ISSN 0378-6978

Official Journal of the European Communities

L 279

Volume 36

12 November 1993

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

★ **Council Regulation (EEC) No 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State** 1

★ **Council Regulation (EC) No 3119/93 of 8 November 1993 laying down special measures to encourage the processing of certain citrus fruits** 17

Commission Regulation (EC) No 3120/93 of 11 November 1993 fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products 20

★ **Commission Regulation (EC) No 3121/93 of 10 November 1993 on the issuing of import documents for preserved tuna and bonito of certain species from certain third countries** 23

Commission Regulation (EC) No 3122/93 of 11 November 1993 fixing the aid for cotton 24

Commission Regulation (EC) No 3123/93 of 11 November 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal 25

Commission Regulation (EC) No 3124/93 of 11 November 1993 fixing the premiums to be added to the import levies on cereals, flour and malt 27

Commission Regulation (EC) No 3125/93 of 11 November 1993 fixing the export refunds on cereals and on wheat or rye flour, groats and meal 29

II *Acts whose publication is not obligatory*

Council

★ **Council Directive 93/89/EEC of 25 October 1993 on the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructures** 32

(Continued overleaf)

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Contents (continued)

Commission

93/583/EEC :

* **Commission Decision of 28 July 1993 establishing the list of products provided for in Article 8 of Council Regulation (EEC) No 339/93** 39

93/584/EEC :

* **Commission Decision of 22 October 1993 establishing the criteria for simplified procedures concerning the deliberate release into the environment of genetically modified plants pursuant to Article 6 (5) of Council Directive 90/220/EEC** 42

93/585/EEC :

* **Commission Decision of 26 October 1993 approving the criteria for the allocation in Ireland of additional reference quantities to the producers referred to in Article 5 of Regulation (EEC) No 3950/92 in the milk and milk products sector** 44

93/586/EEC :

* **Commission Decision of 27 October 1993 approving the criteria for the allocation in Denmark of additional reference quantities to the producers referred to in Article 5 of Regulation (EEC) No 3950/92 in the milk and milk products sector** 45

Corrigenda

* **Corrigendum to Council Regulation (EEC) No 577/93 of 8 March 1993 totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1993) (OJ No L 61 of 13. 3. 1993)** 46

* **Corrigendum to Council Regulation (EEC) No 2552/93 of 13 September 1993 imposing a definitive anti-dumping duty on imports of artificial corundum originating the People's Republic of China, the Russian Federation and Ukraine, with the exception of those imports sold for export to the Community by companies whose undertakings have been accepted (OJ No L 235 of 18. 9. 1993)** 46

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3118/93

of 25 October 1993

laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 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, pursuant to Article 75 (1) (b) of the Treaty, the establishment of a common transport policy entails, *inter alia*, laying down the conditions under which non-resident carriers may operate transport services within a Member State;

Whereas this provision implies the removal of all restrictions against the person providing the services in question on the grounds of his nationality or the fact that he is established in a different Member State from the one in which the service is to be provided;

Whereas, in order for this provision to be implemented smoothly and flexibly, provision should be made for a transitional cabotage system prior to the implementation of the definitive system;

Whereas only carriers who are holders of Community authorizations provided for in Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing through the territory of one or more Member States ([4]) or carriers authorized to operate certain categories of international haulage services may be permitted to carry out cabotage;

Whereas such a transitional system should entail the introduction of a progressive quota of Community cabotage authorizations;

Whereas the conditions for the issue and use of the said cabotage authorizations should be determined;

Whereas the provisions of the host Member State applicable to cabotage operations should be fixed;

Whereas provisions should be adopted so that action can be taken in the event of serious disturbance of the transport markets affected; whereas for that purpose it is necessary to introduce a suitable decision-making procedure and for the required statistical data to be collected;

Whereas it is desirable that Member States should grant each other mutual assistance with a view to the sound application on the system introduced; particularly in respect of penalties applicable in the event of infringements; whereas penalties should be non-discriminatory and in proportion to the seriousness of the infringements; whereas there is a need to provide for the possibility of lodging an appeal;

Whereas the Commission should periodically submit a report on the application of this Regulation;

Whereas in order to meet the obligations devolving upon the Council, it is necessary to fix the date of entry into force of a definitive system enabling cabotage operations to be effected without quantitative restrictions,

HAS ADOPTED THIS REGULATION:

Article 1

1. Any road haulage carrier for hire or reward who is a holder of the Community authorization provided for in Regulation (EEC) No 881/92 shall be entitled, under the conditions laid down in this Regulation, to operate on a temporary basis national road haulage services for hire and reward in another Member State, hereinafter referred to respectively as 'cabotage' and as the 'host Member State', without having a registered office or other establishment therein.

([1]) OJ No C 317, 7. 12. 1991, p. 10 and OJ No C 172, 8. 7. 1992, p. 22.
([2]) OJ No C 150, 15. 6. 1992, p. 336.
([3]) OJ No C 169, 6. 7. 1992, p. 30.
([4]) OJ No L 95, 9. 4. 1992, p. 1.

2. In addition, any carrier entitled in the Member State of establishment, in accordance with that Member State's legislation, to carry out the road haulage operations for hire or reward mentioned in points 1, 2 and 3 of the Annex to the First Directive [1] shall be permitted, under the conditions set out in this Regulation, to carry out, as the case may be, cabotage operations of the same kind or cabotage operations with vehicles in the same category.

3. Permission to carry out cabotage operations, within the framework of the types of carriage referred to in point 5 of the Annex to the First Directive, shall be unrestricted.

4. Any undertaking entitled in the Member State of establishment, in accorance with that Member State's legislation, to carry out road haulage operations for own account shall be permitted to carry out cabotage operations on own account as defined in point 4 of the Annex to the First Directive.

The Commission shall adopt the detailed rules for implementing this paragraph.

Article 2

1. With a view to the progressive introduction of the definitive system defined in Article 12, cabotage operations shall be carried out from 1 January 1994 to 30 June 1998 within the framework of Community cabotage quotas, without prejudice to Article 1 (3).

Cabotage authorizations shall correspond to the model in Annex I.

A Community cabotage quota shall consist of 30 000 cabotage authorizations, each valid for two months; it shall be increased annually by 30 % starting on 1 January 1995.

2. At the request of a Member State, to be submitted before 1 November of each year, one cabotage authorization may be converted into two short-duration authorizations, each valid for one month.

The short-duration cabotage authorizations shall correspond to the model in Annex II.

3. The quota shall be allocated amongst the Member States as follows:

	1994	1995	1996	1997	1 January to 30 June 1998
Belgium	2 593	3 371	4 383	5 698	3 704
Denmark	2 516	3 271	4 253	5 529	3 594
Germany	4 252	5 528	7 187	9 344	6 074
Greece	1 146	1 490	1 937	2 519	1 638
Spain	2 688	3 495	4 544	5 908	3 841
France	3 516	4 571	5 943	7 726	5 022
Ireland	1 169	1 520	1 976	2 569	1 670
Italy	3 520	4 576	5 949	7 734	5 028
Luxembourg	1 207	1 570	2 041	2 654	1 726
Netherlands	3 662	4 761	6 190	8 047	5 231
Portugal	1 525	1 983	2 578	3 352	2 179
United Kingdom	2 206	2 868	3 729	4 848	3 152

Article 3

1. The cabotage authorizations referred to in Article 2 shall allow the recipient to carry out the cabotage operations.

2. Cabotage authorizations shall be distributed by the Commission to the Member States of establishment and issued to carriers applying for them by the competent authority or body of the Member State of establishment.

They shall bear the distinctive sign of the Member State of establishment.

3. A cabotage authorization shall be made out in the name of the carrier. That carrier may not transfer it to a third party. Each cabotage authorization may be used by only one vehicle at a time.

'Vehicle' means a motor vehicle registered in the Member State of establishment or a coupled combination of vehicles of which at least the motor vehicle is registered in the Member State of establishment and which are used exclusively for the carriage of goods.

The non-resident carrier shall have the vehicle at his disposal either under full ownership or an another basis, *inter alia,* a hire-purchase, hire or leasing contract.

In the case of hiring, the vehicle shall be hired by the carrier in the Member State of establishment to carry out cabotage operations. However, the non-resident carrier may, in order to complete a cabotage operation interrupted because of a breakdown or an accident, hire a vehicle in the host Member State under the same conditions as resident carriers.

The cabotage authorization and the hiring contract, if any, shall accompany the motor vehicle.

4. The cabotage authorization must be produced whenever requested by inspecting officers.

[1] First Council Directive of 23 July 1962 on the establishment of certain common rules for international transport (carriage of goods by road). (OJ No 70, 6. 8. 1962, p. 2005/62). Directive as last amended by Regulation (EEC) No 881/92 (OJ No L 95, 9. 4. 1992, p. 1).

5. The date from which a cabotage authorization is valid must be entered on the authorization before it is used by the competent authority or body of the Member State of establishment.

Article 4

Transport operations effected under a cabotage authorization shall be entered in a book of record sheets and the sheets shall be returned with the authorization to the competent authority or body of the Member State of establishment which issued the authorization within eight days of the expiry of the validity of the authorization.

The book of record sheets shall correspond to the model in Annex III.

Article 5

1. At the end of each quarter and within three months, which may be reduced by the Commission to one month in the case referred to in Article 7, the competent authority or body of each Member State shall communicate to the Commission the data concerning the cabotage operations carried out during that quarter by resident carriers, such data being expressed in tonnes carried and in tonnes/kilometres.

The communication shall be effected by means of a table, the model for which is set out in Annex IV.

2. The Commission shall send the Member States as soon as possible summary statements drawn up on the basis of the data submitted under paragraph 1.

Article 6

1. The performance of cabotage transport operations shall be subject, save as otherwise provided in Community Regulations, to the laws, regulations and administrative provisions in force in the host Member State in the following areas:

(a) rates and conditions governing the transport contract;

(b) weights and dimensions of road vehicles; such weights and dimensions may, where appropriate, exceed those applicable in the carrier's Member State of establishment, but they may under no circumstances exceed the technical standards certified by the proof of compliance referred to in Article 1 (1) of Council Directive 86/364/EEC [1];

(c) requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs, live animals;

(d) driving and rest time;

(e) value added tax (VAT) on transport services. In this area Article 21 (1) (a) of Directive 77/388/EEC [2] shall apply to the services referred to in Article 1 of this Regulation.

2. The technical standards of construction and equipment which vehicles used to carry out cabotage operations must meet shall be those laid down for vehicles put into circulation in international transport.

3. The provisions referred to in paragraph 1 shall be applied to non-resident transport operators on the same conditions as those which that Member State imposes on its own nationals, so as to prevent any open or hidden discrimination on grounds of nationality or place of establishment.

4. If it is established that, in the light of experience, the list of areas covered by the host Member State's laws, regulations and administrative provisions referred to in paragraph 1 needs to be adapted, the Council shall amend that list, acting by a qualified majority on a proposal from the Commission.

Article 7

1. In the event of serious disturbance of the national transport market in a given geographical area due to or aggravated by cabotage, any Member State may refer the matter to the Commission with a view to the adoption of safeguard measures and shall provide the Commission with the necessary information and notify it of the measures it intends to take as regards resident carriers.

2. For the purposes of paragraph 1:

— *'serious disturbance of the national transport market in a given geographical area'* means the existence on the market of problems specific to it, such that there is a serious and potentially enduring excess of supply over demand implying a threat to the financial stability and survival of a significant number of road haulage undertakings,

— *'geographical area'* means an area covering all or part of the territory of a Member State or extending to all or part of the territory of other Member States.

3. The Commission shall examine the situation, on the basis in particular of the latest quarterly data referred to in Article 5 and, after consulting the Advisory Committee set up by Article 5 of Regulation (EEC) No 3916/90 [3], shall decide within one month of receipt of the relevant Member State's request whether or not safeguard measures are necessary and shall adopt them if they are necessary.

[1] OJ No L 221, 7. 8. 1986, p. 48.

[2] Council Directive 77/388/EEC of 17 May 1977 on the harmonization for the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment (OJ No L 145, 13. 6. 1977, p. 1). Directive as last amended by Directive 92/111/EEC (OJ No L 384, 30. 12. 1992, p. 47).

[3] OJ No L 375, 31. 12. 1990, p. 10.

Such measures may involve the temporary exclusion of the area concerned from the scope of this Regulation.

The measures introduced in accordance with this Article shall remain in force for a period not exceeding six months, renewable once within the same limits of validity.

The Commission shall without delay notify the Member States and the Council of any decision taken pursuant to this paragraph.

4. If the Commission decides to take safeguard measures concerning one or more Member States, the competent authorities of the Member States involved shall be required to take measures of equivalent scope in respect of resident carriers and shall inform the Commission thereof.

These measures shall be applied at the lastest as from the same date as the safeguard measures decided on by the Commission.

5. Any Member State may submit a Commission decision as referred to in paragraph 3 to the Community within 30 days of its notification.

The Council, acting by a qualified majority within 30 days of referral by a Member State or, if there are referrals by several Member States, of the first referral, may take a different decision.

The limits of validity laid down in the third subparagraph of paragraph 3 shall apply to the Council's decision.

The competent authorities of the Member States concerned shall be required to take measures of equivalent scope in respect of resident carriers and shall inform the Commission thereof.

If the Council takes no decision wihtin the period referred to in the second subparagraph, the Commission decision shall become final.

6. Where the Commission considers that the measures referred to in paragraph 3 need to be prolonged, it shall submit a proposal to the Council, which shall take a decision by qualified majority.

Article 8

1. Member States shall assist one another in applying this Regulation.

2. Without prejudice to any criminal proceedings the competent authorities of the host Member State shall be empowered to impose penalties on a non-resident carrier who has committed infringements of this Regulation or of Community or national transport legislation in their territory during a cabotage operation. They shall impose such penalties on a non-discriminatory basis and in accordance with paragraph 3.

3. The penalties referred to in paragraph 2 may, *inter alia,* consist of a warning, or, in the event of serious or repeated infringements, a temporary ban on cabotage transport within the territory of the host Member State where the infringement was committed.

Where a falsified cabotage authorization is produced, the false document shall be confiscated immediately and forwarded as soon as possible to the competent authority of the carrier's Member State of establishment.

4. The competent authority of the host Member State shall inform that of the Member State of establishment of the infringements recorded and any penalties imposed on the carrier and may, in the event of serious or repeated infringements, at the same time transmit a request that a penalty be imposed.

In the event of serious or repeated infringements, the competent authority of the Member State of establishment shall decide whether an approrpiate penalty should be imposed on the carrier concerned; the authority shall take into account any penalty imposed in the host Member State and ensure that the penalties imposed on the carrier concerned are, as a whole, proportional to the infringement or infringements which gave rise to such penalties.

The penalty imposed by the competent authority of the Member State of establishment, after consulting the competent authorities of the host Member State, may extend to withdrawal of authorization to pursue the activity of road haulage operator.

The competent authority of the Member State of establishment may also, pursuant to its national law, arraign the carrier concerned before a competent national court or tribunal.

It shall inform the competent authority of the host Member State of the decisions taken pursuant to the preceding paragraphs.

Article 9

Member States shall ensure that any applicant for, or holder of, an authorization may appeal against a decision refusing or withdrawing that authorization and against any other administrative penalty taken against him by the competent authority of the Member State of establishment or of the host Member State.

Article 10

Member States shall adopt in good time and communicate to the Commission the laws, regulations and administrative provisions relating to the implementation of this Regulation.

Article 11

Every two years and, for the first time by 30 June 1996, the Commission shall submit a report to the Community on the application of this Regulation.

Article 12

1. This Regulation shall enter into force on 1 January 1994.

2. The Community authorization and quota system for cabotage operations provided for in Article 2 shall cease to apply on 1 July 1998.

3. From that date any non-resident carrier meeting the conditions laid down in Article 1 shall be entitled to operate, on a temporary basis and without quantitative restrictions, national road haulage services in another Member State, without having a registered office or other establishment in that State.

The Commission shall submit to the Council, where appropriate, taking account of experience acquired, of developments in the transport market and of progress made towards harmonization in the transport sector, a proposal on the detailed rules accompanying the definitive system as regards on appropriate system for observing the market in cabotage operations and the adjustment of the safeguard measures provided for in Article 7.

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

Done at Luxembourg, 25 October 1993.

For the Council

The President

Ph. MAYSTADT

ANNEX I

(a)

(Thick green paper — format DIN A4)

(First page of cabotage authorization)

(Deadlines of periods of validity)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translations in the other official languages of the Community to be given on pages (e) and (f))

COMMISSION OF THE EUROPEAN COMMUNITIES	(Impressed stamp of the Commission of the European Communities)	State issuing the authorization/international distinguishing sign (1)	Competent authority or agency

CABOTAGE AUTHORIZATION No ...

for the national carriage of goods by road in a Member State of the European Economic Community performed by a non-resident carrier (cabotage)

This authorization entitles .....

.....

.....

.....

.....

..... (2)

to carry goods by road by means of a motor vehicle or a coupled combination of vehicles, within a Member State of the European Economic Community other than that in which the holder of this authorization is established, and to move such vehicle or combination unladen over any part of the territory of the aforesaid Community.

This authorization is valid for a period of two months

from ..... to .....

issued at ..... date .....

(3)

(1) International distinguishing signs of Member States:
Belgium (B), Denmark (DK), Germany (D), France (F), Greece (GR), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), Spain (E), United Kingdom (GB).

(2) Name, or registered business name, and full address of carrier.

(3) Signature and stamp of the competent authority or agency issuing the authorization.

(b)

(Second page of cabotage authorization)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translations in the other official languages of the Community to be given on pages (c) and (d))

General provisions

This authorization permits the national carriage of goods by road in any Member State other than that in which the holder of the authorization is established (cabotage).

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the Member State which issued it or, where the authorization is a forgery, by the Member State in which the cabotage transport operations are carried out.

It may be used for only one vehicle at a time. Vehicle means a motor vehicle registered in the Member State of establishment or a coupled combination of vehicles of which at least the motor vehicle is registered in the Member State of establishment and which are used exclusively for the carriage of goods.

In the case of a coupled combination of vehicles, it shall accompany the motor vehicle.

It must be carried in the vehicle and must be accompanied by a book of record sheets for all national cabotage operations effected under it.

The cabotage authorization and the book of record sheets must be filled in before the cabotage operations begin.

The authorization and the book of record sheets for national cabotage operations must be produced together whenever required by an authorized inspecting officer.

Save as otherwise provided in Community regulations, the performance of cabotage transport operations shall be subject to the laws, regulations and administrative provisions in force in the host Member State in the following areas:

(a) rates and conditions governing the transport contract;

(b) weights and dimensions of road vehicles; such weights and dimensions may, where appropriate, exceed those applicable in the carrier's Member State of establishment but they may under no circumstances exceed the technical standards set out in the certificate of conformity;

(c) requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs, live animals;

(d) driving and rest time;

(e) VAT on transport services.

The technical standards of construction and equipment which vehicles used to carry out cabotage operations must meet those laid down for vehicles put into circulation in international transport.

This authorization must be returned to the competent issuing authority or agency within eight days following its date of expiry.

(c) and (d)

(Third, fourth and fifth pages of Community cabotage authorization)

(Translations in the other official languages of the Community of the text on page (b))

(e) and (f)

(Sixth, seventh and eighth pages of the cabotage authorization)

(Translations in the other official languages of the Community of the text on page (a))

ANNEX II

(a)

(Thick pink paper — format DIN A4)

(First page of short-term cabotage authorization)

(Deadlines of periods of validity)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translations in the other official languages of the Community to be given on pages (e) and (f))

COMMISSION OF THE EUROPEAN COMMUNITIES	(Impressed stamp of the Commission of the European Communities)	State issuing the authorization/international distinguishing sign [1]	Competent authority or agency

CABOTAGE AUTHORIZATION No ...

for the national carriage of goods by road in a Member State of the European Economic Community performed by a non-resident carrier (cabotage)

This authorization entitles .....

.....

.....

.....

.....

..... [2]

to carry goods by road by means of a motor vehicle or a coupled combination of vehicles, within a Member State of the European Economic Community other than that in which the holder of this authorization is established, and to move such vehicle or combination unladen over any part of the territory of the aforesaid Community.

This authorization is valid for a period of one month

from ..... to .....

issued at ..... date .....

[3]

[1] International distinguishing signs of Member States:
Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), United Kingdom (GB).

[2] Name, or registered business name, and full address of carrier.

[3] Signature and stamp of the competent authority or agency issuing the authorization.

(b)

(Second page of cabotage authorization)

(Text to be worded in the official language or languages of the Member State issuing the authorization; translations in the other official languages of the Community to be given on pages (c) and (d))

General provisions

This authorization permits the national carriage of goods by road in any Member State other than that in which the holder of the authorization is established (cabotage).

It is personal to the holder and non-transferable.

It may be withdrawn by the competent authority of the Member State which issued it or, where the authorization is a forgery, by the Member State in which the cabotage transport operations are carried out.

It may be used for only one vehicle at a time. Vehicle means a motor vehicle registered in the Member State of establishment or a coupled combination of vehicles of which at least the motor vehicle is registered in the Member State of establishment and which are used exclusively for the carriage of goods.

In the case of a coupled combination of vehicles, it shall accompany the motor vehicle.

It must be carried in the vehicle and must be accompanied by a book of record sheets for all national cabotage operations effected under it.

The cabotage authorization and the book of record sheets must be filled in before the cabotage operations begin.

The authorization and the book of record sheets for national cabotage operations must be produced together whenever required by an authorized inspecting officer.

Save as otherwise provided in Community regulations, the performance of cabotage transport operations shall be subject to the laws, regulations and administrative provisions in force in the host Member State in the following areas:

(a) rates and conditions governing the transport contract;

(b) weights and dimensions of road vehicles; such weights and dimensions may, where appropriate, exceed those applicable in the carrier's Member State of establishment but they may under no circumstances exceed the technical standards set out in the certificate of conformity;

(c) requirements relating to the carriage of certain categories of goods, in particular dangerous goods, perishable foodstuffs, live animals;

(d) driving and rest time;

(e) VAT on transport services.

The technical standards of construction and equipment which vehicles used to carry out cabotage operations must meet shall be those laid down for vehicles put into circulation in international transport.

This authorization must be returned to the competent issuing authority or agency within eight days following its date of expiry.

(c) and (d)

(Third, fourth and fifth pages of Community cabotage authorization)

(Translations in the other official languages of the Community of the text on page (b))

(e) and (f)

(Sixth, seventh and eighth pages of the cabotage authorization)

(Translations in the other official languages of the Community of the text on page (a))

ANNEX III

(a)

(Format DIN A4)

(Front cover of book of record sheets)

(Text in the official language or languages of the Member State issuing the book of record sheets — translations in the other official languages of the Community to be given overleaf)

State issuing the book of record sheets

Competent authority or agency

International distinguishing sign of Member State [1]

Book No ...

BOOK OF RECORD SHEETS FOR NATIONAL CABOTAGE TRANSPORT OPERATIONS CARRIED OUT UNDER CABOTAGE AUTHORIZATION
No ...

This book is valid until ..... [2].

Issued at ....., date .....

[3]

[1] International distinguishig signs of Member States:
Belgium (B), Denmark (DK), Germany (D), Greece (GR), Spain (E), France (F), Ireland (IRL), Italy (I), Luxembourg (L), Netherlands (NL), Portugal (P), United Kingdom (GB).

[2] The period of validity may not exceed that of the cabotage authorization.

[3] Stamp of the competent authority or agency issuing the book.

(b)

(Inside front cover of book of record sheets)

1. (Translation in the other official languages of the Community of text overleaf)

2. (Text in the official language or languages of issuing Member State)

General provisions

1. This book of record sheets contains 25 detachable sheets, numbered 1 to 25, on which details must be given, at the time of loading, of all goods transported under the cabotage authorization to which they relate. Each book is numbered and that number is marked on every page of the book.

2. The carrier is responsible for the proper completion of the records of national cabotage operations.

3. The book must accompany the cabotage authorization to which it relates and be kept on board the vehicle travelling laden or unladen under the said authorization. It must be produced whenever required by an authorized inspecting officer.

4. Record sheets must be used in numerical order and the successive loading operations must be entered in chronological order.

5. Each item in the record sheet must be completed accurately and legibly by printing in indelible ink.

6. Not later than eight days after the end of the month to which the sheet relates, each completed record sheet must be returned to the competent authority or agency of the Member State which issued this book. Where an operation spans two census periods, the date of loading determines the period which the record must cover (e.g. an operation beginning towards the end of January and ending in the early part of February should be included in the January return).

(c)

(Front of the page inserted before the 25 detachable sheets)

(Text in the official language or languages of the issuing Member State)

Explanatory notes

The information to be given on the following sheets relates to all goods transported under the cabotage authorization to which this record book relates.

A separate line on this sheet must be completed for each consignment of goods loaded.

Column 2 : give, where appropriate, the information requested by the issuing Member State ;

Column 3 : give the day (01, 02 ... 31) of the month indicated at the top of the sheet during which the vehicle departed under load ;

Column 4 and 5 : specify the place and, if necessary to make this clear, the department, province, 'Land', etc. ;

Column 6 : use the following distinguishing signs :

— Belgium :	B,
— Denmark :	DK,
— Germany :	D,
— Greece :	GR,
— France :	F,
— Ireland :	IRL,
— Spain :	E,
— Italy :	I,
— Luxembourg	L,
— Netherlands :	NL,
— United Kingdom :	GB,
— Portugal :	P ;

Column 7 : state the distance travelled between the place of loading and the place of unloading ;

Column 8 : give the weight in tonnes to one decimal point (e.g. 10,0 t) of the consignment of goods in the same way as for the customs declaration ; do not include the weight of containers or pallets ;

Column 9 : in addition, describe as accurately as possible the goods in the consignment ;

Column 10 : for official use only.

(d)

Name and address of carrier

Month/Year

.../...

Authorization number :

Book number :

Record sheet number :

GOODS CARRIED

Order number		Date of departure	Place of loading	Place of unloading	Country	Distance (km)	Tonnage (...)	Descriptions of goods	Code
1	2	3	4	5	6	7	8	9	10
1									
2									
3									
4									
5									
6									
7									
8									
9									

ANNEX IV

TRANSPORT OPERATIONS CARRIED OUT IN ..... (QUARTER) ..... (YEAR) UNDER COVER OF COMMUNITY CABOTAGE AUTHORIZATIONS ISSUED BY ..... (INTERNATIONAL DISTINGUISHING SIGN OF THE COUNTRY)

Member State of loading and unloading	Number of	
	Tonnes carried	Tonnes/kilometres (in thousands)
D		
F		
I		
NL		
B		
L		
GB		
IRL		
DK		
GR		
E		
P		
Total cabotage :		

COUNCIL REGULATION (EC) No 3119/93

of 8 November 1993

laying down special measures to encourage the processing of certain citrus fruits

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 mandarins, clementines and satsumas were eligible during the 1989/90 to 1991/92 marketing years for a processing support scheme which has not been continued in 1992/93; whereas a comparison of the situation during those two periods shows that the incentives for processing should be reintroduced for those products and continued for oranges;

Whereas the production of oranges and mandarins continued to be affected by serious marketing difficulties due in particular to the varieties produced and to overproduction; whereas the production of clementines has increased appreciably over recent years to the extent also of creating surpluses; whereas, lastly, satsumas, which are replaced by clementines on the market in fresh fruit, are also in surplus;

Whereas a processing support scheme must be capable of promoting the processing of the citrus fruits concerned respectively both into juice and into segments under contracts concluded between processors and producers guaranteeing the latter a minimum price and regular supplies for industry;

Whereas, in order to encourage producers to present their products for processing rather than for withdrawal, provision should be made for the minimum processing price to be fixed at the level of the highest withdrawal price for each product applicable during the period when withdrawals are heavy;

Whereas, in order to prevent distortions of competition, provision should be made for the financial compensation granted for the processing of mandarins and clementines to be fixed at a level such that, for each of those products, the difference between the minimum price and the financial compensation, i.e. the 'burden on the industry', is identical with that for the purchase of oranges, taking into consideration the difference in juice yields;

Whereas the production of satsumas is affected by structural shortcomings in relation to marketing which can be seen in the wide dispersal of supplies; whereas provision should be made to that end therefore for the grant of special aid to citrus fruit producers' organizations which conclude contracts with processors and for financial compensation for the latter; whereas the breakdown of the amounts into aid and financial compensation is justified by the need to allocate the funds mainly to supply; whereas a transitional period, during which aid for the processing of satsumas is also paid to individual citrus fruit producers, is necessary to enable the sector to adjust to these provisions;

Whereas, in order to ensure the effectiveness of the thresholds applicable in the citrus fruit sector under Regulation (EEC) No 1035/72 [4], account must be taken when establishing those thresholds of the quantities delivered for processing under this Regulation;

Whereas Regulations (EEC) No 2601/69 [5] and (EEC) No 1123/89 [6] should be repealed,

HAS ADOPTED THIS REGULATION:

TITLE I

Oranges, mandarins and clementines

Article 1

A financial compensation scheme for processing into juice shall be applied to mandarins, clementines and oranges harvested in the Community.

Article 2

The scheme referred to in Article 1 shall be based on contracts between producers and processors.

The contracts shall specify the quantities covered by them, the phasing of deliveries to processors and the prices to be paid to producers.

[1] OJ No C 259, 23. 9. 1993, p. 8.
[2] Opinion delivered on 29 October 1993 (not yet published in the Official Journal).
[3] Opinion delivered on 20 October 1993 (not yet published in the Official Journal).

[4] OJ No L 118, 20. 5. 1972, p. 1.
[5] OJ No L 324, 27. 12. 1969, p. 21.
[6] OJ No L 118, 29. 4. 1989, p. 25.

Once they have been concluded, contracts shall be sent to the competent authorities in the Member States concerned responsible for carrying out quantitative and qualitative checks on deliveries to processors.

Article 3

Financial compensation shall be granted to processors in respect of the quantities delivered by producers under the contracts referred to in Article 2 and if the processor has paid the producer, in respect of the raw material, a price at least equal to the minimum price, which shall be fixed for each product concerned at the level of the highest withdrawal price applicable during heavy withdrawal periods. The minimum price shall be fixed before the beginning of each marketing year.

Article 4

1. For oranges, the financial compensation may not exceed the difference between the minimum price referred to in Article 3 and the prices applied for the raw material in the producer third countries.

2. For mandarins and clementines, the financial compensation shall be fixed at a level such that, for each of these products, the burden on the industry is equivalent to that for oranges, taking into consideration the difference in juice yields.

3. The financial compensation shall be paid to the processor at his request when the control authorities in the Member States in which processing is carried out have established that the products which are covered by contracts have been processed.

4. The amount of financial compensation shall be fixed before the beginning of each marketing year.

TITLE II

Satsumas

Article 5

1. An aid scheme shall be applied to satsumas harvested in the Community and processed into segments. It shall comprise the grant of:

— aid to recognized citrus fruit producers' organizations within the meaning of Article 13a of Regulation (EEC) No 1035/72,

— financial compensation to processors of satsumas into segments.

2. For the 1993/94 marketing year, however, the individual citrus fruit producers referred to in Article 19c of Regulation (EEC) No 1035/72 may receive aid equal to two-thirds of that paid to producers' organizations provided that all other relevant provisions are complied with.

Article 6

The scheme referred to in Article 5 shall be based on contracts concluded between citrus fruit producers or producers' organizations and processors on the terms referred to in Article 2.

Article 7

The financial compensation shall be granted and the minimum price fixed in accordance with Article 3.

Article 8

1. The amount of the aid may not exceed 75 % of the average financial compensation granted to processors of satsumas into segments during the 1989/90, 1990/91 and 1991/92 marketing years.

2. The aid shall be paid to the producers' organizations referred to in Article 5 at their request when the control authorities in the Member State in which processing is carried out establish that the satsumas which are covered by contracts have been delivered to the processing industry.

3. The financial compensation may not exceed 25 % of the average financial compensation granted to processors of satsumas into segments during the 1989/90, 1990/91 and 1991/92 marketing years.

4. The financial compensation shall be paid to the processor at his request when the control authorities in the Member State in which processing is carried out establish that the satsumas which are covered by contracts have been processed into segments.

5. The amounts of the financial compensation and the aid shall be fixed for a period of three marketing years. On completion of that period and following a review of the situation in the sector and on the basis of that situation, in particular as regards the concentration of supply, the Commission may determine the amounts applicable for subsequent marketing years in accordance with the procedure referred to in Article 10.

TITLE III

General provisions

Article 9

1. The quantities of oranges delivered for processing under this Regulation shall be added to those placed in intervention for the purpose of assessing the overrun of

the threshold fixed for this product pursuant to Article 16b of Regulation (EEC) No 1035/72. To that end the threshold shall be increased by a quantity equal to the average of the quantities of oranges for which financial compensation was paid during the marketing years 1984/85 to 1988/89 inclusive.

2. For the purposes of implementing Article 16a (1) and (2) of Regulation (EEC) No 1035/72, the quantities of mandarins and clementines delivered for processing under this Regulation shall be treated as:

— production intended for consumption as fresh fruit for the purpose of fixing the intervention thresholds,

— a quantity qualifying for an intervention measure for the purpose of ascertaining an overrun, if any, of the intervention thresholds.

3. The quantities of satsumas delivered for processing under this Regulation shall be added to the quantities placed in intervention for the purpose of assessing the overrun of the threshold fixed for this product pursuant to Article 16a of Regulation (EEC) No 1035/72. To that end the threshold shall be increased by a quantity equal to the average of the quantities of oranges for which financial compensation was paid during the marketing years 1989/90 to 1991/92 inclusive.

Article 10

Detailed rules for the application of this Regulation and in particular for fixing the minimum prices, the financial compensation and the aid for producers' organizations shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

Article 11

The measures provided for in this Regulation shall be regarded as intervention intended to stabilize the agricultural markets within the meaning of Article 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy [1]. They shall be financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF).

Article 12

Before the end of the 1995/1996 marketing year, the Commission will, if necessary, send a report to the Council on the application of this scheme, with, where appropriate, suitable proposals.

Article 13

Regulations (EEC) No 2601/69 and (EEC) No 1123/89 are hereby repealed.

Article 14

This Regulation shall enter into force on the day of 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, 8 November 1993.

For the Council

The President

W. CLAES

[1] OJ No L 94, 28. 4. 1970, p. 13.

COMMISSION REGULATION (EC) No 3120/93

of 11 November 1993

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats [1], as last amended by Regulation (EEC) No 2046/92 [2], and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria [3], as last amended by Regulation (EEC) No 1900/92 [4], and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco [5], as last amended by Regulation (EEC) No 1901/92 [6], and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia [7], as last amended by Regulation (EEC) No 413/86 [8], and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey [9], as last amended by Regulation (EEC) No 1902/92 [10], and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon [11],

Whereas by Regulation (EEC) No 3131/78 [12], as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender [13] specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community [14], no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 8 and 9 November 1993 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 215, 30. 7. 1992, p. 1.
(3) OJ No L 169, 28. 6. 1976, p. 24.
(4) OJ No L 192, 11. 7. 1992, p. 1.
(5) OJ No L 169, 28. 6. 1976, p. 43.
(6) OJ No L 192, 11. 7. 1992, p. 2.
(7) OJ No L 169, 28. 6. 1976, p. 9.
(8) OJ No L 48, 26. 2. 1986, p. 1.
(9) OJ No L 142, 9. 6. 1977, p. 10.
(10) OJ No L 192, 11. 7. 1992, p. 3.
(11) OJ No L 181, 21. 7. 1977, p. 4.
(12) OJ No L 370, 30. 12. 1978, p. 60.
(13) OJ No L 331, 28. 11. 1978, p. 6.
(14) OJ No L 263, 19. 9. 1991, p. 1.

imported product, such amount to be fixed at a standard rate ; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 12 November 1993.

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

Done at Brussels, 11 November 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil (1)

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 (2)
1509 10 90	79,00 (2)
1509 90 00	92,00 (3)
1510 00 10	77,00 (2)
1510 00 90	122,00 (4)

(1) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

(2) For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

(3) For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

(4) For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products (1)

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

(1) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 3121/93

of 10 November 1993

on the issuing of import documents for preserved tuna and bonito of certain species from certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products [1], amended by Regulation (EEC) No 697/93 [2],

Having regard to Commission Regulation (EEC) No 3900/92 of 23 December 1992 laying down special detailed rules for the application of Regulation (EEC) No 3759/92 as regards the Community import arrangements for preserved tuna, bonito and sardines of certain species from certain third countries [3], as last amended by Regulation (EEC) No 2978/93 [4], and in particular Article 3 (1) thereof,

Whereas Article 3 (1) of Regulation (EEC) No 3900/92 has allocated 15 554 tonnes of the available quantity of 103 693 tonnes to new importers; whereas Article 4 (2) of that Regulation provides that if the quantities for which import documents have been applied for exceed the available quantities the Commission is to fix a single percentage figure by which the quantities applied for are to be reduced;

Whereas on 5 November 1993 the quantities applied for by new importers exceed the quantities available; whereas the extent to which import documents may be issued should accordingly be determined;

Whereas the quantities for which import documents have been issued have reached the amount of 15 554 tonnes; whereas the issuing of these documents to new importers should accordingly be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Import documents for preserved tuna of the genus *Thunnus*, skipjack or stripe-bellied bonito *(Euthynnus pelamis)* and other species of the genus *Euthynnus* falling within CN codes ex 1604 14 11, ex 1604 14 19, ex 1604 19 30 and ex 1604 20 70, from the third countries referred to in Article 1 (1) of Regulation (EEC) No 3900/92, applied for under Article 3 (1) (b) of that Regulation on 5 November 1993 and forwarded to the Commission on 8 November 1993, shall be issued for up to 3,23 % of the quantities applied for.

The issuing of import documents for the products referred to in the first subparagraph is hereby suspended for applications under Article 3 (1) (b) of Regulation (EEC) No 3900/92 lodged from 8 November 1993.

Article 2

This Regulation shall enter into force on 12 November 1993.

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

Done at Brussels, 10 November 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

---

[1] OJ No L 388, 31. 12. 1992, p. 1.
[2] OJ No L 76, 30. 3. 1993, p. 12.
[3] OJ No L 392, 31. 12. 1992, p. 26.
[4] OJ No L 268, 29. 10. 1993, p. 24.

COMMISSION REGULATION (EC) No 3122/93
of 11 November 1993
fixing the aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87 [1],

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton [2], as last amended by Regulation (EEC) No 1554/93 [3], and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2419/93 [4], as last amended by Regulation (EC) No 3085/93 [5];

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2419/93 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 64,297 per 100 kilograms.

Article 2

This Regulation shall enter into force on 12 November 1993.

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

Done at Brussels, 11 November 1993.

For the Commission

René STEICHEN

Member of the Commission

---

[1] OJ No L 377, 31. 12. 1987, p. 49.
[2] OJ No L 211, 31. 7. 1981, p. 2.
[3] OJ No L 154, 25. 6. 1993, p. 23.
[4] OJ No L 222, 1. 9. 1993, p. 35.
[5] OJ No L 277, 10. 11. 1993, p. 25.

COMMISSION REGULATION (EC) No 3123/93

of 11 November 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 amended by Regulation (EEC) No 2193/93 [2], and in particular Articles 10 (5) and 11 (3) 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],

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2703/93 [4] and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 10 November 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2703/93 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 November 1993.

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

Done at Brussels, 11 November 1993.

For the Commission

René STEICHEN

Member of the Commission

---

(1) OJ No L 181, 1. 7. 1992, p. 21.
(2) OJ No L 196, 5. 8. 1993, p. 22.
(3) OJ No L 387, 31. 12. 1992, p. 1.
(4) OJ No L 245, 1. 10. 1993, p. 108.

ANNEX

to the Commission Regulation of 11 November 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (8)
0709 90 60	83,63 (2) (3)
0712 90 19	83,63 (2) (3)
1001 10 00	36,78 (1) (5)
1001 90 91	78,48
1001 90 99	78,48 (9)
1002 00 00	112,66 (6)
1003 00 10	119,26
1003 00 20	119,26
1003 00 80	119,26 (9)
1004 00 00	90,74
1005 10 90	83,63 (2) (3)
1005 90 00	83,63 (2) (3)
1007 00 90	99,31 (4)
1008 10 00	25,19 (9)
1008 20 00	25,45 (4)
1008 30 00	23,99 (5)
1008 90 10	(7)
1008 90 90	23,99
1101 00 00	147,40 (9)
1102 10 00	195,25
1103 11 30	90,76
1103 11 50	90,76
1103 11 90	170,39
1107 10 11	150,57
1107 10 19	115,26
1107 10 91	223,16 (10)
1107 10 99	169,50 (9)
1107 20 00	195,73 (10)

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

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

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

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

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

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

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

(8) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

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

(10) In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

COMMISSION REGULATION (EC) No 3124/93

of 11 November 1993

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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 amended by Regulation (EEC) No 2193/93 [2], and in particular Article 12 (4) 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],

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93 [4] and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 10 November 1993, as regards floating currencies, should be used to calculate the levies;

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

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 November 1993.

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

Done at Brussels, 11 November 1993.

For the Commission

René STEICHEN

Member of the Commission

---

[1] OJ No L 181, 1. 7. 1992, p. 21.
[2] OJ No L 196, 5. 8. 1993, p. 22.
[3] OJ No L 387, 31. 12. 1992, p. 1.
[4] OJ No L 159, 1. 7. 1993, p. 11.

ANNEX

to the Commission Regulation of 11 November 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 11	1st period 12	2nd period 1	3rd period 2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	15,21	16,31	12,49
1001 90 99	0	15,21	16,31	12,49
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	21,29	22,83	17,50
1102 10 00	0	0	0	0
1103 11 30	0	0	0	0
1103 11 50	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	27,07	29,03	22,23	22,23
1107 10 19	0	20,23	21,69	16,61	16,61
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EC) No 3125/93

of 11 November 1993

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as amended by Regulation (EEC) No 2193/93 [2], and in particular the third subparagraph of Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93 [3], laying down detailed rules on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EEC) No 1533/93 ;

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 [4] are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 [5];

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

Whereas Council Regulation (EEC) No 990/93 [6] prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 November 1993.

[1] OJ No L 181, 1. 7. 1992, p. 21.
[2] OJ No L 196, 5. 8. 1993, p. 22.
[3] OJ No L 151, 23. 6. 1993, p. 15.
[4] OJ No L 387, 31. 12. 1992, p. 1.
[5] OJ No L 108, 1. 5. 1993, p. 106.
[6] OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 11 November 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 11 November 1993 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)

Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 00 200	—	—
1001 10 00 400	—	—
1001 90 91 000	05	52,00
	02	0
1001 90 99 000	03	42,00
	02	15,00
1002 00 00 000	03	25,00
	02	15,00
1003 00 10 000	05	63,00
	02	0
1003 00 20 000	03	58,00
	02	15,00
1003 00 80 000	03	58,00
	02	15,00
1004 00 00 200	05	52,00
	02	0
1004 00 00 400	—	—
1005 10 90 000	—	—
1005 90 00 000	03	25,00
	04	15,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	73,00
1101 00 00 130	01	68,00
1101 00 00 150	01	63,00
1101 00 00 170	01	58,00
1101 00 00 180	01	55,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 500	01	73,00
1102 10 00 700	—	—
1102 10 00 900	—	—
1103 11 30 200	01	— (3)
1103 11 30 900	—	—
1103 11 50 200	01	— (3)
1103 11 50 400	—	—
1103 11 50 900	—	—
1103 11 90 200	01	— (3)
1103 11 90 800	—	—

(1) The destinations are identified as follows:
01 All third countries,
02 Other third countries,
03 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
04 Zones I, III b), VIII a), Cuba and Hungary,
05 Algeria and Morocco.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

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

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 93/89/EEC

of 25 October 1993

on the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructures

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 75 and 99 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 elimination of distortions of competition between transport undertakings in the Member States calls for both the harmonization of levy systems and the establishment of fair mechanisms for charging infrastructure costs to hauliers;

Whereas these objectives can be achieved only in stages;

Whereas a degree of harmonization of fuel excise duty has been achieved through adoption of Council Directives 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils ([4]) and 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils ([5]);

Whereas under present circumstances the adjustment of national levy systems should be confined to commercial vehicles of more than a certain gross laden weight;

Whereas for this purpose minimum rates should be set for the vehicle taxes currently applied by the Member States or any which might succeed them;

Whereas some Member States will have to raise substantially the level of vehicle tax currently applied; whereas, to enable adjustments to be made progressively, provision should be made for a transitional period during which those Member States may apply reduced rates;

Whereas certain local domestic transport operations with little impact on the Community transport market are at present subject to reduced rates of vehicle tax; whereas, in order to ensure smooth transition, Member States should be authorized to lay down temporary derogations from minimum rates;

Whereas Member States should be permitted to apply reduced rates or exemptions in the case of vehicles whose use is not liable to affect the Community transport market;

Whereas, in order to make allowance for certain special situations, a procedure should be laid down whereby Member States may be permitted to maintain further exemptions or reductions;

Whereas existing distortions of competition cannot be eliminated solely by harmonizing taxes or excise duties but whereas, until technically and economically more

([1]) OJ No C 79, 26. 3. 1988, p. 8, OJ No C 75, 20. 3. 1991, p. 1 and OJ No C 311, 27. 11. 1992, p. 63.
([2]) OJ No C 158, 26. 6. 1989, p. 519, OJ No C 150, 15. 6. 1992, p. 324 and OJ No C 21, 25. 1. 1993, p. 522.
([3]) OJ No C 208, 8. 8. 1988, p. 32, OJ No C 159, 17. 6. 1991, p. 21 and OJ No C 19, 25. 1. 1993, p. 74.
([4]) OJ No L 316, 31. 10. 1992, p. 12.
([5]) OJ No L 316, 31. 10. 1992, p. 19.

appropriate forms of levy are in place, such distortions may be attenuated by the possibility of retaining or introducing tolls and of introducing motorway user charges and, under certain conditions, other road user charges;

Whereas tolls and user charges should not be discriminatory, entail excessive formalities or create obstacles at internal borders; whereas the rates of user charges should be based on the duration of the use made of the infrastructure in question;

Whereas, in order to ensure that user charges and tolls are applied homogeneously, certain rules for determining their manner of application should be laid down, such as characteristics of infrastructure to which such user charges and tolls are applicable, the maximum rate of user charges and the general provisions to be complied with;

Whereas in this context two or more Member States may cooperate for the purpose of introducing a common system of user charges, subject to compliance with some additional conditions; whereas such a system may take account of the special geographical and economic situation of hauliers of certain Member States, aggravated in some cases by political unrest in certain third countries;

Whereas a strict timetable should be set for reviewing the provisions of this Directive and considering adjustments to them, if necessary, for the purposes of a more technical levy system,

HAS ADOPTED THIS DIRECTIVE:

General provisions

Article 1

Member States shall, if necessary, adjust their systems of vehicle taxes and for tolls and user charges in accordance with the provisions of this Directive.

This Directive shall not affect vehicles carrying out transport operations exclusively in the non-European territories of the Member States.

It shall also not affect vehicles registered in the Canary Islands, Ceuta and Melilla, the Azores or Madeira and carrying out transport operations exclusively in those territories or between those territories and respectively, mainland Spain and mainland Portugal.

Article 2

For the purpose of this Directive:

— 'motorway' means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:

  (i) is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other either by a dividing strip not intended for traffic or, exceptionally, by other means;

  (ii) does not cross at grade with any road, railway or tramway track, or footpath;

  (iii) is specifically signed as a motorway,

— 'toll' means payment of a specified amount for a vehicle travelling the distance between two points on the infrastructure referred to in Article 7 (d); the amount shall be based on the distance travelled and on the category of the vehicle,

— 'user charges' means payment of a special amount conferring the right for a vehicle to use for a given period the infrastructures referred to in Article 7 (d),

— 'vehicle' means a motor vehicle or articulated vehicle combination intended exclusively for the carriage of goods by road and with a maximum permissible gross laden weight of not less than 12 tonnes.

Vehicle taxation

Article 3

1. The vehicle taxes referred to in Article 1 are as follows:

— Belgium: taxe de circulation sur les véhicules automobiles/verkeersbelasting op de autovoertuigen,

— Denmark: vægtafgift af motorkøretøjer m.v.,

— Federal Republic of Germany: Kraftfahrzeugsteuer,

— Greece: Τέλη κυκλοφορίας,

— Spain:

  (a) impuesto sobre vehículos de tracción mecánica

  (b) impuesto sobre actividades económicas (solely as regards the amount of the levies charged for motor vehicles),

— France:

  (a) taxe spéciale sur certains véhicules routiers

  (b) taxe différentielle sur les véhicules à moteur,

— Ireland: vehicle excise duty,

— Italy:

  (a) tassa automobilistica

  (b) addizionale del 5 % sulla tassa di automobilistica,

— Luxembourg:

  taxe sur les véhicules automoteurs,

— Netherlands:

  motorrijtuigenbelasting,

— Portugal :
  (a) imposto de camionagem
  (b) imposto de circulação,

— United Kingdom : vehicle excise duty.

2. Member States which replace any tax listed in paragraph 1 with another tax of the same kind shall notify the Commission, which shall make the necessary amendments.

Article 4

Procedures for levying and collecting the taxes referred to in Article 3 shall be determined by each Member State.

Article 5

As regards vehicles registered in the Member States, the taxes referred to in Article 3 shall be charged solely by the Member State of registration.

Article 6

1. Whatever the structure of the taxes referred to in Article 3, Member States shall set the rates so as to ensure that the tax rate for each vehicle category or subcategory referred to in the Annex is not lower than the minimum laid down in that Annex.

2. Until 31 December 1997 France, Greece, Italy, Portugal and Spain shall be authorized to apply rates that are lower than, but not less than 50 % of, the minima laid down in the Annex.

3. Member States may apply reduced rates or exemptions for

— vehicles used for national or civil defence purposes, by fire and other emergency services, and by the police, and vehicles used for road-maintenance ;

— vehicles which travel only occasionally on the public roads of the Member State of registration and are used by natural or legal persons whose main occupation is not the carriage of goods, provided that the transport operations carried out by these vehicles do not cause distortions of competition and subject to the Commission's agreement.

4. Subject to the review mentioned in Article 12, Member States apply until 1 July 1998 special derogations for vehicles with a maximum of three axles engaged solely in national local transport.

Application of these derogations shall be evaluated on a regular basis by the Commission which shall report to the Council annually.

5. (a) The Council acting unanimously on a proposal from the Commission may authorize a Member State to maintain further exemptions from or reductions in taxes on vehicles on the grounds of specific policies of a socio-economic nature or linked to that State's infrastructure. Such exemptions or reductions may apply only to vehicles registered in that Member State which carry out transport operations exclusively inside a well-defined part of its territory.

(b) Any Member State wishing to maintain such an exemption or reduction shall inform the Commission thereof and shall also forward to it all necessary information. The Commission shall inform the other Member States of the proposed exemption or reduction within one month.

The Council shall be deemed to have authorized maintenance of the proposed exemption or reduction if, within a period of two months from the date on which the other Member States were informed in accordance with the preceding subparagraph, neither the Commission nor any Member State has requested that the matter be examined by the Council.

6. Without prejudice to paragraphs 3, 4 and 5 of this Article and Article 6 of Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States [1], Member States may not grant any exemption from, or reduction in, the taxes referred to in Article 3 which would render the chargeable tax lower than the minimum referred to in paragraphs 1 and 2 of this Article.

7. The minimum rates referred to in paragraph 1 shall remain unchanged until 31 December 1997. Beyond that date, the Council, acting subject to the conditions laid down in the Treaty, shall adapt the minimum rates in question, where appropriate.

Tolls and user charges

Article 7

Member States may maintain or introduce tolls and/or introduce user charges in accordance with the following conditions :

(a) Tolls and user charges may not both be imposed at the same time for the use of a single road section. However, Member States may also impose tolls on networks where user charges are made, for the use of bridges, tunnels and mountain passes ;

(b) Without prejudice to Article 8 (2) (e) and Article 9, tolls and user charges may not discriminate, directly or indirectly, on the grounds of the nationality of the haulier or of origin or destination of the vehicle ;

[1] OJ No L 368, 17. 12. 1992, p. 38.

(c) Tolls and user charges shall be applied and collected and their payment monitored in such a way as to cause as little hindrance as possible to the free flow of traffic and avoid any mandatory controls or checks at the Community's internal borders; to this end, Member States shall cooperate to establish methods for hauliers to pay user charges, in particular outside the Member States in which they are applied;

(d) Tolls and user charges shall be imposed only on users of motorways or other multilane roads with characteristics similar to motorways, bridges, tunnels and mountain passes.

However, in a Member State where no general network of motorways or dual carriageways with similar characteristics exists, tolls and user charges may be imposed on users of the highest category of road in that State.

Following consultations with the Commission, in accordance with the procedure laid down in the Council Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in Member States [1], they may also be imposed on users of other sections of the primary road network particularly where there are safety reasons for doing so;

(e) A Member State may provide that vehicles registered in that State shall be subject to user charges for the use of the whole road network in its territory;

(f) User charges shall be set by the Member State concerned at an amount that is not higher than ECU 1 250 per year including administrative costs; within that maximum Member States shall be authorized to fix user charges in relation to the national vehicle tax.

On 1 January 1997 and every second year thereafter this maximum shall be reviewed; the Council, acting subject to the conditions laid down in the Treaty, shall make the necessary adjustments as appropriate;

(g) User charge rates shall be in proportion to the duration of the use made of the infrastructure.

A Member State shall be authorized to apply only annual rates for vehicles registered in that State;

(h) Toll rates shall be related to the costs of constructing, operating and developing the infrastructure network concerned.

[1] OJ No L 23, 3. 4. 1962, p. 720. Decision amended by Council Decision of 22 November 1973 (OJ No L 347, 17. 12. 1973, p. 48).

Article 8

1. Two or more Member States may cooperate in introducing a common system for user charges applicable to their territories as a whole. In that case, these Member States shall ensure that the Commission is closely involved therein and in the system's subsequent operation and possible amendment.

2. Subject to Article 7, a common system shall be subject to the following conditions:

(a) the common annual user charge shall be set by the participating Member States at a level that is not higher than the rate mentioned in Article 7 (f);

(b) payment of the common user charge shall give access to the network as defined by each participating Member State in accordance with Article 7 (d);

(c) other Member States may join the common system;

(d) a scale shall be finalized by the participating Member States whereby each of them will receive a fair share of the revenues accruing from the user charge;

(e) participating Member States may, until 31 December 1997 at the latest, apply an appropriate reduction in the rates of user charges for vehicles registered in certain Member States where there are differences in economic development and which are disadvantaged because of their particular geographical situation, aggravated in some cases by political unrest in certain third countries.

Article 9

Following consultations with the Commission, in accordance with the procedure laid down by the Council Decision of 21 March 1962, special arrangements for border areas may be made by the Member States concerned.

Final provisions

Article 10

This Directive shall not prevent the application by Member States of:

(a) specific taxes or charges:

— levied upon registration of the vehicle, or

— imposed on vehicles or loads of abnormal weights or dimensions;

(b) parking fees and specific urban traffic charges;

(c) regulatory charges specifically designed to combat time and place-related traffic congestion.

Article 11

1. For the purposes of this Directive, the value of the ecu in national currencies shall be fixed once a year. The rates to be applied shall be those obtaining on the first working day of October and published in the *Official Journal of the European Communities* and shall have effect from 1 January of the following calendar year.

2. Member States may maintain the amounts in force at the time of the annual adjustment provided for in paragraph 1 if the conversion of the amounts expressed in ecus would result in a change of less than 5 % or ECU 5, whichever is the lower amount, expressed in national currency.

Article 12

1. No later than 31 December 1997 the Commission shall present a report to the Council on implementation of this Directive, taking account of developments in technology and traffic congestion.

Member States shall forward the necessary information to the Commission no later than 1 June 1997 in order to enable the Commission to draw up the above report.

If necessary, that report shall be accompanied by proposals for establishing cost-charging arrangements based on the principle of territoriality, in which national borders will not play a predominant role.

2. Moreover, Member States introducing electronic toll and/or user-charge systems shall bear in mind the desirability of achieving inter-operability between those systems.

Article 13

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1995. They shall forthwith inform the Commission thereof.

When Member States adopt such provisions, 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 a reference shall be laid down by the Member States.

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

Article 14

This Directive is addressed to the Member States.

Done at Luxembourg, 25 October 1993.

For the Council

The President

Ph. MAYSTADT

ANNEX

MINIMUM RATES OF TAX TO BE APPLIED TO VEHICLES

Motor vehicles

Number of axles and maximum permissible gross laden weight (in tonnes)		Minimum tax (in ECU/year)	
Not less than	Less than	Driving axle(s) with air suspension or recognized equivalent (1)	Other driving axle(s) suspension systems
2 axles			
12	13	0	31
13	14	31	86
14	15	86	121
15	18	121	274
3 axles			
15	17	31	54
17	19	54	111
19	21	111	144
21	23	144	222
23	25	222	345
25	26	222	345
4 axles			
23	25	144	146
25	27	146	228
27	29	228	362
29	31	362	537
31	32	362	537

(1) Suspension recognized as equivalent in accordance with the definition in Annex III to Council Directive 92/7/EEC of 10 February 1992 amending Directive 83/3/EEC on weights, dimensions and certain technical characteristics of certain road vehicles (OJ No L 57, 2. 3. 1992, p. 29).

Vehicle combinations (articulated vehicles and vehicle trains)

Number of axles and maximum permissible gross laden weight (in tonnes)		Minimum tax (in ECU/year)	
Not less than	Less than	Driving axle(s) with air suspension or recognized equivalent [1]	Other driving axle(s) suspension systems
2 + 1 axles			
12	14	0	0
14	16	0	0
16	18	0	14
18	20	14	32
20	22	32	75
22	23	75	97
23	25	97	175
25	28	175	307
2 + 2 axles			
23	25	30	70
25	26	70	115
26	28	115	169
28	29	169	204
29	31	204	335
31	33	335	465
33	36	465	706
36	38	465	706
2 + 3 axles			
36	38	370	515
38	40	515	700
3 + 2 axles			
36	38	327	454
38	40	454	628
40	44	628	929
3 + 3 axles			
36	38	186	225
38	40	225	336
40	44	336	535

[1] See footnote on p. 1.

COMMISSION

COMMISSION DECISION

of 28 July 1993

establishing the list of products provided for in Article 8 of Council Regulation (EEC) No 339/93

(93/583/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 339/93 of 8 February 1993 on checks for conformity with the rules on product safety, and in particular Article 8 thereof [1],

Whereas Regulation (EEC) No 339/93 lays down that the Commission will draw up a list of the products more particularly covered by the second indent of Article 2, in accordance with the procedure referred to in Article 9 ;

Whereas this list must be drawn up and updated on the basis of experience and/or the rules on product safety and wihtin the scope of Community rules ;

Whereas it has emerged from the preparatory work relating to that Regulation and from the work on abolishing controls at internal frontiers that Member States pay particular attention to toys, medicinal products and foodstuffs in the context of checks for conformity with the rules on product safety ;

Whereas toys constitute products aimed at a particularly vulnerable category of consumers who, given the normal behaviour of children, do not display the 'average caution' shown by adult consumers ;

Whereas medicinal products and foodstuffs constitute the categories of products whose consumption influences the health of their users most directly ;

Whereas it is necessary, therefore, to include toys, medicional products and foodstuffs in the list of products more particularly covered by the second indent of Article 2 of Regulation (EEC) No 339/93 ;

Whereas the measures provided for by this Decision comply with the opinion of the committee referred to in Article 9 of the said Regulation,

HAS ADOPTED THIS DECISION :

Article 1

The list of products more particularly covered by the second indent of Article 2 of Regulation (EEC) No 339/93 shall comprise the following categories of products :

— toys,
— medicinal products for human use,
— veterinary medicinal products,
— foodstuffs,

dealt with by Community rules whose main provisions are referred to, for information purposes, in the Annex to this Decision.

Article 2

Member States shall inform the Commission of the provisions which they have adopted in order to implement this Decision within one month of its notification.

The Commission shall notify the other Member States of those provisions.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 July 1993.

For the Commission

Raniero VANNI D'ARCHIRAFI

Member of the Commission

[1] OJ No L 40, 17. 2. 1993, p. 1.

ANNEX

COMMUNITY RULES REFERRED TO IN ARTICLE 1

Toys : Council Directive 88/378/EEC [1]

Main points :

The toys covered by this Decision are defined in Article 1 of Directive 88/378/EEC on the approximation of the laws of the Member States concerning the safey of toys : Annex I to that Directive lists those products which are not regarded as toys within the meaning of the Directive.

Community rules required toys or their packaging to bear the 'EC' mark, in accordance with Article 11 of Directive 88/378/EEC.

As the Directive applies to toys to be placed on the market as such, the EC mark is required only on :

— finished products that are,

— presented in a manner (packaging, marking, labelling) indicating that they are to be placed on the market without further processing.

Medicinal products : Council Directives 75/319/EEC [2] **and 81/851/EEC** [3]

Main points :

As regards medicinal products for human use, Article 16 of amended Directive 75/319/EEC provides that 'Member States shall take all appropriate measures to ensure that the manufacture of proprietary medicinal products is subject to the holding of an authorization (. . .)', and adds that the authorization 'shall also be required for imports coming from third countries into a Member State'.

Article 24 of amended Directive 81/851/EEC makes similar provision for veterinary medicinal products.

The issue of the authorization is dependent on the ability and obligation of the manufacturer and/or importer to carry out a number of analyses to ensure that the imported products conform to the rules on marketing.

As the authorization system makes it compulsory to analyse all imported medicinal products, customs authorities may, in general, limit their control of such products to checking the existence of the said authorization (pursuant to Directives 75/319/EEC and 81/851/EEC).

Foodstuffs : Council Directive 79/112/EEC [4]

Main points :

Article 11 of amended Directive 79/112/EEC on the labelling, presentation and advertising of foodstuffs provides in particular that the outside packaging of pre-packaged foodstuffs marketed prior to their sale to the ultimate consumer or intended for restaurants, hospitals and other similar mass caterers must carry at least the particulars provided for in subparagraphs (1), (4) and (6) of Article 3 (1) and, where appropriate, in Article 9a. The compulsory particulars are : the name under which the product is sold, the date of minimum durability or, for highly perishable foodstuffs, the date preceded by the words 'use before' followed by a description of the storage conditions, the name or business name and address of the manufacturer or packager, or of a seller established within the Community.

The other labelling particulars provided for by Directive 79/112/EEC may be given only on the trade documents either accompanying the foodstuffs, or sent in advance of or at the same time as the delivery.

(1) OJ No L 187, 16. 7. 1988, p. 1.
(2) OJ No L 147, 9. 6. 1975, p. 13.
(3) OJ No L 317, 6. 11. 1981, p. 1.
(4) OJ No L 33, 8. 2. 1979, p. 1.

The presence of the minimum requirements relating to name, date, and the name or business name and address of the manufacturer, packager or seller established within the Community is essential to ensure that the product presented to the ultimate consumer is labelled in accordance with Directive 79/112/EEC, which is aimed at protecting and informing consumers.

Checks by customs authorities on the presence of such compulsory particulars may be summed up as follows :

— they should take into account the provisions of Directive 79/112/EEC, in particular those relating to the name of the product, the date, and the name of the person responsible for marketing it, and the exemptions provided for (e.g. Article 9 (6) on waiving of the date requirement);

— checks should be made only on pre-packaged goods intended for the ultimate consumer (a 'pre-packaged foodstuff' within the meaning of the definition in Article 1 (3) (b) need not carry all the labelling information provided for by Directive 79/12/EEC if the abovementioned minimum compulsory particulars appear on the outside packaging).

COMMISSION DECISION

of 22 October 1993

establishing the criteria for simplified procedures concerning the deliberate release into the environment of genetically modified plants pursuant to Article 6 (5) of Council Directive 90/220/EEC

(93/584/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms [1], and in particular Article 6 (5) thereof,

Whereas, where a competent authority considers that sufficient experience has been obtained of releases of certain genetically modified organisms (GMOs), it may submit to the Commission a request for the application of simplified procedures for the release for such types of GMOs, and whereas the Commission is required to establish criteria based on safety to human health and the environment and on the exidence available on such safety, to enable the Commission to decide whether a specific simplified procedure should be approved;

Whereas there is now accumulated knowledge and data available concerning the necessary prerequisites for safety to human health and the environment for the release of certain types of GMOs;

Whereas it is considered appropriate that given the different safety concerns for different types of organsims, separate criteria should be established for plants, animals and micro-organisms and that accordingly, the criteria established by this Decision are applicable only in relation to genetically modified plants, which is the group of GMOs with which most of the experience has been acquired to date;

Whereas evidence from releases of genetically modified plants has indicated that the safety of releases of such plants depends on the characteristics of the recipient plant species, on the characteristics of the inserted sequences and their products, and on the receiving ecosystems, and whereas the criteria to be established should be aimed specifically at the evaluation of these characteristics;

Whereas these criteria form an objective and harmonized basis for decisions on the requests for application of simplified procedures;

Whereas is is appropriate, in the interest of transparency, to establish a uniform procedure for the making of a request for simplified procedures;

Whereas, such a request should be based on experience with the GMOs under consideration and on the evidence of safety for human health and the environment and whereas, to these ends, it is appropriate that this experience may include the competent authority's own experience with releases of the same GMOs and the experience in similar ecosystems whether within the Community or internationally, of the GMOs under consideration;

Whereas it is important, in the interests of the greatest possible applicability of uniform procedures, compatible with considerations of safety to human health and the environment, that all Member States should have the opportunity to join in any request for the application of simplified procedures and whereas to this effect an appropriate procedure should be established;

Whereas this Decision is in accordance with the opinion of the Committee established under Article 21 of Directive 90/220/EEC,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission shall take a decision on the application for simplified procedures for the deliberate release of genetically modified plants, as required under Article 6 (5) of Directive 90/220/EEC, by reference to the criteria set out in paragraphs 2, 3 and 4 and by reference to the sufficient experience and evidence thereof referred to in Article 2.

2. The criteria relating to the characteristics of the recipient plant species shall be as follows:

(a) the taxonomic status and the biology (mode of reproduction and pollination, ability to cross with related species), should be well-known,

[1] OJ No L 117, 8. 5. 1990, p. 15.

and

(b) information should be available on any interactions of particular relevance for the evaluation of risk, involving the recipient plant species and other organisms in agricultural ecosystems or in the experimental release ecosystem,

and

(c) scientific data should be available on the safety for human health and the environment of experimental releases involving genetically modified plants of the same recipient plant species.

3. The criteria relating to the characteristics of the inserted sequences and their expression products shall be as follows:

(a) the inserted sequences and their expression products should be safe for human health and the environment under the conditions of the experimental release,

and

(b) the inserted sequences should be:

— well characterized, and

— integrated into the plant nuclear genome.

4. The criterion relating to the characteristics of the field release experiments shall be that whenever necessary, the appropriate practices for the management of risks will be applied during or after the experimental release, to ensure the protection of human health and the environment.

5. The criteria set out in paragraphs 2 and 3 should be applied in every case whereas the criterion set out in paragraph 4 should be taken into account when examining a proposed simplified procedure and applied as appropriate.

Article 2

1. A request for the application of simplified procedures shall be made in accordance with the procedures laid down in paragraphs 2 and 3 and Article 3.

2. The request shall be submitted to the Commission in writing and shall be accompanied by a dossier which shall include a description of the proposed simplified procedures, the conditions (if any) under which they are to be applied and information and data on the sufficient experience which has been obtained of releases of the GMOs under consideration.

3. Sufficient experience shall show that the GMOs under consideration are safe for human health and the environment and may be based on the competent authority's own experience with release of the same GMOs, experience with releases of the GMOs under consideration in similar ecosystems and international experience.

Article 3

1. On receipt of the request and the accompanying dossier, the Commission shall immediately forward to the competent authorities of the other Member States a copy of the said request and accompanying dossier.

2. Within 45 days following the dispatch of the request and accompanying dossier, any other competent authority may notify the Commission in writing of its intention to join in the request. To that end, the competent authority may submit any further or additional evidence in support of the original request.

3. Upon expiry of the time limit specified in paragraph 2, the Commission shall forthwith take a decision on the request in accordance with the procedure laid down in Article 21 of Directive 90/220/EEC.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 22 October 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

COMMISSION DECISION

of 26 October 1993

approving the criteria for the allocation in Ireland of additional reference quantities to the producers referred to in Article 5 of Regulation (EEC) No 3950/92 in the milk and milk products sector

(Only the English text is authentic)

(93/585/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3950/92 of 28 December 1992, establishing an additional levy in the milk and milk products sector [1], as last amended by Regulation (EEC) No 1560/93 [2], and in particular paragraph 1 of Article 5,

Whereas the second subparagraph of Article 3 (2) of Regulation (EEC) No 3950/92 lays down that the increase of 0,6 % in the total quantities is intended to permit the allocation of additional reference quantities, not only to certain producers who had been excluded from allocation of a specific reference quantity and producers situated in mountain areas, but also to the producers referred to in Article 5 of the said Regulation ; whereas that Article lays down that the said producers are to be determined in accordance with objective criteria agreed with the Commission ;

Whereas the criteria proposed by Ireland on 27 September 1993 should be approved,

HAS ADOPTED THIS DECISION :

Article 1

The national provisions providing for the allocation of additional reference quantities in Ireland to producers fulfilling all of the following conditions are hereby approved :

— the reference quantity available does not exceed 70 200 kg or 93 600 kg in the case of producers having acquired additional quantities pursuant to Article 4 (1) (d) of Regulation (EEC) No 857/84 [3] or the second indent of Article 8 of Regulation (EEC) No 3950/92,

— the production marketed in 1991/92 was at least 85 % of the available reference quantity,

— an additional reference quantity has been acquired either through transfers with or without land or through temporary leases,

— the area of the farm managed does not exceed 28,3 hectares,

— the household or association's income from non-agricultural activities does not exceed £Irl 14 800.

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 26 October 1993.

For the Commission

René STEICHEN

Member of the Commission

[1] OJ No L 405, 31. 12. 1992, p. 1.
[2] OJ No L 154, 25. 6. 1993, p. 30.
[3] OJ No L 90, 1. 4. 1984, p. 13. Regulation repealed by Regulation (EEC) No 3950/92.

COMMISSION DECISION

of 27 October 1993

approving the criteria for the allocation in Denmark of additional reference quantities to the producers referred to in Article 5 of Regulation (EEC) No 3950/92 in the milk and milk products sector

(Only the Danish text is authentic)

(93/586/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3950/92 of 28 December 1992, establishing an additional levy in the milk and milk products sector [1], as last amended by Regulation (EEC) No 1560/93 [2], and in particular paragraph 1 of Article 5,

Whereas the second subparagraph of Article 3 (2) of Regulation (EEC) No 3950/92 lays down that the increase of 0,6 % in the total quantities is intended to permit the allocation of additional reference quantities, not only to certain producers who had been excluded from allocation of a specific reference quantity and producers situated in mountain areas, but also to the producers referred to in Article 5 of the said Regulation ; whereas that Article lays down that the said producers are to be determined in accordance with objective criteria agreed with the Commission ;

Whereas the criteria proposed by Denmark on 5 and 20 July 1993 should be approved,

HAS ADOPTED THIS DECISION :

Article 1

The national provisions providing for the allocation of additional reference quantities in Denmark to young producers newly established as main occupation farmers and to producers whose reference quantities, suspended pursuant to Council Regulation (EEC) No 775/87 [3], have been permanently reduced are hereby approved.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 27 October 1993.

For the Commission

René STEICHEN

Member of the Commission

[1] OJ No L 405, 31. 12. 1992, p. 1.
[2] OJ No L 154, 25. 6. 1993, p. 30.
[3] OJ No L 78, 20. 3. 1987, p. 5.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 577/93 of 8 March 1993 totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1993)

(Official Journal of the European Communities No L 61 of 13 March 1993)

On Page 3, in the Annex against order No 16.0055, column (2):

for: '0208 10 10',

read: '0208 10 11
0208 10 19'.

On page 4, order No 16.0790 shall be replaced by the following:

'16.0790	ex 0709 90 90	Pumpkins and courgettes, from 1 January to the last day of February. Other, excluding parsley, from 1 January to 31 March	9 %
16.0795	ex 0709 90 90	Okra *(Hibiscus esculentus* L. or *Abelmoschus esculentus* (L. Moench)); *Moringa oleifera* ('drumsticks')	Free'

On page 7, (Taric codes), order No 16.2580 shall be replaced by the following:

'16.2580	ex 1901 10 00	1901 10 00*31 1901 10 00*33 1901 10 00*35 1901 10 00*37 1901 10 00*81 1901 10 00*83 1901 10 00*85 1901 10 00*87
	ex 1901 90 90	1901 90 90*16 1901 90 90*18 1901 90 90*97 1901 90 90*99'