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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2402/98
of 3 November 1998**

imposing a definitive anti-dumping duty on imports of unwrought unalloyed magnesium originating in the People's Republic of China and definitively collecting the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Communities ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EC) No 1002/98 ⁽²⁾ (hereinafter referred to as 'the Provisional Regulation'), imposed a provisional anti-dumping duty on imports into the Community of unwrought pure magnesium originating in the People's Republic of China and falling within CN codes 8104 11 00 and ex 8104 19 00 (TARIC code 8104 19 00*10).

B. SUBSEQUENT PROCEDURE

- (2) Further to the imposition of the provisional measures, the exporters and the complainant made written representations. Those parties who so requested were granted an opportunity to be heard by the Commission.
- (3) Parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of the provisional duty. They were also granted a reasonable period within which to make representations subsequent to the disclosure.

The parties' comments were considered, and the conclusions altered where deemed appropriate.

C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (4) The product under consideration is unwrought unalloyed magnesium. Unwrought magnesium is available as either pure, i.e. unalloyed, magnesium containing minor quantities of impurities or as alloyed magnesium with alloying elements such as aluminium and zinc added.

Article 1(1)(b) of the Provisional Regulation made it clear that alloyed magnesium defined as magnesium 'containing more than 3 % by weight of intentionally added alloying elements such as aluminium and zinc' was not covered by the provisional measures. The objective of this provision was to limit the effect of the measures to the product covered by the investigation, i.e. unwrought pure magnesium, while avoiding circumvention of the measures.

However, it has become clear that major sectors of users of unwrought pure magnesium (e.g. the aluminium industry) can in fact use magnesium falling into the above definition of alloyed magnesium. There is a risk, therefore, that circumvention of the measures would take place through the importation of artificially created magnesium alloys containing more than 3 % of alloying elements, which would nevertheless be used as pure magnesium. Such 'alloys' would not correspond to previously established industrial standards and could not be used for any application for which alloyed magnesium is typically required. Indeed, evidence in the form of offers was received which showed that Chinese parties are already contemplating this type of circumvention.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30. 4. 1998, p. 18).

⁽²⁾ OJ L 142, 14. 5. 1998, p. 24.

In this context, it should be noted that all forms of alloyed magnesium used by the downstream industries prior to the imposition of provisional measures in this proceeding were defined by relevant European (Comité européen de normalisation — CEN) or equivalent international industry standards. These alloys have been designed for specific applications and require sophisticated production techniques (having a significant effect on the cost of production) which is clearly not the case with regard to the abovementioned artificially created 'alloys'.

To prevent such circumvention, and to ensure that the measures achieve their intended result it is therefore proposed to specify at the definitive stage in the present proceeding the alloyed magnesium types to which measures will not apply.

A list of the CEN specifications and their international equivalents for these alloyed magnesium types are attached in the Annex to this Regulation.

- (5) In the absence of any new arguments concerning the definition of the product under consideration and the like product, the findings set out in recitals 8 to 13 of the Provisional Regulation are hereby confirmed.

D. DUMPING

1. Normal value

(a) *Utilisation of a reference country*

- (6) At the provisional stage, normal value was established by using data in a reference country, i.e. Norway.

The cooperating Chinese exporters commented that the procedure of using a reference country for the determination of normal value is unfair, as it takes no account of costs in the People's Republic of China. They state further that the product concerned is produced in the People's Republic of China under market economy conditions.

It should be noted in this respect that following Council Regulation (EC) No 905/98 of 27 April 1998 amending Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community⁽¹⁾, for anti-dumping investigations initiated after 1 July 1998, it will be possible to establish normal value in the People's Republic of China, providing certain conditions laid down in that Regulation are met.

Since the present proceeding was initiated on 21 August 1997, normal value has still to be established on the basis of data obtained from an

analogue country. The request could not, therefore, be accepted.

(b) *Competitiveness of the Norwegian domestic market*

- (7) The cooperating Chinese exporters also expressed doubts as to whether the domestic selling prices in Norway, which were used to establish normal value, could be considered as being the result of a competitive market.

According to information obtained during the investigation, it was concluded that Norway is an open market because more than 50 % of Norwegian domestic magnesium consumption is imported and purchased by companies which are not related to Norsk Hydro, i.e. the cooperating producer in the analogue country. This indicates that the Norwegian market and consequently Norsk Hydro's domestic prices are governed by competitive market forces.

(c) *Representativity of domestic sales*

- (8) The cooperating Chinese exporters queried the representativity of domestic sales by the analogue country producer to independent customers.

The investigation confirmed that total domestic sales by the analogue country producer in Norway were representative in that they represented substantially more than 5 % of the total quantity of sales of the product concerned originating in the People's Republic of China and sold for export to the European Community.

(d) *Comparative advantage*

- (9) The Chinese exporters further argued that their magnesium industry was characterised by large and conveniently located reserves of raw materials, low investment, low labour costs and low costs of production which gave them a comparative advantage which should be taken into account in the determination of normal value.

However, it was found that the producer in Norway had equally good access to raw materials. Furthermore, as it operates on a much larger scale and has continuous investment, it is very unlikely that Chinese magnesium production is more efficient than that in Norway. In any event no information has been found which would indicate the contrary. The assertion that certain costs are cheaper in China is not, as such, considered relevant because those costs cannot be taken into consideration for the determination of normal value for the reasons given in recital 6 above.

⁽¹⁾ OJ L 128, 30. 4. 1998, p. 18.

The finding of the provisional stage, that the Chinese producers did not enjoy a comparative advantage, was therefore confirmed and no adjustment was granted in this respect.

(e) *Conclusion*

- (10) In the absence of further arguments concerning the determination of normal value, the provisional determination is hereby confirmed.

2. Export price

- (11) In the absence of further arguments concerning the determination of export price, the provisional determination is hereby confirmed.

3. Comparison between normal value and export price

(a) *Physical characteristics*

- (12) The Chinese cooperating exporters claimed an allowance for physical and quality differences between Chinese and Norwegian magnesium at the provisional stage of the proceeding, although insufficient evidence was provided at that stage to grant such an adjustment.
- (13) Following the provisional disclosure the Chinese cooperating exporters indicated that the market value of quality differences due to oxidation or the fear of receiving oxidised magnesium from China is estimated at around 10-15 %. However, the cooperating exporters were not able to substantiate this quantification as purchasers perceived the risk of oxidation as relating to all magnesium from China.

The evidence available with regard to this claimed adjustment has been considered.

- (i) There is evidence to suggest that oxidation is more likely on the Chinese magnesium, for example:

- evidence of oxidised magnesium recorded in an inspection report included with a Chinese questionnaire response,
- written comments received from three cooperating importers which indicate that the Pidgeon process, which is used by small-scale producers in the People's Republic of China and accounts for the majority of exports to the European Community, results in a higher amount of oxidised material than the Norsk Hydro (the sole analogue country producer) and Pechiney Electrometallurgie (PEM) (the sole Community producer) production methods,

— evidence of oxidised magnesium in two importers purchase transaction-by-transaction listings,

— physical verification of oxidised magnesium from China at users' premises by members of the Commission services.

- (ii) However, comments were also received with regard to the inappropriateness of such an allowance as follows:

— the complainants mention that Chinese magnesium entering the European Community during the investigation period was generally declared to be of high (99,95 % and above) purity at which level it was not subject to the 5,3 % customs duty and, therefore, it is incompatible that the exporters are now claiming a quality difference for alleged oxidation which is a physical impurity.

However, they do not specifically dispute the allegation that Chinese material is more subject to oxidation and, moreover, a significant proportion of imports from the People's Republic of China entered the European Community, during the investigation period, with a declared purity of less than 99,95 % magnesium content. It should also be noted that oxidation can continue after release for free circulation when the product is still in the warehouse,

— Hydro Magnesium indicated in a letter that 'Surface oxidation is present in all magnesium regardless of by whom or where it is produced'. However, it should be noted that the Chinese product is particularly prone to surface oxidation because of the exposure to humidity and dampness during the long sea voyage and the low level of technology used when producing the Chinese product.

- (14) The balance of evidence suggested that Chinese magnesium is more subject to oxidation and that, as a result, buyers expect Chinese magnesium to be sold at a discount.

- (15) It was decided that the level of such an adjustment should be set at 6,25 %. This level was considered to be a reasonable estimation of the purchasers' perception of the price discount associated with the quality difference between the two products.

(b) *Other adjustments*

- (16) In the absence of further comments concerning the comparison of the export price with the normal value, the conclusion set out in recital 23 of the Provisional Regulation is hereby confirmed.

4. Dumping margin

(a) *Individual treatment*

- (17) The Chinese cooperating exporters argued that their dumping margins would be increased due to the use of the non-cooperating exporters' data in the calculation of a single dumping margin and requested to be treated differently from the non-cooperating exporters.

As a general rule a single countrywide dumping margin is calculated for non-market economy countries unless individual treatment is exceptionally granted to some exporters which is not the case in this investigation.

Furthermore, all cooperating exporters are traders, but not producers, and it is the Community's policy not to specify individual duty rates for traders as they can easily change their source of supply.

(b) *Dumping margin*

- (18) A comparison of the weighted average normal value, as revised for quality differences, with the weighted average export price as previously established revealed the existence of dumping. The revised single weighted average dumping margin for all Chinese exporters expressed as a percentage of the cif export price free-at-Community-frontier amounted to 31,7 %.

E. INJURY AND CAUSATION

- (19) The cooperating exporters criticised the Commission's approach of examining the development of injury factors using 1995 as the main base year by arguing that this distorted the injury assessment because there were industry-wide increases in sales volume and prices in 1995 due to favourable market conditions. However, as explained in the Provisional Regulation (recital 27), 1993 and 1994 data were also used for reasons of completeness and in the interest of a fair assessment of injury. In any event, conclusions on the assessment of injury would not have been different had 1993 been taken as the base year. Therefore the approach adopted at the provisional stage is confirmed.

1. Price and volume of the dumped imports

- (20) A comparison of sales prices of the Community producer with those of the Chinese exporters on the Community market for the investigation period showed a weighted average price undercutting

margin, expressed as a percentage of the Community industry sales price, of 36,8 %. This comparison was made at the same level of trade. Since the Chinese exporters sold to traders who in turn resold to end-users whereas the Community producer sold directly to end-users, the Community industry's sales prices were adjusted downwards deducting transport and certain sales expenses resulting in a price comparable to the import prices at cif level.

Following the imposition of a provisional anti-dumping duty, the undercutting margin has been adjusted to allow for the difference in physical characteristics between the product concerned originating in the People's Republic of China and the product concerned produced by the Community industry. The amount of the adjustment was determined in the same way as the corresponding adjustment used when comparing the export price with the normal value as explained in recital 15.

2. Causation of injury

- (21) The exporters argued that the injury suffered by the Community industry (namely loss of sales volume and market share and a reduction in sales prices) was due to costs associated with PEM's privatisation and a restructuring initiative which would have affected it during the period for the assessment of injury. This argument cannot be accepted since the investigation demonstrated that the Community industry was not the only seller on the EU market who suffered losses of market share and reductions in sales volume and prices during the injury assessment period.

Moreover, all abovementioned costs were excluded from the total cost of production and had no effect on the calculation of the injury margin as described in more detail in recital 27 below.

- (22) Therefore, it is confirmed that the dumped imports from the People's Republic of China have, when taken in isolation, caused material injury to the Community industry. The pricing behaviour of Chinese exporters on the Community market (coupled with steeply increasing volumes) is in sharp contrast to that of the other market participants and points to the conclusion that dumped imports from the People's Republic of China have caused injury to a degree which can be classified as material.

F. COMMUNITY INTEREST**1. The Community industry**

- (23) The findings of the Provisional Regulation (recital 50) are confirmed.

2. Traders/importers

- (24) The findings of the Provisional Regulation (recital 51) are confirmed.

3. Interest of the users

- (25) Since the publication of the Provisional Regulation, verification visits have been carried out to the two companies involved in the processing of magnesium ingots into granules, powders and alloys, i.e. Pometon SpA (Italy) and Magnesium Elektron, a division of British Aluminium Ltd (UK).

As a result, the findings of the Provisional Regulation (recitals 52 to 54) are confirmed.

4. Conclusion on Community interest

- (26) In view of the existence of a wide range of different sources of magnesium, it is expected that competition will remain intense on the Community market.

At the same time, any price increase resulting from anti-dumping measures has the potential to increase the costs of the downstream industry while in the event of the sole Community producer ceasing to produce magnesium there would be less competition on the Community market.

In these circumstances, the investigation has suggested that the downstream industries' future would neither be jeopardised nor disproportionately affected as a consequence of the measures taken.

This is particularly true for the two sectors of the industry representing the majority of consumption of the product concerned, i.e. the manufacturer of aluminium and magnesium grinders, where only marginal cost increases can be anticipated.

Therefore, it is considered that the benefits from removing the injury being suffered by the Community producer outweigh the potential negative effects to the users of the product concerned in the event of the imposition of measures and it is concluded that there is no reason to consider that taking measures would be against the overall interest of the Community.

G. DUTY**1. Injury elimination level**

- (27) In order to prevent further injury being caused by the dumped imports, anti-dumping measures in the form of definitive duties should be adopted.

For the purpose of determining the level of these duties, the Commission took account of the dumping margins found and the amount of duty necessary to eliminate the injury sustained by the Community industry.

As the injury consists principally of price depression and suppression resulting in a loss of profitability as well as a decrease in market share, the removal of such injury requires that the industry should be able to increase prices to a non-injurious level. To achieve this, the prices of imports of the product concerned originating in the People's Republic of China should be increased accordingly.

The representative production costs of the Community industry were therefore used, together with a profit margin of 5 %, this being considered necessary to ensure the viability of the industry.

The resulting non-injurious price based on these production costs and the profit margin was compared with the prices of the dumped imports used to establish undercutting as mentioned in recital 20 above.

The differences between these prices (on a weighted average basis and expressed as a percentage at cif level) result in an underselling margin of 41,0 %. This margin is above the dumping margin established.

Pursuant to Article 9(4) of the Basic Regulation, the definitive duty should therefore be set at the level of the dumping margin established at 31,7 %.

2. Form and level of duty

- (28) In order to be consistent with the measures adopted in the previous proceeding concerning the same product and given the material injury suffered by the Community industry and the nature of the product, a variable duty is considered the most appropriate in this case. In these circumstances, it is proposed that a variable duty should be adopted based on a minimum price of ECU 2 622 per tonne on a cif Community border level for imports of unwrought unalloyed magnesium originating in the People's Republic of China.

This form of the duty would only apply, however, where the cif Community frontier price is established on the basis of an invoice issued by an exporter located in the People's Republic of China to a party unrelated to it.

In all other cases an *ad valorem* duty of 31,7 % would be applied.

H. COLLECTION OF THE PROVISIONAL DUTY

- (29) Given the magnitude of the injury suffered, the amounts secured by way of provisional anti-dumping duty under the Provisional Regulation should be definitively collected to the extent of the amount of the definitive duties imposed,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of unwrought unalloyed magnesium falling within CN codes 8104 11 00 and ex 8104 19 00 (TARIC code 8104 19 00*20) originating in the People's Republic of China.

For the purpose of this Regulation, unwrought unalloyed magnesium shall comprise:

- unwrought magnesium unintentionally containing small amounts of other elements as impurities, and
- unwrought magnesium, containing intentionally added elements such as aluminium and zinc, which does not correspond to one of the alloys described in the Annex to this Regulation (TARIC additional code: 8592).

2. The amount of the anti-dumping duty shall be (TARIC additional code: 8900):

- (a) the difference between the minimum import price of ECU 2 622 per tonne and the cif Community frontier price in all cases where the latter is:

- less than the minimum import price, and
- established on the basis of an invoice issued by an exporter located in the People's Republic of China to a party unrelated to it.

No duty shall be collected where the cif Community frontier price per tonne is equal to or higher than the minimum import price;

- (b) equal to an *ad valorem* duty of 31,7 % in all other cases not falling under subparagraph (a) above.

3. The provisions in force concerning customs duties shall apply.

4. In instances where the customs value is reduced pursuant to Article 145 of Commission Regulation (EEC) No 2454/93⁽¹⁾, the minimum import price, referred to in paragraph 2(a) above, will also be reduced, on a pro rata basis, so that the duty payable will be the amount by which the reduced minimum price exceeds the reduced customs value.

Article 2

The amounts secured by way of the provisional anti-dumping duty imposed pursuant to Regulation (EC) No 1002/98 shall be definitively collected at the level of the duties definitively imposed on imports of unwrought pure magnesium, as defined in the Provisional Regulation, originating in the People's Republic of China.

The amounts secured in excess of the definitive anti-dumping levels shall be released.

Article 3

This Regulation shall enter into force on the day following that 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, 3 November 1998.

For the Council

The President

B. PRAMMER

⁽¹⁾ OJ L 253, 11. 10. 1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1677/98 (OJ L 212, 30. 7. 1998, p. 18).

ANNEX

CHEMICAL COMPOSITION OF Mg ALLOY INGOTS
(TARIC additional code: 8592)

Alloy group	CEN (*) material designation		Composition % (fraction of mass)														
	Symbolic	Numeric	Element	Mg	Al	Zn	Mn	RE (†)	Zr	Ag	Y	Li	Si	Fe	Cu	Ni	Others
MgAlZn	EN-MBMgAl8Zn1	EN-MB21110	Min.	Remainder	7,2	0,45	0,17	—	—	—	—	—	—	—	—	—	—
			Max.	—	8,5	0,9	—	—	—	—	—	—	0,05	0,004	0,025	0,001	0,01
	EN-MBMgAl9Zn1(A)	EN-MB21120	Min.	Remainder	8,5	0,45	0,17	—	—	—	—	—	—	—	—	—	—
			Max.	—	9,5	0,9	—	—	—	—	—	—	0,05	0,004	0,025	0,001	0,01
	EN-MBMgAl9Zn1(B)	EN-MB21121	Min.	Remainder	8,0	0,3	—	—	—	—	—	—	—	—	—	—	—
			Max.	—	10,0	1,0	—	—	—	—	—	—	0,3	0,03	0,2	0,01	0,05
MgAlMn	EN-MBMgAl2Mn	EN-MB21210	Min.	Remainder	1,7	—	0,35	—	—	—	—	—	—	—	—	—	—
			Max.	—	2,5	0,2	—	—	—	—	—	—	0,05	0,004	0,008	0,001	0,01
	EN-MBMgAl5Mn	EN-MB21220	Min.	Remainder	4,5	—	0,27	—	—	—	—	—	—	—	—	—	—
			Max.	—	5,3	0,2	—	—	—	—	—	—	0,05	0,004	0,008	0,001	0,01
	EN-MBMgAl6Mn	EN-MB21230	Min.	Remainder	5,6	—	0,23	—	—	—	—	—	—	—	—	—	—
			Max.	—	6,4	0,2	—	—	—	—	—	—	0,05	0,004	0,008	0,001	0,01
MgAlSi	EN-MBMgAl2Si	EN-MB21310	Min.	Remainder	1,9	—	0,2	—	—	—	—	—	0,7	—	—	—	—
			Max.	—	2,5	0,2	—	—	—	—	—	—	1,2	0,004	0,008	0,001	0,01
	EN-MBMgAl4Si	EN-MB21320	Min.	Remainder	3,7	—	0,2	—	—	—	—	—	0,7	—	—	—	—
			Max.	—	4,8	0,2	—	—	—	—	—	—	1,2	0,004	0,008	0,001	0,01
MgZnCu	EN-MBMgZn6Cu3Mn	EN-MB32110	Min.	Remainder	—	5,5	0,25	—	—	—	—	—	—	—	2,4	—	—
			Max.	—	—	6,5	0,75	—	—	—	—	—	0,2	0,05	3	0,01	0,01

Alloy group	CEN (*) material designation		Composition % (fraction of mass)														
	Symbolic	Numeric	Element	Mg	Al	Zn	Mn	RE (1)	Zr	Ag	Y	Li	Si	Fe	Cu	Ni	Others
MgZnREZr (2)	EN-MBMgZn4RE1Zr	EN-MB65110	Min.	Remainder	—	3,5	—	1	0,1	—	—	—	—	—	—	—	—
			Max.	—	—	5	0,15	1,75	1	—	—	—	0,01	0,01	0,03	0,005	0,01
	EN-MBMgRE3Zn2Zr	EN-MB65120	Min.	Remainder	—	2	—	2,4	0,1	—	—	—	—	—	—	—	—
			Max.	—	—	3	0,15	4	1	—	—	—	0,01	0,01	0,03	0,005	0,01
MgREAgZr (3)	EN-MBMgRE2Ag2Zr	EN-MB65210	Min.	Remainder	—	—	—	2	0,1	2	—	—	—	—	—	—	—
			Max.	—	—	0,2	0,15	3	1	3	—	—	0,01	0,01	0,03	0,005	0,01
	EN-MBMgRE2Ag1Zr	EN-MB65220	Min.	Remainder	—	—	—	1,5	0,1	1,3	—	—	—	—	0,05	—	—
			Max.	—	—	0,2	0,15	3	1	1,7	—	—	0,01	0,01	0,1	0,005	0,01
MgREYZr (4)	EN-MBMgY5RE4Zr	EN-MB95310	Min.	Remainder	—	—	—	1,5	0,1	—	4,75	—	—	—	—	—	—
			Max.	—	—	0,2	0,15	4	1	—	5,5	0,2	0,01	0,01	0,03	0,005	0,01
	EN-MBMgY4RE3Zr	EN-MB95320	Min.	Remainder	—	—	—	2,4	0,1	—	3,7	—	—	—	—	—	—
			Max.	—	—	0,2	0,15	4,4	1	—	4,3	0,2	0,01	0,01	0,03	0,005	0,01

(*) Ref: Norm EN 1753 adopted by the Comité européen de normalisation on 1 May 1997.

(1) Rare earths.

(2) Rich in cerium.

(3) Rich in neodyme.

(4) Rich in neodyme and heavy RE.

Alloy group	CEN (*) material designation		ISO	USA	Germany		UK		France
	Symbolic	Numeric		ASTM	DIN	Former common designation	BS	Former common designation	NF
MgAlZn	EN-MBMgAl8Zn1	EN-MB21110	Mg-Al8Zn1	AZ 81	MgAl8Zn1	AZ 81	MAG 1	A8	G-A8Z
	EN-MBMgAl9Zn1(A)	EN-MB21120	Mg-Al9Zn, No1	AZ 91	MgAl9Zn1	AZ 91	MAG 7	C, AZ 91	G-A9Z1
	EN-MBMgAl9Zn1(B)	EN-MB21121	—	—	—	AZ 91	—	AZ 91	—

Alloy group	CEN (*) material designation		ISO	USA	Germany		UK		France
	Symbolic	Numeric		ASTM	DIN	Former common designation	BS	Former common designation	NF
MgAlMn	EN-MBMgAl2Mn	EN-MB21210	—	—	—	AM 20	—	—	—
	EN-MBMgAl5Mn	EN-MB21220	—	—	—	AM 50	—	—	—
	EN-MBMgAl6Mn	EN-MB21230	—	AM 60	—	AM 60	—	—	—
MgAlSi	EN-MBMgAl2Si	EN-MB21310	—	—	—	AS 21	—	—	—
	EN-MBMgAl4Si	EN-MB21320	—	AS 41	MgAl4Si1	AS 41	—	—	G-A4S1
MgZnCu	EN-MBMgZn6Cu3Mn	EN-MB32110	—	ZC 63	—	—	—	ZC 63	—
MgZnREZr ⁽²⁾	EN-MBMgZn4RE1Zr	EN-MB65110	Mg-Zn4REZr	ZE 41	MgZn4SE1Zr1	RZ 5	MAG 5	RZ 5	G-Z4TR
	EN-MBMgRE3Zn2Zr	EN-MB65120	Mg-RE3Zn2Zr	EZ 33	MgSE3Zn2Zr1	ZRE 1	MAG 6	ZRE 1	G-TR3Z2
MgREAgZr ⁽³⁾	EN-MBMgRE2Ag2Zr	EN-MB65210	Mg-Ag3RE2Zr	QE 22	MgAg3SE2Zr1	MSR	MAG 12	MSE	G-Ag2,5
	EN-MBMgRE2Ag1Zr	EN-MB65220	—	EQ 21	—	—	MAG 13	EQ 21	—
MgREYZr ⁽⁴⁾	EN-MBMgY5RE4Zr	EN-MB95310	—	WE 54	—	—	MAG 14	WE 54	—
	EN-MBMgY4RE3Zr	EN-MB95320	—	WE 43	—	—	—	—	—

(*) Ref: Norm EN 1753 adopted by the Comité européen de normalisation on 1 May 1997.

(1) Rare earths.

(2) Rich in cerium.

(3) Rich in neodyme.

(4) Rich in neodyme and heavy RE.

COMMISSION REGULATION (EC) No 2403/98
of 6 November 1998
establishing the standard import values for determining the entry price of certain
fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 November 1998.

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

Done at Brussels, 6 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 6 November 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	99,6
	204	57,0
	999	78,3
0709 90 70	052	74,3
	204	52,2
	999	63,3
0805 20 10	204	67,2
	999	67,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	63,6
	999	63,6
0805 30 10	052	59,1
	388	41,8
	528	53,2
	999	51,4
0806 10 10	052	146,8
	400	266,1
	999	206,5
0808 10 20, 0808 10 50, 0808 10 90	060	29,5
	064	43,6
	388	30,3
	400	75,7
	404	78,3
	800	143,6
	999	66,8
0808 20 50	052	91,2
	064	59,1
	400	84,2
	720	54,6
	728	126,7
	999	83,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 2404/98
of 6 November 1998
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to
tender and repealing Regulation (EC) No 2294/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1633/98 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 2293/98 ⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State

where buying in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

Commission Regulation (EC) No 2294/98 ⁽⁵⁾ is hereby repealed.

Article 3

This Regulation shall enter into force on 9 November 1998.

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

Done at Brussels, 6 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 17.

⁽³⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ L 287, 24. 10. 1998, p. 3.

⁽⁵⁾ OJ L 287, 24. 10. 1998, p. 5.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n° 1 do artigo 1° do Regulamento (CEE) n° 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmät

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A	Categoría C
Medlemsstat eller region	Kategori A	Kategori C
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A	Kategorie C
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α	Κατηγορία Γ
Member States or regions of a Member State	Category A	Category C
États membres ou régions d'États membres	Catégorie A	Catégorie C
Stati membri o regioni di Stati membri	Categoria A	Categoria C
Lidstaat of gebied van een lidstaat	Categorie A	Categorie C
Estados-membros ou regiões de Estados-membros	Categoria A	Categoria C
Jäsenvaltiot tai alueet	Luokka A	Luokka C
Medlemsstater eller regioner	Kategori A	Kategori C

	U	R	O	U	R	O
België/Belgique		×				
Deutschland		×				
Ireland				×	×	×
Great Britain					×	
France		×				
Nederland		×				
Denmark		×				
Österreich		×				
Northern Ireland				×	×	×

COMMISSION REGULATION (EC) No 2405/98
of 5 November 1998
concerning the stopping of fishing for plaice by vessels flying the flag of Belgium

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, as last amended by Regulation (EC) No 2635/97 ⁽²⁾, and in particular Article 21(3) thereof,

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 783/98 ⁽⁴⁾ provides for plaice quotas for 1998;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of plaice in the waters of ICES division VIIIf, g by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated

for 1998; whereas Belgium has prohibited fishing for this stock as from 18 October 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of plaice in the waters of ICES division VIIIf, g by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1998.

Fishing for plaice in the waters of ICES division VIIIf, g by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 18 October 1998.

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

Done at Brussels, 5 November 1998.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

⁽⁴⁾ OJ L 113, 15. 4. 1998, p. 8.

COMMISSION REGULATION (EC) No 2406/98**of 6 November 1998****amending Regulation (EC) No 2064/97 establishing detailed arrangements for the implementation of Council Regulation (EEC) No 4253/88 as regards the financial control by Member States of operations co-financed by the Structural Funds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards co-ordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as last amended by Regulation (EC) No 3193/94⁽²⁾, and in particular the fourth subparagraph of Article 23(1) thereof,

Having regard to Commission Regulation (EC) No 2064/97 of 15 October 1997 establishing detailed arrangements for the implementation of Council Regulation (EEC) No 4253/88 as regards the financial control by Member States of operations co-financed by the Structural Funds⁽³⁾,

Whereas Article 8 of Regulation (EC) No 2064/97 lays down that Member States should present to the Commission at the time of the closure of a form of intervention, a statement drawn up by a person or organisation functionally independent of the implementing service; whereas this statement should summarise the conclusions of the control examinations made in the previous years and provide an overall conclusion as to the validity of the request for the final payment as well as the legality and regularity of the operations underlying the final declaration of expenditure;

Whereas Article 17 of Regulation (EC) No 2064/97 lays down that Article 8 shall apply from 1 January 1998;

Whereas some forms of intervention of the previous programming period (1989 to 1993) have not yet been closed; whereas some forms of intervention of the current programming period covering only the first three years should now be closed;

Whereas the presentation of the declaration laid down in paragraph 1 of Article 8 at the time of closure of these forms of intervention can constitute a major difficulty in cases where the service or person designated with the independent control function was not responsible for controls carried out on these forms of intervention,

HAS ADOPTED THIS REGULATION:

Article 1

A third paragraph is added to Article 17 of Regulation (EC) No 2064/97 as follows:

‘However, Article 8(1) need not be applied, from 1 January 1998, to forms of intervention for which the first decision granting assistance sets the final date for Community and national commitments up to 1 January 1997.’

Article 2

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

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

Done at Brussels, 6 November 1998.

For the Commission

Anita GRADIN

Member of the Commission

⁽¹⁾ OJ L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ L 337, 24. 12. 1994, p. 11.

⁽³⁾ OJ L 290, 23. 10. 1997, p. 1.

COMMISSION REGULATION (EC) No 2407/98**of 6 November 1998****establishing the allocation of export licences for cheeses to be exported in 1999 to the United States of America under certain quotas resulting from the GATT Agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 2184/98⁽²⁾, and in particular Article 9a(3) thereof,

Whereas Commission Regulation (EC) No 2185/98⁽³⁾ opens the procedure for the allocation of export licences for cheese to be exported in 1999 to the United States of America under certain quotas resulting from the GATT Agreements;

Whereas, in the case of applications for provisional licences lodged pursuant to Regulation (EC) No 2185/98 relating to quantities of products in each product group greater than those available, the allocation of licences may take into account the quantity of the same products exported to the United States of America by the applicant in the past and preference may be given to applicants whose designated importers are subsidiaries; whereas licences should be allocated to applicants who exported the cheeses in question to the United States of America in at least one of the preceding three years; whereas a preference should be accorded to those applicants whose designated importers are subsidiaries by fixing higher allocation coefficients for such applicants; whereas all other applications should be rejected;

Whereas the regime does not foresee the possibility for an operator to renounce the delivery of a certificate in cases where the quantity resulting from the application of the allocation coefficients is very small; whereas experience has shown that there is a risk of an operator in such circumstances being unable to fulfil his obligation to export with the consequent loss of the security; whereas it is therefore appropriate to ensure the allocation of a minimum quantity;

Whereas in the case of products groups for which the applications lodged are for quantities less than those available, it is appropriate to provide for the allocation of

the remaining quantities to the applicants in proportion to the quantities applied for; whereas the allocation of such further quantities should be conditional upon the interested operator making a request and lodging a security,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for provisional export licences lodged pursuant to Regulation (EC) No 2185/98 in respect of the product groups and quotas identified by 16-Tokyo, 16-Uruguay, 17-, 20-, 21- and 25-Tokyo and 25-Uruguay in column 3 of the Annex hereto:

- by applicants which show an export to the United States of America of the products in question during at least one of the preceding three years and whose designated importers are subsidiaries shall be accepted:
 - (a) for the quantity applied for per product code of the export refund nomenclature not exceeding that indicated in column 5 of the Annex; and
 - (b) for the quantity applied for per product code of the export refund nomenclature exceeding that indicated in column 5 in so far as the allocation coefficients indicated in column 6 of the Annex allow,
- by applicants other than those provided for under the first indent which show an export to the United States of America of the products in question during at least one of the preceding three years shall be accepted:
 - (a) for the quantity applied for per product code of the export refund nomenclature not exceeding that indicated in column 7 of the Annex; and
 - (b) for the quantity applied for per product code of the export refund nomenclature exceeding that indicated in column 7 in so far as the allocation coefficients indicated in column 8 of the Annex allow,

⁽¹⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽²⁾ OJ L 275, 10. 10. 1998, p. 21.

⁽³⁾ OJ L 275, 10. 10. 1998, p. 23.

— by applicants other than those provided for under the first and second indents above shall be rejected.

2. Applications for provisional export licences lodged pursuant to Regulation (EC) No 2185/98 in respect of the product groups and quotas identified by 18- and 22-Tokyo and 22-Uruguay in column 3 of the Annex hereto shall be accepted for the quantities requested. On the further application of the trader within 15 working days

of the entry into force of this Regulation and subject to the lodging of the security applicable, provisional export licences may be issued for further quantities in so far as the coefficients in column 9 of the Annex allow.

Article 2

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

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

Done at Brussels, 6 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States of America			Quantity available for 1999	Article 1(1) first indent		Article 1(1) second indent		Article 1(2)
Note No	Group	Identification of group and quota	(Tonnes)	Quantity referred to under (a) (Tonnes)	Allocation coefficient provided for under (b)	Quantity referred to under (a) (Tonnes)	Allocation coefficient provided for under (b)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
16	Not specifically provided for (NSPF)	16-Tokyo	908,877	10	0,5405558	10	0,2702779	
		16-Uruguay	1 955,000	10	0,5597197	10	0,2798598	
17	Blue mould	17-Tokyo	250,000	0	0,3921569	10	0,1960784	
18	Cheddar	18-Tokyo	833,333	0	1,0000000	0	1,0000000	1,7495969
20	Edam/Gouda	20-Tokyo	833,334	10	0,7814961	10	0,3907480	
21	Italian type	21-Tokyo	583,334	0	0,5000000	0	0,1637202	
22	Swiss or Emmenthaler cheese other than with eye formation	22-Tokyo	393,006	0	1,0000000			1,1002408
		22-Uruguay	316,666	0	1,0000000			1,1007961
25	Swiss or Emmenthaler cheese with eye formation	25-Tokyo	4 003,172	10	0,4892963	10	0,2446482	
		25-Uruguay	1 066,666	10	0,7417536	10	0,3708768	

COMMISSION REGULATION (EC) No 2408/98

of 6 November 1998

amending Annex V to Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

which have not notified the Depository that they are unable to accept them;

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community ⁽¹⁾, as last amended by Commission Decision 98/368/EC ⁽²⁾, and in particular Article 16(1) thereof,

- (1) Whereas, by virtue of Council Decision 93/98/EEC ⁽³⁾, the European Community has been a Party to the Basel Convention on the control of transboundary movements of hazardous wastes and their disposal since 7 February 1994;
- (2) Whereas in accordance with Article 16 of Regulation (EEC) No 259/93, as amended by Regulation (EC) No 120/97 ⁽⁴⁾, Annex V to that Regulation should be amended taking into full consideration those wastes featuring on the list of wastes adopted in accordance with Article 1(4) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste ⁽⁵⁾, as amended by Directive 94/31/EC ⁽⁶⁾, and any lists of wastes characterised as hazardous for the purposes of the Basel Convention;
- (3) Whereas, at the Fourth Conference of the Parties to the Basel Convention, a Decision ('Decision IV/9') was adopted to add new Annexes VIII and IX to the Convention listing respectively wastes characterised as hazardous pursuant to Article 1(1)(a) of the Convention and wastes not covered by Article 1(1)(a) of the Convention;
- (4) Whereas, in accordance with Article 18(2)(c) of the Basel Convention, on expiry of six months from the date of circulation of the communication of the adoption by the Depository, those Annexes VIII and IX should become effective for all Parties

- (5) Whereas, in accordance with Article 1(1)(b) of the Basel Convention, wastes that are not covered under Article 1(1)(a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of a Party shall be 'hazardous wastes' for the purposes of that Convention; whereas Article 4(11) of the Basel Convention provides that nothing in that Convention is to prevent a Party from imposing additional requirements that are consistent with the provisions thereof, and are in accordance with the rules of international law, in order to better protect human health and the environment; whereas, therefore, the amendment to Annex V contained in this Regulation is without prejudice to any future decision concerning Annex V, in particular as regards the adoption of stricter Community measures;
- (6) Whereas in order effectively to implement Decisions II/12 and III/1 of, respectively, the second and third Conference of the Parties to the Basel Convention, it is important that all wastes which are classified as hazardous, whether in the context of the Basel Convention or in the context of Community legislation, be included in Annex V; whereas, however, the new Annexes VIII and IX to the Basel Convention provide the most recent classification of hazardous waste; whereas it is considered opportune — at this stage — that in the event of conflict or discrepancy these new Annexes should be complied with; whereas, accordingly, the export of any waste listed in Part 1, list B (Annex IX to the Basel Convention) is not prevented by Annex V to Regulation (EEC) No 259/93 since it has not been characterised as hazardous for the purposes of Article 1(1)(a) of the Basel Convention;
- (7) Whereas, in accordance with the introductory wording of Annex VIII to the Basel Convention, Member States may make provisions, in exceptional cases, to determine, on the basis of documentary evidence provided in an appropriate way by the holder, that a specific waste in Annex V is to be excluded from the export ban referred to in Article 16(1) of Regulation (EEC) No 259/93 if it does not display any of the properties listed in

⁽¹⁾ OJ L 30, 6. 2. 1993, p. 1.

⁽²⁾ OJ L 165, 10. 6. 1998, p. 20.

⁽³⁾ OJ L 39, 16. 2. 1993, p. 1.

⁽⁴⁾ OJ L 22, 24. 1. 1997, p. 14.

⁽⁵⁾ OJ L 377, 31. 12. 1991, p. 20.

⁽⁶⁾ OJ L 168, 2. 7. 1994, p. 28.

Annex III to Directive 91/689/EEC, taking into account, as regards H3 to H8 of the said Annex, the limit values laid down in Council Decision 94/904/EC⁽¹⁾;

- (8) Whereas, in accordance with the introductory wording of Annex IX to the Basel Convention, the second indent of Article 1(4) of Directive 91/689/EEC and the introductory wording of Annex II to Regulation (EEC) No 259/93, the fact that a waste is not listed in Annex V, or that it is listed in Part 1, list B, does not preclude, in exceptional cases, characterisation of such a waste as hazardous and therefore subject to the export ban referred to in Article 16(1) of Regulation (EEC) No 259/93, if it displays any of the properties listed in Annex III to Directive 91/689/EEC taking into account, as regards H3 to H8 of the said Annex, the limit values laid down in Decision 94/904/EC;
- (9) Whereas in such cases the intended country of importation should be informed and Member States should notify such cases to the Commission which should forward the information to the other Member States and to the Secretariat of the Basel Convention; whereas on the basis of the information provided the Commission may make comments and, where appropriate, submit proposals to the Committee established pursuant to Article 18 of Council Directive 75/442/EEC⁽²⁾, as

last amended by Commission Decision 96/350/EC⁽³⁾, with a view to adapting Annex V;

- (10) Whereas in the light of the foregoing it is necessary to amend Annex V to Regulation (EEC) No 259/93;
- (11) Whereas the measures provided for in this Regulation are in accordance with the opinion expressed by the aforementioned Committee established pursuant to Article 18 of Directive 75/442/EEC,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Regulation (EEC) No 259/93 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall be without prejudice to any future decision as regards changes to Annex V to Regulation (EEC) No 259/93, in particular with a view to the possibility of adopting stricter Community measures in accordance with Article 1(1)(b) and Article 4(11) of the Basel Convention.

Article 3

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

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

Done at Brussels, 6 November 1998.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ OJ L 356, 31. 12. 1994, p. 14.

⁽²⁾ OJ L 194, 25. 7. 1975, p. 39.

⁽³⁾ OJ L 135, 6. 6. 1996, p. 32.

ANNEX

ANNEX V

INTRODUCTORY NOTES

1. Annex V shall apply without prejudice to Directive 75/442/EEC, as amended by Directive 91/156/EEC, and Directive EEC.
2. This Annex consists of three parts, whereby Parts 2 and 3 only apply when Part 1 is not applicable. Consequently, to determine if a specific waste is covered by Annex V to Regulation (EEC) No 259/93, one has to first check whether the waste features in Part 1 of Annex V, if this is not the case whether it features in Part 2, and if this is not the case whether it features in Part 3.

Part 1 is divided into two sub-sections: List A enumerating wastes which are classified as hazardous for the purposes of the Basel Convention and therefore are covered by the export ban and List B enumerating wastes which are not covered by the export ban.

Thus, if a waste features in Part 1, one has to check if it is enumerated in List A or in List B. Only if a waste does not feature in either List A or List B of Part 1, one has to check if it features in Part 2 or 3 and if this is the case it is covered by the export ban.

3. Member States may make provisions, in exceptional cases, to determine, on the basis of documentary evidence provided in an appropriate way by the holder, that a specific waste on this Annex is excluded from the export ban referred to in Article 16(1) of Regulation (EEC) No 259/93 as amended, if it does not display any of the properties listed in Annex III to Directive 91/689/EEC, taking into account, as regards H3 to H8 of the said Annex, the limit values laid down in Decision 94/904/EC.

In such a case, the Member State concerned shall inform the envisaged importing country prior to taking a decision. Member States shall notify such cases to the Commission before the end of each calendar year. The Commission shall forward the information to all Member States and to the Secretariat of the Basel Convention. On the basis of the information provided, the Commission may make comments and, where appropriate, submit proposals to the Committee established pursuant to Article 18 of Directive 75/442/EEC with a view to adapting Annex V to Regulation (EEC) No 259/93.

4. The fact that a waste is not listed in this Annex, or that it is listed in Part 1, List B, does not preclude, in exceptional cases, characterisation of such a waste as hazardous and therefore subject to the export ban referred to in Article 16(1) of Regulation (EEC) No 259/93 as amended, if it displays any of the properties listed in Annex III to Directive 91/689/EEC, taking into account, as regards H3 to H8 of the said Annex, the limit values laid down in Decision 94/904/EC, as provided for in Article 1(4), second indent, of Directive 91/689/EEC and in the Header of Annex II to Regulation (EEC) No 259/93.

In such a case, the Member State concerned shall inform the envisaged importing country prior to taking a decision. Member States shall notify such cases to the Commission before the end of each calendar year. The Commission shall forward the information to all Member States and to the Secretariat of the Basel Convention. On the basis of the information provided, the Commission may make comments and, where appropriate, submit proposals to the Committee established pursuant to Article 18 of Directive 75/442/EEC with a view to adapting Annex V to Regulation (EEC) No 259/93;

PART 1

*List A (Annex VIII to the Basel Convention)***[A1] Metal and metal-bearing wastes**

- [A1010] Metal wastes and waste consisting of alloys of any of the following:
- Antimony
 - Arsenic
 - Beryllium
 - Cadmium
 - Lead
 - Mercury
 - Selenium
 - Tellurium
 - Thallium
- but excluding such wastes specifically listed on List B.
- [A1020] Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:
- Antimony; antimony compounds
 - Beryllium; beryllium compounds
 - Cadmium; cadmium compounds
 - Lead; lead compounds
 - Selenium; selenium compounds
 - Tellurium; tellurium compounds
- [A1030] Wastes having as constituents or contaminants any of the following:
- Arsenic; arsenic compounds
 - Mercury; mercury compounds
 - Thallium; thallium compounds
- [A1040] Wastes having as constituents any of the following:
- Metal carbonyls
 - Hexavalent chromium compounds
- [A1050] Galvanic sludges
- [A1060] Waste liquors from the pickling of metals
- [A1070] Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.
- [A1080] Waste zinc residues not included on List B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics
- [A1090] Ashes from the incineration of insulated copper wire
- [A1100] Dusts and residues from gas cleaning systems of copper smelters
- [A1110] Spent electrolytic solutions from copper electro-refining and electro-winning operations
- [A1120] Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electro-refining and electro-winning operations
- [A1130] Spent etching solutions containing dissolved copper
- [A1140] Waste cupric chloride and copper cyanide catalysts
- [A1150] Precious metal ash from incineration of printed circuit boards not included on List B⁽¹⁾
- [A1160] Waste lead-acid batteries, whole or crushed
- [A1170] Unsorted waste batteries excluding mixtures of only List B batteries. Waste batteries not specified on List B containing Annex I constituents to an extent to render them hazardous

⁽¹⁾ Note that the mirror entry on List B (B 1160) does not specify exceptions.

[A1180] Waste electrical and electronic assemblies or scrap ⁽¹⁾ containing components such as accumulators and other batteries included on List A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB capacitors, or contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (note the related entry on List B [B1110]) ⁽²⁾

[A2] Wastes containing principally inorganic constituents, which may contain metals and organic materials

[A2010] Glass waste from cathode-ray tubes and other activated glasses

[A2020] Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on List B

[A2030] Waste catalysts but excluding such wastes specified on List B

[A2040] Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (note the related entry on List B [B2080])

[A2050] Waste asbestos (dusts and fibres)

[A2060] Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (note the related entry on List B [B2050])

[A3] Wastes containing principally organic constituents, which may contain metals and inorganic materials

[A3010] Waste from the production or processing of petroleum coke and bitumen

[A3020] Waste mineral oils unfit for their originally intended use

[A3030] Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges

[A3040] Waste thermal (heat transfer) fluids

[A3050] Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on List B (note the related entry on List B [B4020])

[A3060] Waste nitrocellulose

[A3070] Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges

[A3080] Waste ethers not including those specified on List B

[A3090] Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (note the related entry on List B [B3100])

[A3100] Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (note the related entry on List B [3090])

[A3110] Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on List B [3110])

[A3120] Fluff — light fraction from shredding

[A3130] Waste organic phosphorous compounds

[A3140] Waste non-halogenated organic solvents but excluding such wastes specified on List B

[A3150] Waste halogenated organic solvents

[A3160] Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations

[A3170] Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)

⁽¹⁾ This entry does not include scrap assemblies from electric power generation.

⁽²⁾ PCBs are at a concentration level of 50 mg/kg or more.

- [A3180] Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more⁽¹⁾
- [A3190] Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
- [A4] Wastes which may contain either inorganic or organic constituents**
- [A4010] Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on List B
- [A4020] Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects
- [A4030] Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, out-dated⁽²⁾, or unfit for their originally intended use
- [A4040] Wastes from the manufacture, formulation and use of wood-preserving chemicals⁽³⁾
- [A4050] Wastes that contain, consist of or are contaminated with any of the following:
— Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
— Organic cyanides
- [A4060] Waste oils/water, hydrocarbons/water mixtures, emulsions
- [A4070] Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on List B (note the related entry on List B [B4010])
- [A4080] Wastes of an explosive nature (but excluding such wastes specified on List B)
- [A4090] Waste acidic or basic solutions, other than those specified in the corresponding entry on List B (note the related entry on List B [B2120])
- [A4100] Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on List B
- [A4110] Wastes that contain, consist of or are contaminated with any of the following:
— any congener of polychlorinated dibenzo-furan
— any congener of polychlorinated dibenzo-dioxin
- [A4120] Wastes that contain, consist of or are contaminated with peroxides
- [A4130] Wastes packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics
- [A4140] Waste consisting of or containing off-specification or out-dated⁽²⁾ chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics

⁽¹⁾ The 50 mg/kg level is considered to be an internationally practical level for all wastes. However, many individual countries have established lower regulatory levels (e.g. 20 mg/kg) for specific wastes.

⁽²⁾ 'Out-dated' means unused within the period recommended by the manufacturer.

⁽³⁾ This entry does not include wood treated with wood-preserving chemicals.

- [A4150] Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known
- [A4160] Spent activated carbon not included on List B (note the related entry on List B [B2060])

List B (Annex IX to the Basel Convention)

[B1] Metal and metal-bearing wastes

- [B1010] Metal and metal-alloy wastes in metallic, non-dispersible form:
- Precious metals (gold, silver, the platinum group, but not mercury)
 - Iron and steel scrap
 - Copper scrap
 - Nickel scrap
 - Aluminium scrap
 - Zinc scrap
 - Tin scrap
 - Tungsten scrap
 - Molybdenum scrap
 - Tantalum scrap
 - Magnesium scrap
 - Cobalt scrap
 - Bismuth scrap
 - Titanium scrap
 - Zirconium scrap
 - Manganese scrap
 - Germanium scrap
 - Vanadium scrap
 - Scrap of hafnium, indium, niobium, rhenium and gallium
 - Thorium scrap
 - Rare earths scrap
- [B1020] Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc.):
- Antimony scrap
 - Beryllium scrap
 - Cadmium scrap
 - Lead scrap (but excluding lead-acid batteries)
 - Selenium scrap
 - Tellurium scrap
- [B1030] Refractory metals containing residues
- [B1040] Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous
- [B1050] Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics ⁽¹⁾
- [B1060] Waste selenium and tellurium in metallic elemental form including powder
- [B1070] Waste of copper and copper alloys in dispersible form, unless than contain Annex I constituents to an extent that they exhibit Annex III characteristics

⁽¹⁾ Note that even where low level contamination with Annex I materials initially exists, subsequent processes, including recycling processes, may result in separated fractions containing significantly enhanced concentrations of those Annex I materials.

- [B1080] Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristic H4.3⁽¹⁾
- [B1090] Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury
- [B1100] Metal-bearing wastes arising from melting, smelting and refining of metals:
- Hard zinc spelter
 - Zinc-containing drosses:
 - galvanizing slab zinc top dross (> 90 % Zn)
 - galvanizing slab zinc bottom dross (> 92 % Zn)
 - zinc die casting dross (> 85 % Zn)
 - hot dip galvanizers slab zinc dross (batch) (> 92 % Zn)
 - zinc skimmings
 - Aluminium skimmings (or skims) excluding salt slag
 - Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics
 - Wastes of refractory linings, including crucibles, originating from copper smelting
 - Slags from precious metals processing for further refining
 - Tantalum bearing tin slags with less than 0,5 % tin
- [B1110] Electrical and electronic assemblies:
- Electronic assemblies consisting only of metals or alloys
 - Waste electrical and electronic assemblies or scrap⁽²⁾ (including printed circuit boards) not containing components such as accumulators and other batteries included on List A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB capacitors, or not contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (note the related entry on List A [A1180])
 - Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct re-use⁽³⁾ and not for recycling or final disposal⁽⁴⁾
- [B1120] Spent catalysts excluding liquids used as catalysts, containing any of:
- Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on List A: scandium, vanadium, manganese, cobalt, copper, yttrium, niobium, hafnium, tungsten, titanium, chromium, iron, nickel, zinc, zirconium, molybdenum, tantalum, rhenium
 - Lanthanides (rare earth metals): lanthanum, praseodymium, samarium, gadolinium, dysprosium, erbium, ytterbium, cerium, neody, europium, terbium, holmium, thulium, lutetium
- [B1130] Cleaned spent precious-metal-bearing catalysts
- [B1140] Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides
- [B1150] Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labelling
- [B1160] Precious-metal ash from the incineration of printed circuit boards (note the related entry on List A [A1150])

⁽¹⁾ The status of zinc ash is currently under review and there is a recommendation with United Nations Conference on Trade and Development (UNCTAD) that zinc ashes should not be dangerous goods.

⁽²⁾ This entry does not include scrap from electrical power generation.

⁽³⁾ Re-use can include repair, refurbishment or upgrading, but not major reassembly.

⁽⁴⁾ In some countries these materials destined for direct re-use are not considered wastes.

- [B1170] Precious-metal ash from the incineration of photographic film
- [B1180] Waste photographic film containing silver halides and metallic silver
- [B1190] Waste photographic paper containing silver halides and metallic silver
- [B1200] Granulated slag arising from the manufacture of iron and steel
- [B1210] Slag arising from the manufacture of iron and steel including slags as a source of TiO_2 and vanadium
- [B1220] Slag from zinc production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301) mainly for construction
- [B1230] Mill scaling arising from the manufacture of iron and steel
- [B1240] Copper oxide mill-scale

[B2] Wastes containing principally inorganic constituents, which may contain metals and organic materials

- [B2010] Wastes from mining operations in non-dispersible form:
 - Natural graphite waste
 - Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
 - Mica waste
 - Leucite, nepheline and nepheline syenite waste
 - Feldspar waste
 - Fluorspar waste
 - Silica wastes in solid form excluding those used in foundry operations
- [B2020] Glass waste in non-dispersible form:
 - Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses
- [B2030] Ceramic wastes in non-dispersible form:
 - Cermet wastes and scrap (metal ceramic composites)
 - Ceramic based fibres not elsewhere specified or included
- [B2040] Other wastes containing principally inorganic constituents:
 - Partially refined calcium sulphate produced from flue-gas desulphurisation (FGD)
 - Waste gypsum wallboard or plasterboard arising from the demolition of buildings
 - Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
 - Sulphur in solid form
 - Limestone from the production of calcium cyanamide (having a pH less than 9)
 - Sodium, potassium, calcium chlorides
 - Carborundum (silicon carbide)
 - Broken concrete
 - Lithium- tantalum and lithium-niobium containing glass scraps
- [B2050] Coal-fired power plant fly-ash, not included on List A (note the related entry on List A [A2060])
- [B2060] Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (note the related entry on List A [A4160])
- [B2070] Calcium fluoride sludge
- [B2080] Waste gypsum arising from chemical industry processes not included on List A (note the related entry on List A [A2040])

- [B2090] Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)
- [B2100] Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes
- [B2110] Bauxite residue ('red mud') (pH moderated to less than 11,5)
- [B2120] Waste acidic or basic solutions with a PH greater than 2 and less than 11,5, which are not corrosive or otherwise hazardous (note the related entry on List A [A4090])

[B3] Wastes containing principally organic constituents, which may contain metals and inorganic materials

- [B3010] Solid plastic waste:
- The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:
- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following ⁽¹⁾:
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile
 - butadiene
 - polyacetals
 - polyamides
 - polybutylene terephthalate
 - polycarbonates
 - polyethers
 - polyphenylene sulphides
 - acrylic polymers
 - alkanes C10 - C13 (plasticiser)
 - polyurethane (not containing CFCs)
 - polysiloxanes
 - polymethyl methacrylate
 - polyvinyl alcohol
 - polyvinyl butyral
 - polyvinyl acetate
 - Cured waste resins or condensation products including the following:
 - urea formaldehyde resins
 - phenol formaldehyde resins
 - melamine formaldehyde resins
 - epoxy resins
 - alkyd resins
 - polyamides
 - The following fluorinated polymer wastes ⁽²⁾:
 - Perfluoroethylene/propylene (FEP)
 - Perfluoroalkoxy alkane (PFA)
 - Perfluoroalkoxy alkane (MFA)
 - Polyvinylfluoride (PVF)
 - Polyvinylidene fluoride (PVDF)

⁽¹⁾ It is understood that such scraps are completely polymerized.

⁽²⁾ — Post-consumer wastes are excluded from this entry.

— Wastes shall not be mixed.

— Problems arising from open-burning practices to be considered.

[B3020] Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- unbleached paper or paperboard or of corrugated paper or paperboard
- other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- other, including but not limited to 1. laminated paperboard; 2. unsorted scrap

[B3030] Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock):
 - not carded or combed
 - other
- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock:
 - noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair
 - waste of coarse animal hair
- Cotton waste (including yarn waste and garnetted stock):
 - yarn waste (including thread waste)
 - garnetted stock
 - other
- Flax tow and waste
- Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
- Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus *Agave*
- Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or *Musa textilis* Nee)
- Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
- Waste (including noils, yarn waste and garnetted stock) of man-made fibres:
 - of synthetic fibres
 - of artificial fibres
- Worn clothing and other worn textile articles
- Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile:
 - sorted
 - other

[B3040] Rubber wastes

The following materials, provided they are not mixed with other wastes:

- Waste and scrap of hard rubber (e.g. ebonite)
- Other rubber wastes (excluding such wastes specified elsewhere)

[B3050] Untreated cork and wood waste:

- Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
- Cork waste: crushed, granulated or ground cork

- [B3060] Wastes arising from agro-food industries provided it is not infectious:
- Wine lees
 - Dried and sterilised vegetable waste, residues and by-products, whether or not in the form of pellets, or a kind used in animal feeding, not elsewhere specified or included
 - Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes
 - Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
 - Fish waste
 - Cocoa shells, husks, skins and other cocoa waste
 - Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption
- [B3070] The following wastes:
- Waste of human hair
 - Waste straw
 - Deactivated fungus mycelium from penicillin production to be used as animal feed
- [B3080] Waste parings and scrap of rubber
- [B3090] Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (note the related entry on List A [A 3100])
- [B3100] Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (note the related entry on List A [A3090])
- [B3110] Fellmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (note the related entry on List A [A3110])
- [B3120] Wastes consisting of food dyes
- [B3130] Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides
- [B3140] Waste pneumatic tyres, excluding those destined for Annex IV.A operations
- [B4] Wastes which may contain either inorganic or organic constituents**
- [B4010] Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (note the related entry on List A [A4070])
- [B4020] Wastes from production, formulation and use of resins, latex, plasticisers, glues/adhesives, not listed on List A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g. water based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (note the related entry on List A [A3050])
- [B4030] Used single use cameras, with batteries not included on List A

PART 2

Wastes listed in Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Directive 91/689/EEC on hazardous waste

020000	WASTE FROM AGRICULTURAL, HORTICULTURAL, HUNTING, FISHING AND AQUACULTURE PRIMARY PRODUCTION, FOOD PREPARATION AND PROCESSING
020100	Primary production waste
020105	Agrochemical wastes
030000	WASTES FROM WOOD PROCESSING AND THE PRODUCTION OF PAPER, CARDBOARD, PULP, PANELS AND FURNITURE
030200	Wood preservation waste
030201	Non-halogenated organic wood preservatives
030202	Organochlorinated wood preservatives
030203	Organometallic wood preservatives
030204	Inorganic wood preservatives
040000	WASTES FROM THE LEATHER AND TEXTILE INDUSTRIES
040100	Wastes from the leather industry
040103	Degreasing wastes containing solvents without a liquid phase
040200	Wastes from the textile industry
040211	Halogenated wastes from dressing and finishing
050000	WASTES FROM PETROLEUM REFINING, NATURAL GAS PURIFICATION AND PYROLYTIC TREATMENT OF COAL
050100	Oily sludges and solid wastes
050103	Tank bottom sludges
050104	Acid alkyl sludges
050105	Oil spills
050107	Acid tars
050108	Other tars
050400	Spent filter clays
050401	Spent filter clays
050600	Waste from the pyrolytic treatment of coal
050601	Acid tars
050603	Other tars
050700	Wastes from natural gas purification
050701	Sludges containing mercury
050800	Wastes from oil regeneration
050801	Spent filter clays
050802	Acid tars
050803	Other tars
050804	Aqueous liquid waste from oil regeneration
060000	WASTES FROM INORGANIC CHEMICAL PROCESSES
060100	Waste acidic solutions
060101	Sulphuric acid and sulphurous acid
060102	Hydrochloric acid
060103	Hydrofluoric acid
060104	Phosphoric and phosphorous acid

060105	Nitric acid and nitrous acid
060199	Waste not otherwise specified
060200	Waste alkaline solutions
060201	Calcium hydroxide
060202	Soda
060203	Ammonia
060299	Wastes not otherwise specified
060300	Waste salts and their solutions
060311	Salts and solutions containing cyanides
060400	Metal-containing wastes
060402	Metallic salts (except 060300)
060403	Wastes containing arsenic
060404	Wastes containing mercury
060405	Wastes containing other heavy metals
060700	Wastes from halogen chemical processes
060701	Wastes containing asbestos from electrolysis
060702	Activated carbon from chlorine production
061300	Wastes from other inorganic chemical processes
061301	Inorganic pesticides, biocides and wood preserving agents
061302	Spent activated carbon (except 060702)
070000	WASTES FROM ORGANIC CHEMICAL PROCESSES
070100	Waste from the manufacture, formulation, supply and use (MFSU) of basic organic chemicals
070101	Aqueous washing liquids and mother liquors
070103	Organic halogenated solvents, washing liquids and mother liquors
070104	Other organic solvents, washing liquids and mother liquors
070107	Halogenated still bottoms and reaction residues
070108	Other still bottoms and reaction residues
070109	Halogenated filter cakes, spent absorbents
070110	Other filter cakes, spent absorbents
070200	Waste from the MFSU of plastics, synthetic rubber and man-made fibres
070201	Aqueous washing liquids and mother liquors
070203	Organic halogenated solvents, washing liquids and mother liquors
070204	Other organic solvents, washing liquids and mother liquors
070207	Halogenated still bottoms and reaction residues
070208	Other still bottoms and reaction residues
070209	Halogenated filter cakes, spent absorbents
070210	Other filter cakes, spent absorbents
070300	Waste from the MFSU of organic dyes and pigments (excluding 061100)
070301	Aqueous washing liquids and mother liquors
070303	Organic halogenated solvents, washing liquids and mother liquors
070304	Other organic solvents, washing liquids and mother liquors
070307	Halogenated still bottoms and reaction residues
070308	Other still bottoms and reaction residues

070309	Halogenated filter cakes, spent absorbents
070310	Other filter cakes, spent absorbents
070400	Waste from the MFSU of organic pesticides (except 020105)
070401	Aqueous washing liquids and mother liquors
070403	Organic halogenated solvents, washing liquids and mother liquors
070404	Other organic solvents, washing liquids and mother liquors
070407	Halogenated still bottoms and reaction residues
070408	Other still bottoms and reaction residues
070409	Halogenated filter cakes, spent absorbents
070410	Other filter cakes, spent absorbents
070500	Waste from the MFSU of pharmaceuticals
070501	Aqueous washing liquids and mother liquors
070503	Organic halogenated solvents, washing liquids and mother liquors
070504	Other organic solvents, washing liquids and mother liquors
070507	Halogenated still bottoms and reaction residues
070508	Other still bottoms and reaction residues
070509	Halogenated filter cakes, spent absorbents
070510	Other filter cakes, spent absorbents
070600	Waste from the MFSU of fats, grease, soaps, detergents, disinfectants and cosmetics
070601	Aqueous washing liquids and mother liquors
070603	Organic halogenated solvents, washing liquids and mother liquors
070604	Other organic solvents, washing liquids and mother liquors
070607	Halogenated still bottoms and reaction residues
070608	Other still bottoms and reaction residues
070609	Halogenated filter cakes, spent absorbents
070610	Other filter cakes, spent absorbents
070700	Waste from the MFSU of fine chemicals and chemical products not otherwise specified
070701	Aqueous washing liquids and mother liquors
070703	Organic halogenated solvents, washing liquids and mother liquors
070704	Other organic solvents, washing liquids and mother liquors
070707	Halogenated still bottoms and reaction residues
070708	Other still bottoms and reaction residues
070709	Halogenated filter cakes, spent absorbents
070710	Other filter cakes, spent absorbents
080000	WASTES FROM THE MANUFACTURE, FORMULATION, SUPPLY AND USE (MFSU) OF COATINGS (PAINTS, VARNISHES AND VITREOUS ENAMELS), ADHESIVE, SEALANTS AND PRINTING INKS
080100	Wastes from MFSU of paint and varnish
080101	Waste paints and varnish containing halogenated solvents
080102	Waste paints and varnish free of halogenated solvents
080106	Sludges from paint or varnish removal containing halogenated solvents
080107	Sludges from paint or varnish removal free of halogenated solvents
080300	Waste from MFSU of printing inks

080301	Waste ink containing halogenated solvents
080302	Waste ink free of halogenated solvents
080305	Ink sludges containing halogenated solvents
080306	Ink sludges free of halogenated solvents
080400	Wastes from MFSU of adhesives and sealants (including waterproofing products)
080401	Waste adhesives and sealants containing halogenated solvents
080402	Waste adhesives and sealants free of halogenated solvents
080405	Adhesives and sealants sludges containing halogenated solvents
080406	Adhesives and sealants sludges free of halogenated solvents
090000	WASTES FROM THE PHOTOGRAPHIC INDUSTRY
090100	Wastes from the photographic industry
090101	Water based developer and activator solutions
090102	Water based offset plate developer solutions
090103	Solvent based developer solutions
090104	Fixer solutions
090105	Bleach solutions and bleach fixer solutions
090106	Waste containing silver from on-site treatment of photographic waste
100000	INORGANIC WASTES FROM THERMAL PROCESSES
100100	Wastes from power station and other combustion plants (except 190000)
100104	Oil fly ash
100109	Sulphuric acid
100300	Wastes from aluminium thermal metallurgy
100301	Tars and other carbon-containing wastes from anode manufacture
100303	Skimmings
100304	Primary smelting slags/white drosses
100307	Spent pot lining
100308	Salt slags from secondary smelting
100309	Black drosses from secondary smelting
100310	Waste from treatment of salt slags and black drosses treatment
100400	Wastes from lead thermal metallurgy
100401	Slags (first and second smelting)
100402	Dross and skimmings (first and second smelting)
100403	Calcium arsenate
100404	Flue gas dust
100405	Other particulates and dust
100406	Solid waste from gas treatment
100407	Sludges from gas treatment
100500	Wastes from zinc thermal metallurgy
100501	Slags (first and second smelting)
100502	Dross and skimmings (first and second smelting)
100503	Flue gas dust
100505	Solid waste from gas treatment
100506	Sludges from gas treatment

100600	Wastes from copper thermal metallurgy
100603	Flue gas dust
100605	Waste from electrolytic refining
100606	Solid waste from gas treatment
100607	Sludges from gas treatment
110000	INORGANIC WASTE WITH METALS FROM METAL TREATMENT AND THE COATING OF METALS; NON-FERROUS HYDRO-METALLURGY
110100	Liquid wastes and sludges from metal treatment and coating of metals (e.g. galvanic processes, zinc coating processes, pickling processes, etching, phosphatising, alkaline degreasing)
110101	Cyanidic (alkaline) wastes containing heavy metals other than chromium
110102	Cyanidic (alkaline) wastes which do not contain heavy metals
110103	Cyanide-free wastes containing chromium
110105	Acidic pickling solutions
110106	Acids not otherwise specified
110107	Alkalis not otherwise specified
110108	Phosphatising sludges
110200	Wastes and sludges from non-ferrous hydrometallurgical processes
110202	Sludges from zinc hydrometallurgy (including jarosite, goethite)
110300	Sludges and solids from tempering processes
110301	Wastes containing cyanide
110302	Other wastes
120000	WASTES FROM SHAPING AND SURFACE TREATMENT OF METALS AND PLASTICS
120100	Wastes from shaping (including forging, welding, pressing, drawing, turning, cutting and filing)
120106	Waste machining oils containing halogens (not emulsioned)
120107	Waste machining oils free of halogens (not emulsioned)
120108	Waste machining emulsions containing halogens
120109	Waste machining emulsions free of halogens
120110	Synthetic machining oils
120111	Machining sludges
120112	Spent waxes and fats
120300	Wastes from water and steam degreasing processes (except 110000)
120301	Aqueous washing liquids
120302	Steam degreasing wastes
130000	OIL WASTES (except edible oils, 050000 and 120000)
130100	Waste hydraulic oils and brake fluids
130101	Hydraulic oils, containing PCBs or PCTs
130102	Other chlorinated hydraulic oils (not emulsions)
130103	Non-chlorinated hydraulic oils (not emulsions)
130104	Chlorinated emulsions
130105	Non-chlorinated emulsions
130106	Hydraulic oils containing only mineral oil
130107	Other hydraulic oils
130108	Brake fluids

- 130200 **Waste engine, gear and lubricating oils**
- 130201 Chlorinated engine, gear and lubricating oils
- 130202 Non-chlorinated engine, gear and lubricating oils
- 130203 Other machine, gear and lubricating oils
- 130300 **Waste insulating and heat transmission oils and other liquids**
- 130301 Insulating or heat transmission oils and other liquids containing PCBs or PCTs
- 130302 Other chlorinated insulating and heat transmission oils and other liquids
- 130303 Non-chlorinated insulating and heat transmission oils and other liquids
- 130304 Synthetic insulating and heat transmission oils and other liquids
- 130305 Mineral insulating and heat transmission oils
- 130400 **Bilge oils**
- 130401 Bilge oils from inland navigation
- 130402 Bilge oils from jetty sewers
- 130403 Bilge oils from other navigation
- 130500 **Oil/water separator contents**
- 130501 Oil/water separator solids
- 130502 Oil/water separator sludges
- 130503 Interceptor sludges
- 130504 Desalter sludges or emulsions
- 130505 Other emulsions
- 130600 **Oil waste not otherwise specified**
- 130601 Oil waste not otherwise specified
- 140000 **WASTES FROM ORGANIC SUBSTANCES EMPLOYED AS SOLVENTS (except 070000 and 080000)**
- 140100 **Wastes from metal degreasing and machinery maintenance**
- 140101 Chlorofluorocarbons
- 140102 Other halogenated solvents and solvent mixes
- 140103 Other solvents and solvent mixes
- 140104 Aqueous solvent mixes containing halogens
- 140105 Aqueous solvent mixes free of halogens
- 140106 Sludges or solid wastes containing halogenated solvents
- 140107 Sludges or solid wastes free of halogenated solvents
- 140200 **Wastes from textile cleaning and degreasing of natural products**
- 140201 Halogenated solvents and solvent mixes
- 140202 Solvent mixes or organic liquids free of halogenated solvents
- 140203 Sludges or solid wastes containing halogenated solvents
- 140204 Sludges or solid wastes containing other solvents
- 140300 **Wastes from the electronic industry**
- 140301 Chlorofluorocarbons
- 140302 Other halogenated solvents
- 140303 Solvents and solvent mixes free of halogenated solvents
- 140304 Sludges or solid wastes containing halogenated solvents
- 140305 Sludges or solid wastes containing other solvents

140400	Wastes from coolants, foam/aerosol propellents
140401	Chlorofluorocarbons
140402	Other halogenated solvents and solvent mixes
140403	Other solvents and solvent mixes
140404	Sludges or solid wastes containing halogenated solvents
140405	Sludges or solid wastes containing other solvents
140500	Wastes from solvent and coolant recovery (still bottoms)
140501	Chlorofluorocarbons
140502	Halogenated solvents and solvent mixes
140503	Other solvents and solvent mixes
140504	Sludges containing halogenated solvents
140505	Sludges containing other solvents
160000	WASTE NOT OTHERWISE SPECIFIED IN THE CATALOGUE
160200	Discarded equipment and shredder residues
160201	Transformers and capacitors containing PCB or PCTs
160400	Waste explosives
160401	Waste ammunition
160402	Fireworks waste
160403	Other waste explosives
160600	Batteries and accumulators
160601	Lead batteries
160602	Ni-Cd batteries
160603	Mercury dry cells
160606	Electrolyte from batteries and accumulators
160700	Waste from transport and storage tank cleaning (except 050000 and 120000)
160701	Waste from marine transport tank cleaning, containing chemicals
160702	Waste from marine transport tank cleaning, containing oil
160703	Waste from railway and road transport tank cleaning containing oil
160704	Waste from railway and road transport tank cleaning containing chemicals
160705	Waste from storage tank cleaning, containing chemicals
160706	Waste from storage tank cleaning, containing oil
170000	CONSTRUCTION AND DEMOLITION WASTE (INCLUDING ROAD CONSTRUCTION)
170600	Insulation materials
170601	Insulation materials containing asbestos
180000	WASTES FROM HUMAN OR ANIMAL HEALTH CARE AND/OR RELATED RESEARCH (excluding kitchen and restaurant wastes which do not arise from immediate health care)
180100	Waste from natal care, diagnosis, treatment or prevention of disease in humans
180103	Other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
180200	Waste from research, diagnosis, treatment or prevention of disease involving animals
180202	Other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
180204	Discarded chemicals

190000	WASTES FROM WASTE TREATMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE WATER INDUSTRY
190100	Wastes from incineration or pyrolysis of municipal and similar commercial, industrial and institutional wastes
190103	Fly ash
190104	Boiler dust
190105	Filter cake from gas treatment
190106	Aqueous liquid waste from gas treatment and other aqueous liquid wastes
190107	Solid waste from gas treatment
190110	Spent activated carbon from flue-gas treatment
190200	Wastes from specific physico/chemical treatments of industrial wastes (e.g. dechromatation, decyanidation, neutralisation)
190201	Metal hydroxide sludges and other sludges from metal insolubilisation treatment
190400	Vitrified wastes and wastes from vitrification
190402	Fly ash and other flue-gas treatment wastes
190403	Non-vitrified solid phase
190800	Wastes from waste water treatment plants not otherwise specified
190803	Grease and oil mixture from oil/waste water separation
190806	Saturated or spent ion exchange resins
190807	Solutions and sludges from regeneration of ion exchangers
200000	MUNICIPAL WASTES AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES INCLUDING SEPARATELY COLLECTED FRACTIONS
200100	Separately collected fractions
200112	Paint, inks, adhesives and resins
200113	Solvents
200117	Photo chemicals
200119	Pesticides
200121	Fluorescent tubes and other mercury containing waste

PART 3

Waste from Annexes III and IV to Regulation (EEC) No 259/93. The wastes numbered AB 130, AC 020, AC 250, AC 260, AC 270 and AD 160 have been deleted since they have been considered, in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC, to be clearly non-hazardous and therefore shall not be subject to the export ban.

AMBER LIST OF WASTES (*)

AA. METAL BEARING WASTES

AA 010	ex 2619 00	Dross, scalings and other wastes from the manufacture of iron and steel (**)
AA 020	ex 2620 19	Zinc ashes and residues (**)
AA 030	2620 20	Lead ashes and residues (**)
AA 040	ex 2620 30	Copper ashes and residues (**)
AA 050	ex 2620 40	Aluminium ashes and residues (**)
AA 060	ex 2620 50	Vanadium ashes and residues (**)
AA 070	2620 90	Ashes and residues (**) containing metals or metal compounds not elsewhere specified or included
AA 080	ex 8112 91	Thallium waste scrap and residues
AA 090	ex 2804 80	Arsenic waste and residues (**)
AA 100	ex 2805 40	Mercury waste and residues (**)
AA 110		Residues from alumina production not elsewhere specified or included
AA 120		Galvanic sludges
AA 130		Liquors from the pickling of metals
AA 140		Leaching residues from zinc processing, dusts and sludges such as jarosite, hematite, goethite, etc.
AA 150		Precious metal bearing residues in solid form which contain traces of inorganic cyanides
AA 160		Precious metal ash, sludge, dust and other residues such as:
AA 161		— Ash from incineration of printed circuit boards
AA 162		— Photographic film ash
AA 170		Lead-acid batteries, whole or crushed
AA 180		Used batteries or accumulators, whole or crushed, other than lead-acid batteries, and waste and scrap arising from the production of batteries and accumulators, not otherwise specified or included
AA 190	8104 20	Magnesium waste and scrap that is flammable, pyrophoric or emits, upon contact with water, flammable gases in dangerous quantities.

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

AB 010	2621 00	Slag, ash and residues (**), not elsewhere specified or included
AB 020		Residues arising from the combustion of municipal/household wastes
AB 030		Wastes from non-cyanide based systems which arise from surface treatment of metals
AB 040	ex 7001 00	Glass waste from cathode-ray tubes and other activated glasses
AB 050	ex 2529 21	Calcium fluoride sludge
AB 060		Other inorganic fluorine compounds in the form of liquids or sludges
AB 070		Sands used in foundry operations
AB 080		Waste catalysts not on the green list
AB 090		Waste hydrates of aluminium
AB 100		Waste alumina

AB 110	Basic solutions
AB 120	Inorganic halide compounds, not elsewhere specified or included
AB 140	Gypsum arising from chemical industry processes
AB 150	Unrefined calcium sulphite and calcium sulphate from flue-gas desulphurization (FGD)

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

AC 010	ex 2713 90	Waste from the production/processing of petroleum coke and bitumen, excluding anode butts
AC 030		Waste oils unfit for their originally intended use
AC 040		Leaded petrol (gasoline) sludges
AC 050		Thermal (heat transfer) fluids
AC 060		Hydraulic fluids
AC 070		Brake fluids
AC 080		Antifreeze fluids
AC 090		Waste from production, formulation and use of resins, latex, plasticizers, glues and adhesives
AC 100	ex 3915 90	Nitrocellulose
AC 110		Phenols, phenol compounds including chlorophenol in the form of liquids or sludges
AC 120		Polychlorinated naphthalenes
AC 130		Ethers
AC 140		Triethylamine catalyst for setting foundry sands
AC 150		Chlorofluorocarbons
AC 160		Halons
AC 170		Treated cork and wood wastes
AC 180	ex 4110 00	Leather dust, ash, sludges and flours
AC 190		Fluff-light fraction from automobile shredding
AC 200		Organic phosphorous compounds
AC 210		Non-halogenated solvents
AC 220		Halogenated solvents
AC 230		Halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
AC 240		Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethanes, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)

AD. WASTES WHICH MAY CONTAIN EITHER INORGANIC OR ORGANIC CONSTITUENTS

AD 010	Wastes from the production and preparation of pharmaceutical products
AD 020	Wastes from the production, formulation and use of biocides and phytopharmaceuticals
AD 030	Wastes from the manufacture, formulation and use of wood preserving chemicals
AD 040	Wastes that contain, consist of or are contaminated with any of the following: — Inorganic cyanides, excepting precious metal-bearing residues in solid form containing traces of inorganic cyanides

AD 050	— Organic cyanides
AD 060	Waste oils/water, hydrocarbons/water mixtures, emulsions
AD 070	Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
AD 080	Wastes of an explosive nature, when not subject to specific other legislation
AD 090	Wastes from production, formulation and use of reprographic and photographic chemicals and materials not elsewhere specified or included
AD 100	Wastes from non-cyanide based systems which arise from surface treatment of plastics
AD 110	Acidic solutions
AD 120	Ion exchange resins
AD 130	Single-use cameras with batteries
AD 140	Wastes from industrial pollution control devices for cleaning of industrial off-gases, not elsewhere specified or included
AD 150	Naturally occurring organic material used as a filter medium (such as bio-filters)
AD 170 ex 2803	Spent activated carbon having hazardous characteristics and resulting from its use in the inorganic chemical, organic chemical and pharmaceutical industries, waste water treatment, gas/air cleaning processes and similar applications.

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

The indicative 'ex' identifies a specific item contained within a heading of the Harmonized System code.

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

(**) This listing includes wastes in the form of ash, residue, slag, dross, skimming, scaling, dust, powder, sludge and cake, unless a material is expressly listed elsewhere.

RED LIST OF WASTE

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

- RA 010** Waste substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB) and/or polychlorinated terphenyl (PCT) and/or polybrominated biphenyl (PBB), including any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more
- RA 020** Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment

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

- RB 010** Asbestos (dusts and fibres)
- RB 020** Ceramic-based fibres of physico-chemical characteristics similar to those of asbestos

RC. WASTES WHICH MAY CONTAIN EITHER INORGANIC OR ORGANIC CONSTITUENTS

Wastes that contain, consist of or are contaminated with any of the following:

- RC 010** — Any congener of polychlorinated dibenzo-furan
- RC 020** — Any congener of polychlorinated dibenzo-dioxin
- RC 030** Leaded anti-knock compounds sludges
- RC 040** Peroxides other than hydrogen peroxide'

COMMISSION REGULATION (EC) No 2409/98
of 6 November 1998
on the supply of white sugar as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24(1)(b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organisations eligible for Community aid and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated white sugar to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied pursuant to Council Regulation (EC) No 1292/96 as Community food aid ⁽²⁾; whereas it is necessary to

specify the time limits and conditions of supply to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

White sugar shall be mobilised in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EC) No 2519/97 and under the conditions set out in the Annex.

The tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 6 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 23.

ANNEX

LOT A

1. **Action No:** 291/97
2. **Beneficiary** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag
tel. (31 70) 330 57 57; fax 364 17 01; telex 30960 EURON NL
3. **Beneficiary's representative:** to be designated by the recipient
4. **Country of destination:** Sudan
5. **Product to be mobilised:** white sugar
6. **Total quantity (tonnes net):** 50
7. **Number of lots:** one
8. **Characteristics and quality of the product** ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(1))
9. **Packaging** ⁽⁷⁾ ⁽⁸⁾: see OJ C 267, 13.9.1996, p. 1 (11.2, A(1)(b), (2)(b) and B(4))
10. **Labelling or marking** ⁽⁶⁾: see OJ C 114, 29.4.1991, p. 1 (V.A(3))
 - Language to be used for the markings: English
 - Supplementary markings: —
11. **Method of mobilisation of the product:** sugar produced in the Community in accordance with the sixth subparagraph of Article 24(1a) of Council Regulation (EEC) No 1785/81 as follows:
A or B sugar (points (a) and (b))
12. **Specified delivery stage:** free at port of shipment
13. **Alternative delivery stage:** —
14. (a) **Port of shipment:** —
(b) **Loading address:** —
15. **Port of landing:** —
16. **Place of destination:** —
 - port or warehouse of transit: —
 - overland transport route: —
17. **Period or deadline of supply at the specified stage:**
 - first deadline: 14.12.1998 — 3.1.1999
 - second deadline: 28.12.1998 — 17.1.1999
18. **Period or deadline of supply at the alternative stage:**
 - first deadline: —
 - second deadline: —
19. **Deadline for the submission of tenders (12 noon, Brussels time):**
 - first deadline: 23.11.1998
 - second deadline: 7.12.1998
20. **Amount of tendering guarantee:** ECU 15 per tonne
21. **Address for submission of tenders and tendering guarantees** ⁽¹⁾:
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/
Wetstraat 200, B-1049 Bruxelles/Brussel
telex 25670 AGREC B; fax (32-2) 296 70 03 / 296 70 04 (exclusively)
22. **Export refund** ⁽⁴⁾: periodic refund applicable to white sugar on 28.10.1998, fixed by Commission Regulation (EC) No 2266/98 (OJ L 284 22.10.1998, p. 20)

Notes:

- (¹) Supplementary information: André Debongnie (tel. (32-2) 295 14 65)
Torben Vestergaard (tel. (32-2) 299 30 50).
- (²) The supplier shall contact the beneficiary or its representative as soon as possible to establish which consignment documents are required.
- (³) The supplier shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EC) No 259/98 (OJ L 25, 31.1.1998, p. 39), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that indicated in point 22 of this Annex.
The supplier's attention is drawn to the last subparagraph of Article 4(1) of the above Regulation. The photocopy of the export licence shall be sent as soon as the export declaration has been accepted (fax (32-2) 296 20 05).
- (⁵) The supplier shall supply to the beneficiary or its representative, on delivery, the following document:
— health certificate.
- (⁶) Notwithstanding OJ C 114 of 29.4.1991, point V.A(3)(c) is replaced by the following: 'the words "European Community"'.
(⁷) Since the goods may be rebagged, the supplier must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL.
The supplier shall be responsible for the cost of making the container available in the stack position at the container terminal at the port of shipment. The beneficiary shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
The supplier has to submit to the beneficiary's agent a complete packing list of each container, specifying the number of bags belonging to each action number as specified in the invitation to tender.
The supplier has to seal each container with a numbered locktainer (Oneseal, Sysko, Locktainer 180 or a similar high-security seal) the number of which is to be provided to the beneficiary's representative.
- (⁹) The rule provided at the second indent of Article 18(2)(a) of Commission Regulation (EEC) No 2103/77 (OJ L 246, 27.9.1977, p. 12), as last amended by Regulation (EC) No 260/96 (OJ L 34, 13.2.1996, p. 16), is binding for determination of the sugar category.
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COMMISSION REGULATION (EC) No 2410/98

of 6 November 1998

amending Regulation (EC) No 2228/96 opening and providing for the administration of a tariff quota of 50 000 tonnes of durum wheat falling within CN code 1001 10 00

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in schedule CXL drawn up in the wake of the conclusion of the GATT XXIV(6) negotiations ⁽¹⁾, and in particular Article 1 thereof,

Whereas, within the framework of the World Trade Organisation (WTO), the Community has undertaken to open a tariff quota at a zero rate of duty for 50 000 tonnes of durum wheat with a minimum vitreous content of 73 % each marketing year and commencing on 1 January 1996; whereas the said quota is contained in the Community schedule CXL forwarded to the WTO; whereas Commission Regulation (EC) No 2228/96 ⁽²⁾ lays down provisions for the administration of imports under this quota; whereas checks have established that the text contains some errors concerning the date of issue of import licences and the release of the security for good faith to be lodged by applicants; whereas such errors should be corrected; whereas, in order to avoid misunderstandings, the amendments should apply as from 1 October 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2228/96 is amended as follows:

1. The seventh indent of Article 4 is replaced by the following:

‘— notwithstanding Article 6(1) of Commission Regulation (EC) No 1162/95 ^(*), the licence shall be valid from its date of issue until the sixth day following inclusive.

^(*) OJ L 117, 24.5.1995, p. 2.’

2. Article 5(1) is replaced by the following:

‘1. The security for good faith provided for in the second indent of Article 2(1)(c) shall be released upon presentation of proof that the declaration of release for free circulation has been accepted.’

Article 2

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

It shall apply with effect from 1 October 1998.

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

Done at Brussels, 6 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ L 298, 22. 11. 1996, p. 8.