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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2254/96
of 19 November 1996
amending Regulation (EEC) No 1101/89 on structural improvements in inland
waterway transport

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 Regulation (EEC) No 1101/89 ⁽⁴⁾ introduced measures for structural improvements in the inland waterway sector; whereas that Regulation sets out to reduce structural overcapacity in inland waterway transport by providing for vessel-scraping schemes coordinated at Community level; whereas that Regulation provides for the possibility of a Community financial contribution to the scrapping funds for 1995;

Whereas the system of structural improvements currently in force is in principle to be financed primarily by the operators in the sector by means of annual contributions;

Whereas public contributions must be granted annually, in line with the contributions made by the trade; whereas measures are scheduled for a period of three years, namely 1996, 1997 and 1998 and whereas they must be assessed annually;

Whereas provision for a financial contribution from the Community should be envisaged for the year 1996 only;

Whereas the financial contributions from the Member States in question must be calculated against the size of their fleets for the years 1996, 1997 and 1998,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 (a) of Regulation (EEC) No 1101/89:

1. — 'and the year 1996,' shall be inserted after '1995' in paragraph 1,

— 'and 1996' shall be inserted after '1995' in paragraph 2;

2. the following paragraphs shall be added:

'3. The Member States in question shall jointly make available from their funds sufficient amounts to achieve, along with the Community contribution fixed for the year 1996 only, the structural improvement objectives for the years 1996, 1997 and 1998. The proportionate share of each Member State concerned shall be calculated against the size of its active fleet as compared with that of the Member States' total fleet. These amounts shall be determined by the Commission in conjunction with the authorities of the various scrapping funds.

4. At the beginning of each year during the scrapping operations for 1996, 1997 and 1998, the Commission shall lay down, as part of this Regulation, the procedures for scrapping for the year in progress as a function of available finances, market developments and liberalization measures taken.'

Article 2

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

⁽¹⁾ OJ No C 318, 29. 11. 1995, p. 11.

⁽²⁾ OJ No C 39, 12. 2. 1996, p. 96.

⁽³⁾ Opinion of the European Parliament of 13 February 1996 (OJ No C 65, 4. 3. 1996, p. 29), common position of the Council of 27 June 1996 (OJ No C 264, 11. 9. 1996) and Decision of the European Parliament of 17 September 1996 (OJ No C 320, 28. 10. 1996).

⁽⁴⁾ OJ No L 116, 28. 4. 1989, p. 25. Regulation as last amended by Regulation (EC) No 2819/95 (OJ No L 292, 7. 12. 1995, p. 7).

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

Done at Brussels, 19 November 1996.

For the Council

The President

H. COVENEY

COUNCIL REGULATION (EC) No 2255/96
of 19 November 1996
amending Regulation (EEC) No 1107/70 on the granting of aids for transport by
rail, road 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 point 1 of Article 3 of Regulation (EEC) No 1107/70 ⁽⁴⁾ provides that the Member States may grant aid designed to facilitate the development of more economic transport systems and technologies for the Community in general, and the development of combined transport;

Whereas the costs of loading and unloading form a significant part of the total cost of transport by inland waterway; whereas it is essential to the development of inland waterway transport for major investments to be made to render loading and unloading installations and equipment for inland waterway terminals more efficient and better suited to the current logistical requirements; whereas, to this end, it is important that aid granted by the Member States or through State resources can be made available to the undertakings concerned;

Whereas harmonized conditions should be laid down for the granting of this aid for the development of inland waterway transport and whereas the impact of the aid must be assessed at regular intervals;

Whereas this aid must be granted for a sufficiently long period for the said investment to have the time to win over the market and bring new traffic to inland waterways and whereas the Council should decide on subsequent arrangements,

HAS ADOPTED THIS REGULATION:

Sole Article

The following shall be added to point 1 of Article 3 of Regulation (EEC) No 1107/70:

(f) up to 31 December 1999, where aid is granted on a temporary basis and is designed to facilitate the development of inland waterway transport, such aid having to be either:

- investments in the infrastructure of inland waterway terminals; or
- investments in the fixed and mobile equipment needed for loading and unloading.

The aid granted may not exceed 50 % of the total amount of investment.

The purpose of the aid shall be to develop new or additional transport tonnage on the inland waterway. The beneficiaries must comply with the detailed arrangements laid down by the Member State concerned and shall be responsible for the actual carrying out of the investment.

Every two years the Commission shall submit to the European Parliament and the Council a progress report on the implementation of the measures, stating in particular the purpose of the aid, the amount and its impact on inland waterway transport. The Member States shall provide the Commission with the information needed to draw up this report.

No later than 31 July 1999 the Council shall decide, on a proposal from the Commission and under the conditions set out in the Treaty, on subsequent arrangements or, where appropriate, on the conditions for terminating the arrangements.

⁽¹⁾ OJ No C 318, 29. 11. 1995, p. 12.

⁽²⁾ OJ No C 39, 12. 2. 1996, p. 96.

⁽³⁾ Opinion of the European Parliament of 13 February 1996 (OJ No C 65, 4. 3. 1996, p. 33), common position of the Council of 27 June 1996 (OJ No C 264, 11. 9. 1996) and Decision of the European Parliament of 17 September 1996 (OJ No C 320, 28. 10. 1996).

⁽⁴⁾ OJ No L 130, 15. 6. 1970, p. 1. Regulation as last amended by Regulation (EC) No 3578/92 (OJ No L 364, 12. 12. 1992, p. 11).

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

Done at Brussels, 19 November 1996.

For the Council

The President

H. COVENEY

COMMISSION REGULATION (EC) No 2256/96
of 26 November 1996
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2198/96⁽⁴⁾, as amended by Regulation (EC) No 2205/96⁽⁵⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2198/96,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 2198/96 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 27 November 1996.

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

Done at Brussels, 26 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ No L 293, 16. 11. 1996, p. 13.

⁽⁵⁾ OJ No L 294, 19. 11. 1996, p. 5.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	18,06	8,06
1001 90 91	Common wheat seed	41,49	31,49
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	41,49	31,49
	medium quality	43,19	33,19
	low quality	62,60	52,60
1002 00 00	Rye	75,45	65,45
1003 00 10	Barley, seed	75,45	65,45
1003 00 90	Barley, other ⁽³⁾	75,45	65,45
1005 10 90	Maize seed other than hybrid	91,35	81,35
1005 90 00	Maize other than seed ⁽³⁾	91,35	81,35
1007 00 90	Grain sorghum other than hybrids for sowing	75,45	65,45

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 15 November to 25 November 1996)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	117,83	124,86	113,96	81,85	158,14 (')	100,75 (')
Gulf premium (ECU/tonne)	—	16,93	8,18	12,03	—	—
Great lake premium (ECU/tonne)	16,30	—	—	—	—	—

(') Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,47 per tonne; Great Lakes — Rotterdam: ECU 20,84 per tonne.

3. Subsidy (third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne).

COMMISSION REGULATION (EC) No 2257/96
of 26 November 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 1890/96⁽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 Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 November 1996.

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

Done at Brussels, 26 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 249, 1. 10. 1996, p. 29.

⁽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 26 November 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 45	204	60,3
	624	126,9
	999	93,6
0709 90 79	052	80,4
	624	131,1
	999	105,8
0805 20 31	204	101,5
	999	101,5
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	56,8
	999	56,8
0805 30 40	052	63,2
	528	44,9
	600	73,0
	999	60,4
0808 10 92, 0808 10 94, 0808 10 98	052	70,1
	060	49,8
	064	46,6
	400	80,5
	404	69,7
	999	63,3
0808 20 67	052	69,9
	064	81,0
	400	81,6
	624	65,7
	999	74,5

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

COUNCIL DIRECTIVE 96/72/EC

of 18 November 1996

amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DIRECTIVE:

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

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

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

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

Whereas Article G of the Treaty on European Union replaced the term 'European Economic Community' by the term 'European Community'; whereas the abbreviation 'EEC' should therefore be replaced by the abbreviation 'EC';

Whereas the abbreviation 'EEC' appears in certain provisions of Directives 66/400/EEC ⁽⁴⁾, 66/401/EEC ⁽⁵⁾, 66/402/EEC ⁽⁶⁾, 66/403/EEC ⁽⁷⁾, 69/208/EEC ⁽⁸⁾, and 70/458/EEC ⁽⁹⁾ on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and in particular in relation to packages and the labelling of seeds; whereas it is therefore appropriate to replace the abbreviation 'EEC' by the abbreviation 'EC' in the said provisions;

Whereas, however, large stocks of labels are usually ordered in advance and those still bearing the abbreviation 'EEC' should, for a phasing-in period, continue to be allowed to be used,

Article 1

Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC and 70/458/EEC shall be amended as follows:

1. In Directive 66/400/EEC, the abbreviation 'EEC' in:

- Article 2. 1. G.,
 - Article 10 (1), (2) and (3),
 - Article 11 (1),
 - Article 11a (1) and (2),
 - Article 11b,
 - Article 14 (1) second indent, and
 - Annex III A I and B, title and point 1,
- shall be replaced by the abbreviation 'EC'.

2. In Directive 66/401/EEC, the abbreviation 'EEC' in:

- Article 2. 1. F and G,
 - Article 9 (1), (2) and (3),
 - Article 10 (1),
 - Article 10a (1) and (2),
 - Article 10b,
 - Article 13 (3),
 - Article 14 (1) third indent,
 - Annex IV A I (a) 1 and (b) 1, and
 - Annex IV B, title, point (a) 1, point (b) 1 and point (c) 1, 3, 4, 5, 6 and 7,
- shall be replaced by the abbreviation 'EC'.

3. In Directive 66/402/EEC, the abbreviation 'EEC' in Annex IV A, (a) 1 shall be replaced by the abbreviation 'EC'.

4. In Directive 66/403/EEC, the abbreviation 'EEC' in Annex III, A, 1 shall be replaced by the abbreviation 'EC'.

5. In Directive 69/208/EEC, the abbreviation 'EEC' in Annex IV, A, (a) 1 and Annex IV, A, (b) 1 shall be replaced by the abbreviation 'EC'.

6. In Directive 70/458/EEC the abbreviation 'EEC' in:

- Article 25 (1), and
- Annex IV, A, (a) 1 and B, (a) 1,

shall be replaced by the abbreviation 'EC'.

⁽¹⁾ OJ No C 157, 1. 6. 1996, p. 15.

⁽²⁾ OJ No C 166, 10. 6. 1996, p. 243.

⁽³⁾ Opinion delivered on 25 September 1996 (not yet published in the Official Journal).

⁽⁴⁾ OJ No 125, 11. 7. 1966, p. 2290/66. Directive as last amended by the 1994 Treaty of Accession.

⁽⁵⁾ OJ No 125, 11. 7. 1966, p. 2298/66. Directive as last amended by Commission Directive 96/18/EC (OJ No L 76, 26. 3. 1996, p. 21).

⁽⁶⁾ OJ No 125, 11. 7. 1966, p. 2309/66. Directive as last amended by Commission Directive 95/6/EC (OJ No L 67, 25. 3. 1995, p. 30).

⁽⁷⁾ OJ No 125, 11. 7. 1966, p. 2320/66. Directive as last amended by Commission Decision 96/16/EC (OJ No L 6, 9. 1. 1996, p. 19).

⁽⁸⁾ OJ No L 169, 10. 7. 1969, p. 3. Directive as last amended by Commission Directive 96/18/EC (OJ No L 76, 26. 3. 1996, p. 21).

⁽⁹⁾ OJ No L 225, 12. 10. 1970, p. 7. Directive as last amended by Commission Directive 96/18/EC (OJ No L 76, 26. 3. 1996, p. 21).

Article 2

Remaining stocks of labels bearing the abbreviation 'EEC' may continue to be used until 31 December 2001.

Article 3

1. Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive on 1 July 1997. They shall forthwith inform the Commission thereof.

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

2. Member States shall immediately communicate to the Commission the provisions of national law which

they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 18 November 1996.

For the Council

The President

I. YATES

COUNCIL DIRECTIVE 96/75/EC

of 19 November 1996

on the systems of chartering and pricing in national and international inland waterway transport in the Community

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 the growing problems of road and rail saturation, transport safety, environment, energy saving and quality of life of the citizen call, in the public interest, for greater development and better use of the transport potential offered by inland waterway, in particular by improving its competitiveness;

Whereas the difference in national laws on the systems for the commercial operation of inland waterway transport, does not make for the smooth functioning of the internal market in this sector; whereas, therefore, common provisions should be introduced at Community level for the whole of the inland waterways market, in accordance with the Council Resolution of 24 October 1994 on structural improvements in inland waterway transport ⁽⁴⁾;

Whereas the smooth functioning of the internal market calls for an adjustment in inland waterways transport to the organization of chartering by rotation, so as to move towards greater commercial flexibility and a system of freedom of chartering and pricing;

Whereas, to this end provision should be made for a transitional period, the scope of the rotation system being gradually limited for carriers to adapt to the conditions of a free market and, where appropriate, to set up trade groupings better suited to the logistical needs of shippers;

Whereas, in accordance with the principle of subsidiarity, it is both necessary and adequate to set a uniform timetable at Community level for the gradual liberalization of the market, while leaving with the Member States the responsibility for putting such liberalization into effect;

Whereas provisions must be adopted to allow action to be taken on the transport market in question in the event of a serious disturbance; whereas, to this end, the Commission should be given the power to take appropriate measures, in accordance with the procedure of an advisory committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive:

- (a) 'system of chartering by rotation' shall mean a system which consists of allocating in a charter exchange requests for transport operations, at previously fixed prices and under conditions made known, from customers on the basis of the order in which vessels become available after unloading. Carriers are asked, in the order of their registration on the rota, to choose in turn a load from those on offer. Those who make no choice nonetheless keep their position in the order;
- (b) 'carrier' shall mean an owner or an operator of one or more inland waterway vessels;
- (c) 'competent authority' shall mean the authority appointed by the Member State to manage and organize the system of chartering by rotation;
- (d) 'serious market disturbance' shall mean the emergence, in the inland waterway transport market, of problems specific to that market likely to cause a serious and potentially persistent excess of supply over demand, thereby posing a serious threat to the financial stability and survival of a large number of inland waterway carriers, unless the short and medium-term forecasts for the market in question indicate substantial and lasting improvements.

Article 2

In the field of national and international inland waterway transport in the Community, contracts shall be freely concluded between the parties concerned and prices freely negotiated.

Article 3

Notwithstanding Article 2, Member States may, for a transitional period up to 1 January 2000, maintain a system of minimum compulsory tariffs and systems of chartering by rotation, provided that:

⁽¹⁾ OJ No C 318, 29. 11. 1995, p. 8.

⁽²⁾ OJ No C 39, 12. 2. 1996, p. 96.

⁽³⁾ Opinion of the European Parliament of 13 February 1996 (OJ No C 65, 4. 3. 1996, p. 32) common position of the Council of 27 June 1996 (OJ No C 264, 11. 9. 1996) and Decision of the European Parliament of 17 September 1996 (OJ No C 320, 28. 6. 1996).

⁽⁴⁾ OJ No C 309, 5. 11. 1994, p. 5.

- there is compliance with the conditions set out in Articles 4, 5 and 6; and
- the rotation and pricing systems imposed are freely accessible under the same conditions to all Member States' carriers.

Article 4

During the transitional period referred to in Article 3, the following shall not be subject to such systems of chartering by rotation:

- (a) oil and gas, liquid cargo and dry bulk freight, special cargoes such as heavy and indivisible loads, container transport, transport within port areas, any kind of own-account transport and any type of transport operation already outside the system of chartering by rotation;
- (b) loads which cannot be effectively dealt with by such systems, in particular:
 - transport requiring goods handling equipment,
 - combined transport, namely intermodal transport where the routes are principally by inland waterway and the initial and/or terminal legs (as short as possible) are by road or rail.

Article 5

During the transitional period referred to in Article 3, Member States shall take the necessary steps to maximize flexibility in the systems of chartering by rotation, in particular:

- by providing shippers with the opportunity of concluding contracts for multiple trips, i.e. a series of successive trips using the same vessel,
- by providing that single or multiple trips offered twice consecutively under the system of chartering by rotation without finding any takers shall be taken out of that system and be freely negotiated.

Article 6

Within a period of two years from the entry into force of this Directive, Member States involved in systems of chartering by rotation shall take the necessary measures to enable shippers to have a free choice between three types of contract:

- contracts on a time basis, including leasing contracts, where the carrier makes one or more vessels and crew exclusively available to a customer for a specific period for the transport of goods for that customer against payment of a given sum of money per day. The contract is freely concluded between the parties,
- tonnage contracts where the carrier undertakes to transport, for a period laid down in the contract, a

given tonnage against payment of cargo rates by the tonne. The contract is freely concluded between the parties and must involve large consignments,

- contracts for single or multiple trips.

Article 7

1. In the event of a serious disturbance in the inland waterway transport market, the Commission may, without prejudice to Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport⁽¹⁾, at the request of a Member State, take suitable measures, and in particular measures designed to prevent any new increase in the transport capacity on offer on the market in question. The decision shall be taken in accordance with the procedure laid down in Article 8 (2).

2. In the event of a request from a Member State for suitable measures, a decision shall be taken within a period of three months from receipt of the request.

3. The request from a Member State for suitable measures to be taken must be accompanied by all the information needed to assess the economic situation in the sector in question, in particular:

- indication of the average costs and prices for the different types of transport,
- the rate of utilization of the hold,
- forecast demand.

This information may be used only for statistical purposes. It may not be used for tax purposes or communicated to third parties.

4. Decisions taken pursuant to this Article, which may not exceed the duration of the disturbance in the market, shall be notified immediately to the Member States.

Article 8

1. The Commission shall be assisted by the Committee established by Directive 91/672/EEC⁽²⁾.

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

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 25. Regulation as last amended by Regulation (EC) No 2254/96 (see page 1 of this Official Journal).

⁽²⁾ OJ No L 373, 31. 12. 1991, p. 29. Directive as amended by the 1994 Act of Accession.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 9

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1997. They shall forthwith inform the Commission thereof.

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

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

Article 10

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

Article 11

This Directive is addressed to the Member States.

Done at Brussels, 19 November 1996.

For the Council

The President

H. COVENEY

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 November 1996

adapting pursuant to Article 42 (3), Annex II to Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community

(Text with EEA relevance)

(96/660/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community⁽¹⁾, as amended by Commission Decision 94/721/EC⁽²⁾ and in particular Article 42 (3) thereof,

Having regard to Council Directive 75/442/EEC of 15 July 1975⁽³⁾ on waste, as last amended by Commission Decision 94/350/EC⁽⁴⁾, and in particular Article 18 thereof,

Whereas in accordance with Article 42 (3) of Regulation (EEC) No 259/93 Annexes II, III and IV have to be adapted to reflect only those changes already agreed under the review mechanism of the OECD,

Whereas the Council of the OECD⁽⁵⁾ has decided in the framework of the review mechanism to modify the green list of wastes,

Whereas it is necessary to modify Annex II of the Regulation to reflect these modifications,

Whereas the Commission, in order to adapt Annexes II, III and IV to the Regulation is assisted in this task by the Committee established pursuant to Article 18 of Directive 75/442/EEC on waste, as amended,

Whereas the measures envisaged by this Decision are in accordance with the opinion expressed by the aforementioned Committee,

⁽¹⁾ OJ No L 30, 6. 2. 1993, p. 1.

⁽²⁾ OJ No L 288, 9. 11. 1994, p. 36.

⁽³⁾ OJ No L 194, 25. 7. 1975, p. 47.

⁽⁴⁾ OJ No L 135, 6. 6. 1996, p. 32.

⁽⁵⁾ OECD Council, 21 September 1995, Doc. Ref. C (95)155.

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Council Regulation (EEC) No 259/93 is hereby replaced by the Annex to the present Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 November 1996.

For the Commission

Ritt BJERREGAARD

Member of the Commission

ANNEX

ANNEX II

GREEN LIST OF WASTES (*)

Regardless of whether or not wastes are included on this list, they may not be moved as green wastes if they are contaminated by other materials to an extent which (a) increases the risks associated with the waste sufficiently to render it appropriate for inclusion in the amber or red lists, or (b) prevents the recovery of the waste in an environmentally sound manner.

GA. METAL AND METAL-ALLOY WASTES IN METALLIC, NON-DISPERSIBLE FORM (**)

The following waste and scrap of precious metals and their alloys:

- GA 010 ex 7112 10 — Of gold
 GA 020 ex 7112 20 — Of platinum (the expression 'platinum' includes platinum, iridium, osmium, palladium, rhodium and ruthenium)
 GA 030 ex 7112 90 — Of other precious metal, e.g. silver

NB: Mercury is specifically excluded as a contaminant of these metals or their alloys or amalgams.

The following ferrous waste and scrap of iron or steel:

- GA 040 7204 10 Waste and scrap of cast iron
 GA 050 7204 21 Waste and scrap of stainless steel
 GA 060 7204 29 Waste and scrap of other alloy steels
 GA 070 7204 30 Waste and scrap of tinned iron or steel
 GA 080 7204 41 Turnings, shavings, chips, milling waste, filings, trimmings and stampings, whether or not in bundles
 GA 090 7204 49 Other ferrous waste and scrap
 GA 100 7204 50 Re-melting scrap ingots
 GA 110 ex 7302 10 Used iron and steel rails

The following waste and scrap of non-ferrous metals and their alloys:

- GA 120 7404 00 Copper waste and scrap
 GA 130 7503 00 Nickel waste and scrap
 GA 140 7602 00 Aluminium waste and scrap
 GA 150 7802 00 Lead waste and scrap
 GA 160 7902 00 Zinc waste and scrap
 GA 170 8002 00 Tin waste and scrap
 GA 180 ex 8101 91 Tungsten waste and scrap
 GA 190 ex 8102 91 Molybdenum waste and scrap
 GA 200 ex 8103 10 Tantalum waste and scrap
 GA 210 8104 20 Magnesium waste and scrap
 GA 220 ex 8105 10 Cobalt waste and scrap
 GA 230 ex 8106 00 Bismuth waste and scrap

(*) Wherever possible, the code number of the Harmonized Commodity Description and Coding System, established by the Brussels Convention of 14 June 1983 under the auspices of the Customs Cooperation Council (Harmonized System) is listed opposite an entry. This code may apply to both wastes and products. This Regulation does not include items which are not wastes. Therefore, the code — used by customs officials in order to facilitate their procedures as well as by others — is only provided here to help in identifying wastes that are listed and subject to this Regulation. However, corresponding official Explanatory Notes as issued by the Customs Cooperation Council should be used as interpretative guidance to identify wastes covered by generic headings. The indicative 'ex' identifies a specific item contained within a heading of the Harmonized System code.

The code in bold in the first column is the OECD code: it consists of two letters (one for the list: Green, Amber or Red and one for the category of waste: A, B, C ...) followed by a number.

(**) 'Non-dispersible' does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

GA 240 ex 8107 10	Cadmium waste and scrap
GA 250 ex 8108 10	Titanium waste and scrap
GA 260 ex 8109 10	Zirconium waste and scrap
GA 270 ex 8110 00	Antimony waste and scrap
GA 280 ex 8111 00	Manganese waste and scrap
GA 290 ex 8112 11	Beryllium waste and scrap
GA 300 ex 8112 20	Chromium waste and scrap
GA 310 ex 8112 30	Germanium waste and scrap
GA 320 ex 8112 40	Vanadium waste and scrap
ex 8112 91	Wastes and scrap of:
GA 330	— Hafnium
GA 340	— Indium
GA 350	— Niobium
GA 360	— Rhenium
GA 370	— Gallium
GA 380	— Thallium
GA 390 ex 2844 30	Thorium waste and scrap
GA 400 ex 2804 90	Selenium waste and scrap
GA 410 ex 2804 50	Tellurium waste and scrap
GA 420 ex 2805 30	Rare earths waste and scrap

GB. METAL BEARING WASTES ARISING FROM MELTING, SMELTING AND REFINING OF METALS

GB 010 2620 11	Hard zinc spelter
GB 020	Zinc containing drosses:
GB 021	— Galvanizing slab zinc top dross (> 90 % Zn)
GB 022	— Galvanizing slab zinc bottom dross (> 92 % Zn)
GB 023	— Zinc die cast dross (> 85 % Zn)
GB 024	— Hot dip galvanizers slab zinc dross (batch) (> 92 % Zn)
GB 025	— Zinc skimmings
GB 030	Aluminium skimmings
GB 040 ex 2620 90	Slags from precious metals and copper processing for further refining
GB 050 ex 2620 90	Tantalum bearing tin slags with less than 0,5 % tin

GC. OTHER WASTES CONTAINING METALS

GC 010	Electrical assemblies consisting only of metals or alloys
GC 020	Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery
GC 030 ex 8908 00	Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste
GC 040	Motor vehicle wrecks, drained of liquids
GC 050	Spent catalysts:
GC 051	— Fluid catalytic cracking (FCC) catalysts
GC 052	— Precious metal bearing catalysts
GC 053	— Transition metal catalysts (e.g. chromium, cobalt, copper, iron, nickel, manganese, molybdenum, tungsten, vanadium, zinc)
GC 070 ex 2619 00	Slag arising from the manufacture of iron and carbon steel (including low alloy steel) excluding those slags which have been specifically produced to meet both national and relevant international requirements and standards(*)
GC 080	Mill scale (ferrous metal)

(*) This entry covers the use of such slags as a source of titanium dioxide and vanadium.

GD. WASTES FROM MINING OPERATIONS: THESE WASTES TO BE IN NON-DISPERSIBLE FORM

GD 010	ex 2504 90	Natural graphite waste
GD 020	ex 2514 00	Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
GD 030	2525 30	Mica waste
GD 040	ex 2529 30	Leucite, nepheline and nepheline synte waste
GD 050	ex 2529 10	Feldspar waste
GD 060	ex 2529 21 ex 2529 22	Fluospar waste
GD 070	ex 2811 22	Silica wastes in solid form excluding those used in foundry operations

GE. GLASS WASTE IN NON-DISPERSIBLE FORM

GE 010	ex 7001 00	Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
GE 020		Fibre glass wastes

GF. CERAMIC WASTES IN NON-DISPERSIBLE FORM

GF 010		Ceramic wastes which have been fired after shaping, including ceramic vessels (before and/or after use)
GF 020	ex 8113 00	Cermet waste and scrap (metal ceramic composites)
GF 030		Ceramic based fibres not elsewhere specified or included

GG. OTHER WASTES CONTAINING PRINCIPALLY INORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND ORGANIC MATERIALS

GG 010		Partially refined calcium sulphate produced from flue gas desulphurization (FGD)
GG 020		Waste gypsum wallboard or plasterboard arising from the demolition of buildings
GG 030	ex 2621	Bottom ash and slag tap from coal-fired power plants
GG 040	ex 2621	Coal-fired power plants fly ash
GG 050		Anode butts of petroleum coke and/or bitumen
GG 060	ex 2803	Spent activated carbon
GG 080	ex 2621 00	Slag from copper production, chemical stabilized, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
GG 090		Sulphur in solid form
GG 100		Limestone from the production of calcium cyanamide (having a pH less than 9)
GG 110	ex 2621 00	Neutralized red mud from alumina production
GG 120		Sodium, potassium, calcium chlorides
GG 130		Carborundum (silicon carbide)
GG 140		Broken concrete
GG 150	ex 2620 90	Lithium-tantalum and lithium-niobium containing glass scraps

GH. SOLID PLASTIC WASTES

Including, but not limited to:

- GH 010** 3915 Waste, parings and scrap of plastics of:
- GH 011** ex 3915 10 — Polymers of ethylene
- GH 012** ex 3915 20 — Polymers of styrene
- GH 013** ex 3915 30 — Polymers of vinyl chloride
- GH 014** ex 3915 90 — Polymerized or co-polymers: for example:
- Polypropylene
 - Polyethylene terephthalate
 - Acrylonitrile copolymer
 - Butadiene copolymer
 - Styrene copolymer
 - Polyamides
 - Polybutylene terephthalates
 - Polycarbonates
 - Polyphenylene sulphides
 - Acrylic polymers
 - Paraffins (C10 — C13)(*)
 - Polyurethane (not containing chlorofluorocarbons)
 - Polysiloxanes (silicones)
 - Polymethyl methacrylate
 - Polyvinyl alcohol
 - Polyvinyl butyral
 - Polyvinyl acetate
 - Polymers of fluorinated ethylene (Teflon, PTFE)
- GH 015** ex 3915 90 — Resins or condensation products, for example:
- Urea formaldehyde resins
 - Phenol formaldehyde resins
 - Melamine formaldehyde resins
 - Epoxy resins
 - Alkyd resins
 - Polyamides

GI. PAPER, PAPERBOARD AND PAPER PRODUCT WASTES

- GI 010** 4707 Waste and scrap of paper or paperboard:
- GI 011** 4707 10 — Of unbleached kraft paper or paperboard or of corrugated paper or paperboard
- GI 012** 4707 20 — Of other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- GI 013** 4707 30 — Of paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- GI 014** 4707 90 — Other, including but not limited to:
1. Laminated paperboard
 2. Unsorted waste and scrap

GJ. TEXTILE WASTES

- GJ 010** 5003 Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
- GJ 011** 5003 10 — Not carded or combed
- GJ 012** 5003 90 — Other

(*) These cannot be polymerized and are used as plasticizers.

GJ 020	5103	Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
GJ 021	5103 10	— Noils of wool or of fine animal hair
GJ 022	5103 20	— Other waste of wool or of fine animal hair
GJ 023	5103 30	— Waste of coarse animal hair
GJ 030	5202	Cotton waste (including yarn waste and garnetted stock)
GJ 031	5202 10	— Yarn waste (including thread waste)
GJ 032	5202 91	— Garnetted stock
GJ 033	5202 99	— Other
GJ 040	5301 30	Flax tow and waste
GJ 050 ex	5302 90	Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.)
GJ 060 ex	5303 90	Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
GJ 070 ex	5304 90	Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus <i>Agave</i>
GJ 080 ex	5305 19	Tow, noils and waste (including yarn waste and garnetted stock) of coconut
GJ 090 ex	5305 29	Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp of <i>Musa textilis</i> Nee)
GJ 100 ex	5305 99	Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
GJ 110	5505	Waste (including noils, yarn waste and garnetted stock) of man-made fibres
GJ 111	5505 10	— Of synthetic fibres
GJ 112	5505 20	— Of artificial fibres
GJ 120	6309 00	Worn clothing and other worn textile articles
GJ 130 ex	6310	Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
GJ 131 ex	6310 10	— Sorted
GJ 132 ex	6310 90	— Other

GK. RUBBER WASTES

GK 010	4004 00	Waste, parings and scrap of rubber (other than hard rubber) and granules obtained therefrom
GK 020	4012 20	Used pneumatic tyres
GK 030 ex	4017 00	Waste and scrap of hard rubber (for example, ebonite)

GL. UNTREATED CORK AND WOOD WASTES

GL 010 ex	4401 30	Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
GL 020	4501 90	Cork waste; crushed, granulated or ground cork

GM. WASTES ARISING FROM AGRO-FOOD INDUSTRIES

GM 070 ex	2307	Wine lees
GM 080 ex	2308	Dried and sterilized vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
GM 090	1522	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes

GM 100	0506 90	Waste of bones and horn-cones, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinized
GM 110 ex	0511 90	Fish waste
GM 120	1802 00	Cocoa shells, husks, skins and other cocoa waste
GM 130		Waste from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

GN. WASTES ARISING FROM TANNING AND FELLMONGERY OPERATIONS AND LEATHER USE

GN 010 ex	0502 00	Waste of pigs', hogs' or boars' bristles and hair or of badger hair and other brush-making hair
GN 020 ex	0503 00	Horsehair waste, whether or not put up as a layer with or without supporting material
GN 030 ex	0505 90	Waste of skins and other parts of birds, with their feathers or down, of feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation
GN 040 ex	4110 00	Parings and other waste of leather or of composition leather, not suitable for the manufacture of leather articles, excluding leather sludges

GO. OTHER WASTES CONTAINING PRINCIPALLY ORGANIC CONSTITUENTS, WHICH MAY CONTAIN METALS AND INORGANIC MATERIALS

GO 010 ex	0501 00	Waste of human hair
GO 020		Waste straw
GO 030		Deactivated fungus mycelium from penicillin production to be used as animal feed
GO 040		Waste photographic film base and waste photographic film not containing silver
GO 050		Single-use cameras without batteries'

COMMISSION DECISION**of 26 November 1996****terminating the anti-dumping proceeding concerning imports of hydraulic excavators weighing more than six tonnes originating in the Republic of Korea**

(96/661/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. Procedure

- (1) In December 1994, the Commission received a complaint lodged by the Committee for European Construction Equipment (CECE) on behalf of Community producers of hydraulic excavators. Having decided that the complaint was lodged on behalf of the Community industry, and that there was sufficient evidence of dumping and material injury resulting therefrom to justify the initiation of a proceeding, the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports of hydraulic excavators weighing more than six tonnes originating in the Republic of Korea.
- (2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainant of the initiation of the proceedings and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (3) A number of producers in the country concerned, their related importers in the Community and some of the complaining Community producers replied to the questionnaire sent to them, made their views known in writing and requested, and were granted, hearings.
- (4) The Commission sought and verified all the information it deemed necessary for the purpose of its

investigation and carried out investigations at the premises of the Community producers and four producers in Korea, and a number of importers in the Community.

- (5) The period used for the investigation of dumping and injury was 1 January 1994 to 31 March 1995.

B. Products under consideration

- (6) The products under consideration are self-propelled tracklaying and other hydraulic excavators weighing more than six tonnes and having a 360° revolving superstructure. The products fall under CN codes ex 8429 52 10 and ex 8429 52 90.

C. Withdrawal of the complaint and termination of the proceeding

- (7) The Commission, having concluded its investigation, informed the complainant of the results thereof. The complainant subsequently withdrew the complaint.
- (8) The decision of the complainant is a sufficient ground to terminate the proceeding unless it is established that such termination would be contrary to the interest of the Community. The Commission has neither received nor is aware of any indications in the present case that the termination of this proceeding would be against the interest of the Community.
- (9) In these circumstances, it is considered that protective measures are unnecessary and that accordingly, the anti-dumping proceeding concerning imports of hydraulic excavators weighing more than six tonnes originating in the Republic of Korea should be terminated without the imposition of such measures.
- (10) The Advisory Committee has been consulted and has raised no objection.
- (11) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate the proceeding and no comments were offered thereon,

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.⁽²⁾ OJ No C 117, 12. 5. 1995, p. 6.

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of hydraulic excavators weighing more than six tonnes originating in the Republic of Korea is hereby terminated.

Done at Brussels, 26 November 1996.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 25 November 1996

concerning certain protective measures with regard to canned tuna originating in Côte d'Ivoire

(Text with EEA relevance)

(96/662/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the 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 96/43/EC⁽²⁾, and in particular Article 19 thereof,

Whereas there have been cases in the Community of humans being poisoned by botulinum;

Whereas the investigation traced this poisoning to tins of tuna imported from a factory in Côte d'Ivoire;

Whereas the presence of botulinum toxin constitutes a serious danger for human health; whereas the necessary protective measures should be adopted swiftly at Community level;

Whereas imports of canned tuna from this plant should be suspended until the Côte d'Ivoire authorities provide the requisite health guarantees;

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

Member States shall ban imports of canned tuna originating in the 'Conserves Internationales de Côte d'Ivoire' plant, No 120PP.

Article 2

Member States shall amend the measures that they apply to imports to comply with this Decision. They shall inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 25 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.⁽²⁾ OJ No L 162, 1. 7. 1996, p. 1.