C 316, 27. 11. 1984, p. 7.

⁽³⁾ OJ No C 368, 23. 12. 1994, p. 6.

- (13) Whereas the Commission has drafted its proposal for a Directive, taking into account the representative status of the signatory parties, their mandate and the legality of the clauses of the framework agreement and compliance with the relevant provisions concerning small and medium-sized undertakings;
- (14) Whereas the Commission, in accordance with its Communication of 14 December 1993 concerning the implementation of the Protocol on social policy, informed the European Parliament by sending it the text of the framework agreement, accompanied by its proposal for a Directive and the explanatory memorandum;
- (15) Whereas the Commission also informed the Economic and Social Committee by sending it the text of the framework agreement, accompanied by its proposal for a Directive and the explanatory memorandum;
- (16) Whereas clause 4 point 2 of the framework agreement states that the implementation of the provisions of this agreement does not constitute valid grounds for reducing the general level of protection afforded to workers in the field of this agreement. This does not prejudice the right of Member States and/or management and labour to develop different legislative, regulatory or contractual provisions, in the light of changing circumstances (including the introduction of non-transferability), as long as the minimum requirements provided for in the present agreement are complied with;
- (17) Whereas the Community Charter of the Fundamental Social Rights of Workers recognizes the importance of the fight against all forms of discrimination, especially based on sex, colour, race, opinions and creeds;
- (18) Whereas Article F (2) of the Treaty on European Union provides that 'the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law';
- (19) Whereas the Member States can entrust management and labour, at their joint request, with the implementation of this Directive, as long as they take all the necessary steps to ensure that they can at all times guarantee the results imposed by this Directive;
- (20) Whereas the implementation of the framework agreement contributes to achieving the objectives under Article 1 of the Agreement on social policy,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Implementation of the framework agreement

The purpose of this Directive is to put into effect the annexed framework agreement on parental leave concluded on 14 December 1995 between the general cross-industry organizations (Unice, CEEP and the ETUC).

Article 2

Final provisions

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 3 June 1998 at the latest or shall ensure by that date at the latest that management and labour have introduced the necessary measures by agreement, the Member States being required to take any necessary measure enabling them at any time to be in a position to guarantee the results imposed by this Directive. They shall forthwith inform the Commission thereof.

2. The Member States may have a maximum additional period of one year, if this is necessary to take account of special difficulties or implementation by a collective agreement.

They must forthwith inform the Commission of such circumstances.

3. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 3

This Directive is addressed to the Member States.

Done at Luxembourg, 3 June 1996.

For the Council

The President

T. TREU

ANNEX

FRAMEWORK AGREEMENT ON PARENTAL LEAVE

PREAMBLE

The enclosed framework agreement represents an undertaking by Unice, CEEP and the ETUC to set out minimum requirements on parental leave and time off from work on grounds of *force majeure*, as an important means of reconciling work and family life and promoting equal opportunities and treatment between men and women.

ETUC, Unice and CEEP request the Commission to submit this framework agreement to the Council for a Council Decision making these minimum requirements binding in the Member States of the European Community, with the exception of the United Kingdom of Great Britain and Northern Ireland.

I. GENERAL CONSIDERATIONS

1. Having regard to the Agreement on social policy annexed to the Protocol on social policy, annexed to the Treaty establishing the European Community, and in particular Articles 3 (4) and 4 (2) thereof;
2. Whereas Article 4 (2) of the Agreement on social policy provides that agreements concluded at Community level shall be implemented, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission;
3. Whereas the Commission has announced its intention to propose a Community measure on the reconciliation of work and family life;
4. Whereas the Community Charter of Fundamental Social Rights stipulates at point 16 dealing with equal treatment that measures should be developed to enable men and women to reconcile their occupational and family obligations;
5. Whereas the Council Resolution of 6 December 1994 recognizes that an effective policy of equal opportunities presupposes an integrated overall strategy allowing for better organization of working hours and greater flexibility, and for an easier return to working life, and notes the important role of the two sides of industry in this area and in offering both men and women an opportunity to reconcile their work responsibilities with family obligations;
6. Whereas measures to reconcile work and family life should encourage the introduction of new flexible ways of organizing work and time which are better suited to the changing needs of society and which should take the needs of both undertakings and workers into account;
7. Whereas family policy should be looked at in the context of demographic changes, the effects of the ageing population, closing the generation gap and promoting women's participation in the labour force;
8. Whereas men should be encouraged to assume an equal share of family responsibilities, for example they should be encouraged to take parental leave by means such as awareness programmes;
9. Whereas the present agreement is a framework agreement setting out minimum requirements and provisions for parental leave, distinct from maternity leave, and for time off from work on grounds of *force majeure*, and refers back to Member States and social partners for the establishment of the conditions of access and detailed rules of application in order to take account of the situation in each Member State;

10. Whereas Member States should provide for the maintenance of entitlements to benefits in kind under sickness insurance during the minimum period of parental leave;
11. Whereas Member States should also, where appropriate under national conditions and taking into account the budgetary situation, consider the maintenance of entitlements to relevant social security benefits as they stand during the minimum period of parental leave;
12. Whereas this agreement takes into consideration the need to improve social policy requirements, to enhance the competitiveness of the Community economy and to avoid imposing administrative, financial and legal constraints in a way which would impede the creation and development of small and medium-sized undertakings;
13. Whereas management and labour are best placed to find solutions that correspond to the needs of both employers and workers and must therefore have conferred on them a special role in the implementation and application of the present agreement,

THE SIGNATORY PARTIES HAVE AGREED THE FOLLOWING:

II. CONTENT

Clause 1: Purpose and scope

1. This agreement lays down minimum requirements designed to facilitate the reconciliation of parental and professional responsibilities for working parents.
2. This agreement applies to all workers, men and women, who have an employment contract or employment relationship as defined by the law, collective agreements or practices in force in each Member State.

Clause 2: Parental leave

1. This agreement grants, subject to clause 2.2, men and women workers an individual right to parental leave on the grounds of the birth or adoption of a child to enable them to take care of that child, for at least three months, until a given age up to 8 years to be defined by Member States and/or management and labour.
2. To promote equal opportunities and equal treatment between men and women, the parties to this agreement consider that the right to parental leave provided for under clause 2.1 should, in principle, be granted on a non-transferable basis.
3. The conditions of access and detailed rules for applying parental leave shall be defined by law and/or collective agreement in the Member States, as long as the minimum requirements of this agreement are respected. Member States and/or management and labour may, in particular:
 - (a) decide whether parental leave is granted on a full-time or part-time basis, in a piecemeal way or in the form of a time-credit system;
 - (b) make entitlement to parental leave subject to a period of work qualification and/or a length of service qualification which shall not exceed one year;
 - (c) adjust conditions of access and detailed rules for applying parental leave to the special circumstances of adoption;
 - (d) establish notice periods to be given by the worker to the employer when exercising the right to parental leave, specifying the beginning and the end of the period of leave;
 - (e) define the circumstances in which an employer, following consultation in accordance with national law, collective agreements and practices, is allowed to postpone the granting of parental leave for justifiable reasons related to the operation of the undertaking (e.g. where work is of a seasonal nature, where a replacement cannot be found within the notice period, where a significant proportion of the workforce applies for parental leave at the same time, where a specific function is of strategic importance). Any problem arising from the application of this provision should be dealt with in accordance with national law, collective agreements and practices;
 - (f) in addition to (e), authorize special arrangements to meet the operational and organizational requirements of small undertakings.

4. In order to ensure that workers can exercise their right to parental leave, Member States and/or management and labour shall take the necessary measures to protect workers against dismissal on the grounds of an application for, or the taking of, parental leave in accordance with national law, collective agreements or practices.
5. At the end of parental leave, workers shall have the right to return to the same job or, if that is not possible, to an equivalent or similar job consistent with their employment contract or employment relationship.
6. Rights acquired or in the process of being acquired by the worker on the date on which parental leave starts shall be maintained as they stand until the end of parental leave. At the end of parental leave, these rights, including any changes arising from national law, collective agreements or practice, shall apply.
7. Member States and/or management and labour shall define the status of the employment contract or employment relationship for the period of parental leave.
8. All matters relating to social security in relation to this agreement are for consideration and determination by Member States according to national law, taking into account the importance of the continuity of the entitlements to social security cover under the different schemes, in particular health care.

Clause 3: Time off from work on grounds of *force majeure*

1. Member States and/or management and labour shall take the necessary measures to entitle workers to time off from work, in accordance with national legislation, collective agreements and/or practice, on grounds of *force majeure* for urgent family reasons in cases of sickness or accident making the immediate presence of the worker indispensable.
2. Member States and/or management and labour may specify the conditions of access and detailed rules for applying clause 3.1 and limit this entitlement to a certain amount of time per year and/or per case.

Clause 4: Final provisions

1. Member States may apply or introduce more favourable provisions than those set out in this agreement.
2. Implementation of the provisions of this agreement shall not constitute valid grounds for reducing the general level of protection afforded to workers in the field covered by this agreement. This shall not prejudice the right of Member States and/or management and labour to develop different legislative, regulatory or contractual provisions, in the light of changing circumstances (including the introduction of non-transferability), as long as the minimum requirements provided for in the present agreement are complied with.
3. The present agreement shall not prejudice the right of management and labour to conclude, at the appropriate level including European level, agreements adapting and/or complementing the provisions of this agreement in order to take into account particular circumstances.
4. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with the Council decision within a period of two years from its adoption or shall ensure that management and labour⁽¹⁾ introduce the necessary measures by way of agreement by the end of this period. Member States may, if necessary to take account of particular difficulties or implementation by collective agreement, have up to a maximum of one additional year to comply with this decision.
5. The prevention and settlement of disputes and grievances arising from the application of this agreement shall be dealt with in accordance with national law, collective agreements and practices.
6. Without prejudice to the respective role of the Commission, national courts and the Court of Justice, any matter relating to the interpretation of this agreement at European level should, in the first instance, be referred by the Commission to the signatory parties who will give an opinion.
7. The signatory parties shall review the application of this agreement five years after the date of the Council decision if requested by one of the parties to this agreement.

⁽¹⁾ Within the meaning of Article 2 (4) of the Agreement on social policy.

Done at Brussels, 14 December 1995.

Fritz VERZETNITSCH,
President of the ETUC

Antonio Castellano AUYANET,
President of the CEEP

François PERIGOT,
President of the Unice

Emilio GABAGLIO,
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COUNCIL DIRECTIVE 96/35/EC

of 3 June 1996

on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

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

Whereas over a number of years the quantities of dangerous goods transported nationally and internationally have increased considerably, increasing the risk of accidents;

Whereas some of the accidents which occur when dangerous goods are transported may be caused by insufficient knowledge of the risks inherent in such transport;

Whereas it is necessary, in the context of the completion of the single market in transport, to adopt measures to improve the prevention of the risks inherent in such transport;

Whereas Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽⁴⁾ does not introduce measures to prevent the risks inherent in the transport of dangerous goods;

Whereas undertakings involved in the transport or the related loading or unloading of dangerous goods should be required to comply with the rules on the prevention of the risks inherent in the transport of dangerous goods, whether by road, rail or inland waterway; whereas, to that end, the appointment of safety advisers for the transport of dangerous goods who have received appropriate vocational training should be prescribed;

Whereas the objective of the vocational training of such safety advisers must be knowledge of the essential laws, regulations and administrative provisions applicable to such transport;

Whereas the Member States must set up a common minimum framework for vocational training attested to by success in an examination;

Whereas the Member States must issue Community-type certificates attesting to advisers' vocational qualifications so that the possessors of such certificates may then practise their trade throughout the Community;

Whereas the vocational qualification of safety advisers will help to improve the quality of the service they provide in the interests of users; whereas such vocational qualification will also help to minimize the risk of accidents which may cause irreversible damage to the environment and serious injury to other persons who may come into contact with dangerous goods,

HAS ADOPTED THIS DIRECTIVE:

*Article 1***Aim**

The Member States shall take the necessary measures in accordance with the requirements of this Directive to ensure that no later than 31 December 1999 undertakings the activities of which include the transport, or the related loading or unloading, of dangerous goods by road, rail or inland waterway each appoint one or more safety advisers for the transport of dangerous goods, responsible for helping to prevent the risks inherent in such activities with regard to persons, property and the environment.

*Article 2***Definitions**

For the purposes of this Directive:

- (a) 'undertaking' shall mean any natural person, any legal person, whether profit-making or not, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether it has legal personality itself or is dependent upon an authority that has such personality, that transports, loads or unloads dangerous goods;

⁽¹⁾ OJ No C 185, 17. 7. 1991, p. 5 and OJ No C 233, 11. 9. 1992, p. 5.

⁽²⁾ Opinion delivered on 27 November 1991 (OJ No C 40, 17. 2. 1992, p. 46).

⁽³⁾ European Parliament Opinion of 15 May 1992 (OJ No C 150, 15. 6. 1992, p. 332), Council common position of 6 October 1995 (OJ No C 297, 10. 11. 1995, p. 13) and European Parliament Decision of 17 January 1996 (OJ No C 32, 5. 2. 1996, p. 49).

⁽⁴⁾ OJ No L 183, 29. 6. 1989, p. 1.

- (b) 'safety adviser for the transport of dangerous goods', hereinafter referred to as 'adviser', shall mean any person appointed by the head of an undertaking whose role is to carry out the tasks and fulfil the functions defined in Article 4 and who holds the training certificate provided for in Article 5;
- (c) 'dangerous goods' shall mean goods defined as such in Annex A to Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road⁽¹⁾;
- (d) 'activities' shall mean the transport of dangerous goods by road, rail or inland waterway with the exception of national inland waterways not connected to the inland waterways of other Member States, together with the related loading and unloading.

Article 3

Exemptions

The Member States may provide that this Directive shall not apply to undertakings:

- (a) the activities of which concern the transport of dangerous goods in means of transport that belong to the armed forces or are under their responsibility,
- (b) the activities of which concern quantities in each transport unit smaller than those defined in marginals 10010 and 10011 in Annex B to Directive 94/55/EC, or
- (c) the main or secondary activities of which are not the transport or the related loading or unloading of dangerous goods but which occasionally engage in the national transport or the related loading or unloading of dangerous goods posing little danger or risk of pollution.

Article 4

The role and appointment of the adviser

1. The main task of the adviser shall be, under the responsibility of the head of the undertaking, to seek by all appropriate means and by all appropriate action, within the limits of the relevant activities of that undertaking, to facilitate the conduct of those activities in accordance with the rules applicable and in the safest possible way. He shall perform the duties listed in Annex I relevant to the undertaking's activities.
2. The adviser may also be the head of the undertaking, a person with other duties in the undertaking, or a person not directly employed by that undertaking,

provided that that person is capable of performing the duties of adviser.

3. Each undertaking concerned shall, on request, inform the competent authority or the body designed for that purpose by each Member State of the identity of its adviser.

Article 5

Training certificate

1. An adviser shall hold a Community-type vocational-training certificate, hereinafter referred to as 'the certificate', valid for the mode or modes of transport concerned. That certificate shall be issued by the competent authority or the body designated for that purpose by each Member State.
2. To obtain a certificate a candidate shall undergo training and pass an examination approved by the Member State's competent authority.
3. The main aims of the training shall be to provide candidates with sufficient knowledge of the risks inherent in the transport of dangerous goods, of the laws, regulations and administrative provisions applicable to the modes of transport concerned and of the duties listed in Annex I.
4. The examination shall cover at least the subjects listed in Annex II.
5. The certificate shall take the form laid down in Annex III.
6. The certificate shall be recognized by all Member States.

Article 6

The validity of the certificate

The certificate shall be valid for five years. The period of validity of a certificate shall be extended automatically for five years at a time where, during the final year before its expiry, its holder has followed refresher courses or passed an examination both of which must be approved by the competent authority.

Article 7

Accident reports

Whenever an accident affects person, property or the environment or results in damage to property or the environment during transport, loading or unloading carried out by the undertaking concerned, the adviser shall, after collecting all the relevant information, prepare an accident report to the management of the undertaking or to a local public authority, as appropriate.

⁽¹⁾ OJ No L 319, 12. 12. 1994, p. 7.

That report shall not replace any report by the management of the undertaking which might be required in the Member States under any other international, Community or national legislation.

Article 8

Adaptation of the Directive

The amendments necessary to adapt this Directive to scientific and technical progress in the areas within its scope shall be adopted in accordance with the procedure laid down in Article 9.

Article 9

1. The Commission shall be assisted by the committee on the transport of dangerous goods established by Article 9 of Directive 94/55/EC, hereinafter referred to as 'the Committee', which shall consist of representatives of the Member States and shall be chaired by a representative of the Commission.

2. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on that draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner laid down in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the Committee's opinion.

(b) If the measures envisaged are not in accordance with the Committee's opinion or if the Committee does not deliver an opinion the Commission shall, without delay, submit to the Council a proposal

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

If within three months of the date of the referral to it the Council has not acted, the Commission shall adopt the measures proposed.

Article 10

This Directive shall be without prejudice to the provisions on the safety and health of workers at the workplace laid down in Directive 89/391/EEC and in the individual Directives implementing it.

Article 11

1. The Member States shall bring into force the necessary laws, regulations and administrative provisions in order to comply with this Directive no later than 31 December 1999. They shall forthwith inform the Commission thereof.

When Member States adopt those measures they shall include references to this Directive or shall accompany them with such references on their official publication. The Member States shall prescribe the manner in which such references shall be made.

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

Article 12

This Directive is addressed to the Member States.

Done at Luxembourg, 3 June 1996.

For the Council

The President

T. TREU

*ANNEX I***DUTIES OF THE ADVISER REFERRED TO IN ARTICLE 4 (1)**

The adviser has the following duties in particular:

- monitoring compliance with the rules governing the transport of dangerous goods,
- advising his undertaking on the transport of dangerous goods,
- preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the transport of dangerous goods. Such annual reports shall be preserved for five years and made available to the national authorities at their request.

The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:

- the procedures for compliance with the rules governing the identification of dangerous goods being transported,
 - the undertaking's practice in taking account, when purchasing means of transport, of any special requirements in connection with the dangerous goods being transported,
 - the procedures for checking the equipment used in connection with the transport, loading or unloading of dangerous goods,
 - the proper training of the undertaking's employees and the maintenance of records of such training,
 - the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the transport, loading or unloading of dangerous goods,
 - investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during the transport, loading or unloading of dangerous goods,
 - the implementation of appropriate measures to avoid the recurrence of accidents, incidents or serious infringements,
 - the account taken of the legal prescriptions and special requirements associated with the transport of dangerous goods in the choice and use of sub-contractors or third parties,
 - verification that employees involved in the transport, loading or unloading of dangerous goods have detailed operational procedures and instructions,
 - the introduction of measures to increase awareness of the risks inherent in the transport, loading and unloading of dangerous goods,
 - the implementation of verification procedures to ensure the presence on board means of transport of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with the regulations,
 - the implementation of verification procedures to ensure compliance with the rules governing loading and unloading.
-

*ANNEX II***Subjects referred to in Article 5 (4)**

The knowledge required to qualify for a certificate must include at least the following:

- I. General preventive and safety measures:
 - knowledge of the types of consequences which may be caused by an accident involving dangerous goods,
 - knowledge of the main causes of accidents.
- II. Provisions relating to the mode of transport used under national law, Community standards, international conventions and agreements, with regard to the following in particular:
 1. the classification of dangerous goods:
 - the procedure for classifying solutions and mixtures,
 - the structure of the description of substances,
 - the classes of dangerous goods and the principles of their classification,
 - the nature of the dangerous substances and articles transported,
 - their physical, chemical and toxicological properties;
 2. general packaging requirements, to include tankers, tank-containers, etc.:
 - types of packaging, codification and marking,
 - packaging requirements and prescriptions for testing packaging,
 - the state of packaging and periodic checks;
 3. danger markings and labels:
 - the markings on danger labels,
 - the placing and removal of danger labels,
 - placarding and labelling;
 4. references in transport documents:
 - information in the transport document,
 - the consignor's declaration of conformity;
 5. the method of consignment and restrictions on dispatch:
 - full load,
 - bulk transport,
 - transport in large bulk containers,
 - container transport,
 - transport in fixed and removable tanks;
 6. the transport of passengers;
 7. prohibitions and precautions relating to mixed loading;
 8. the segregation of substances;
 9. limits on the quantities carried and quantities exempt;
 10. handling and stowage:
 - loading and unloading (filling ratios),
 - stowage and segregation;
 11. cleaning and/or degassing before loading and after unloading;
 12. crews: vocational training;
 13. vehicle papers:
 - the transport document,
 - written instructions,
 - the vehicle-approval certificate,
 - the vehicle driver's training certificate;
 - the attestation of training in inland waterway transport,
 - copies of any derogations,
 - other documents;
 14. safety instructions: implementation of the instructions and driver-protection equipment;
 15. surveillance obligations: parking;
 16. traffic and navigation regulations and restrictions;
 17. operational and accidental discharges of pollutants;
 18. requirements relating to transport equipment.

ANNEX III

FORM OF CERTIFICATE REFERRED TO IN ARTICLE 5 (5)

EC certificate of training as safety adviser for the transport of dangerous goods

Certificate No:

Distinctive sign of the Member State issuing the certificate:

Surname:

Forename(s):

Date and place of birth:

Nationality:

Signature of holder:

Valid until for undertakings which transport dangerous goods and for undertakings which carry out related loading or unloading:

☐ by road☐ by rail☐ by inland waterway

Issued by:

Date:

Signature:

Extended until:

By:

Date:

Signature:

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 June 1996

on the implementation of Article 8 of the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality of Andorra

(96/366/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 8 (1) (a) of the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality of Andorra⁽¹⁾, signed in Luxembourg on 28 June 1990, stipulates that over a period of five years and beyond that period if no agreement can be reached in accordance with 1 (b), the Principality of Andorra authorizes the Community, acting on behalf of and for the Principality of Andorra, to enter goods sent from third countries to the Principality of Andorra for free circulation;

Whereas Article 8 (1) (b) stipulates that at the end of that period, and pursuant to Article 20 thereof, the Principality of Andorra may exercise right of entry for free circulation, following agreement by the Contracting Parties;

Whereas the Principality of Andorra has requested to exercise such right of entry for free circulation;

Whereas in a statement of 30 October 1995 the Council agreed in principle to the Principality of Andorra's request to exercise that right;

Whereas it is for the Council to establish the Community's official position as a Contracting Party;

Whereas a period of time should be allowed for the preparations for exercising the said right,

HAS DECIDED AS FOLLOWS:

Sole Article

From 1 July 1996, the European Community, acting on behalf of and for the Principality of Andorra, shall cease to ensure entry for free circulation of goods sent from third countries to the Principality of Andorra.

Done at Luxembourg, 11 June 1996.

For the Council

The President

W. VELTRONI

⁽¹⁾ OJ No L 374, 31. 12. 1990, p. 16.

COMMISSION

COMMISSION DECISION

of 13 June 1996

concerning protection measures in relation to foot-and-mouth disease in Albania

(Text with EEA relevance)

(96/367/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Directive 95/52/EC⁽²⁾, and in particular Article 19 (6) thereof,

Whereas an outbreak of foot-and-mouth disease has been confirmed in Albania;

Whereas the occurrence of foot-and-mouth disease in Albania presents a serious threat to the herds of Member States in view of the trade in certain animal products;

Whereas Commission Decision 93/242/EEC of 30 April 1993 concerning the importation into the Community of certain live animals and their products originating from certain European countries in relation to foot-and-mouth disease⁽³⁾, as last amended by Decision 95/295/EC⁽⁴⁾, provides for the prohibition of the importation of live animals, fresh meat and certain meat products of susceptible species from and through certain countries including Albania;

Whereas Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽⁵⁾, as last amended

Commission Decision 96/340/EC⁽⁶⁾, lays down the conditions for the importation of animal casings, hides and skins, bones and bone products, horn and horn products, hooves and hoof products, game trophies and unprocessed wool and hair; whereas these products may be imported only if treated in such a way to destroy the virus; whereas, however, certain other products may still be imported; whereas this material constitutes a risk;

Whereas Commission Decision 95/340/EC⁽⁷⁾, as last amended by Decision 96/325/EC⁽⁸⁾, draws up a list of third countries from which Member States authorize imports of raw milk, heat-treated milk and milk-based products; whereas Albania is included in this list; whereas milk products may be imported only if treated in such a way to destroy the virus;

Whereas it is necessary therefore to prohibit the importation of certain animal products from Albania, except if they have undergone specific treatments;

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

HAS ADOPTED THIS DECISION:

Article 1

1. In addition to the provisions of Decision 93/242/EEC, Member States shall not authorize the importation of the following products of the bovine, ovine, caprine, porcine and other biungulate species originating in the territory of Albania:

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 56.

⁽²⁾ OJ No L 265, 8. 11. 1995, p. 16.

⁽³⁾ OJ No L 110, 4. 5. 1993, p. 36.

⁽⁴⁾ OJ No L 182, 2. 8. 1995, p. 30.

⁽⁵⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽⁶⁾ OJ No L 129, 30. 5. 1996, p. 35.

⁽⁷⁾ OJ No L 200, 24. 8. 1995, p. 38.

⁽⁸⁾ OJ No L 123, 23. 5. 1996, p. 24.

- blood and blood products as described in Annex I, Chapter 7 to Directive 92/118/EEC,
- raw materials for the manufacture of animal feeding-stuffs and pharmaceutical or technical products as described in Annex I, Chapter 10 to Directive 92/118/EEC,
- animal manure as described in Annex I, Chapter 14 to Directive 92/118/EEC.

2. The prohibition referred to in the first indent of paragraph 1 shall not apply to blood products which have undergone the treatment provided for in Annex I, Chapter 7 (3) (b) to Directive 92/118/EEC.

3. Member States shall ensure that the certificates accompanying blood products to be sent from Albania shall bear the following words:

'Blood products conforming to Commission Decision 96/367/EC concerning protection measures in relation to foot-and-mouth disease in Albania.'

Article 2

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 14 June 1996

on a Community financial contribution to measures to control foot-and-mouth disease in Albania

(Text with EEA relevance)

(96/368/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, as last amended by Decision 94/370/EC⁽²⁾, and in particular Article 13 thereof,

Whereas foot-and-mouth disease has broken out in Albania; whereas the outbreaks, in the Korce region, constitute a direct threat to the Community and in particular to Greece;

Whereas a joint Community/FAO inspection team visited Albania in order to examine the situation; whereas the inspection team concluded that the Albanian authorities should be given financial assistance in controlling the disease;

Whereas the doses of vaccine required adequately to protect the animals concerned should be made available to the Albanian authorities;

Whereas the Community should cover part of the costs of vaccination;

Whereas the measures provided for in this Decision are to be implemented in cooperation with the FAO European Commission for the Control of Foot-and-Mouth Disease; whereas the costs of carrying out vaccination will in the first instance be covered by Fund No 911100/MTF/INT/003/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission, in cooperation with the FAO European Commission for the Control of Foot-and-

Mouth Disease, shall take the necessary steps to make available to the Albanian authorities:

- an initial both of 200 000 doses of vaccine to protect animals of susceptible species (cattle, pigs, sheep and goats) against the virus identified in Albania,
- a second batch of 400 000 doses of the vaccine referred to in the first indent.

2. The Community shall cover the total cost of the measures referred to in paragraph 1 (up to a maximum of ECU 600 000).

Article 2

1. The Community shall cover 50 % of the cost of vaccination measures carried out by the Albanian authorities under the control of the FAO European Commission for the Control of Foot-and-Mouth Disease and the Community.

2. The measures referred to in paragraph 1 shall include, *inter alia*, the purchase and supply of:

- the material necessary for vaccination (syringes, material for the cold chain, protective clothing, etc.),
- disinfectants,
- marks for animals.

3. For the purposes of this Article, the Commission shall reimburse Fund No 911100/MTF/INT/003/EEC for the expenditure incurred in carrying out the vaccination measures referred to in paragraph 1 (up to a maximum of ECU 10 000).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.