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Legislation

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Notice to readers (see page 3 of the cover)

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2597/1999
of 6 December 1999**

**imposing a definitive countervailing duty on imports of polyethylene terephthalate (PET) film
originating in India and collecting definitively 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 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾ (hereinafter referred to as the 'Basic Regulation') and in particular Article 15 thereof,

After consulting the Advisory Committee,

Whereas:

1. PROCEDURE

- (1) By Commission Regulation No 1810/1999 ⁽²⁾ (hereinafter referred to as 'the provisional duty Regulation'), a provisional countervailing duty was imposed on imports of polyethylene terephthalate ('PET') film into the Community originating in India falling within CN codes 3920 62 19 and 3920 62 90.
- (2) Subsequent to the imposition of the provisional countervailing duty, the Indian cooperating exporting producers Ester Industries Ltd, Flex Industries Ltd, Garware Polyester Ltd, India Polyfilms Ltd/Jindal Polyester Ltd (related companies), MTZ Polyesters Ltd, Polyplex Corporation Ltd (hereinafter referred to as 'the Indian exporting producers'), the Government of India (hereinafter referred to as the 'GOI'), the complainant Community producers (hereinafter referred to as 'the Community industry') and two users of PET film submitted comments in writing.
- (3) In accordance with the provisions of Article 11(5) of the basic Regulation, all the above parties except for one user requested and were granted hearings.
- (4) One user, which did not make itself known at an earlier stage, reacted further to the imposition of the provisional measures.

- (5) The Commission continued to seek and verify all information it deemed necessary for the definitive findings.
- (6) The oral and written comments submitted after the imposition of provisional measures and after the above disclosures were considered and, where deemed appropriate, taken into account in the definitive findings.

2. PRODUCT UNDER CONSIDERATION

- (7) Recital 7 of the provisional duty Regulation described the product under consideration to be polyethylene terephthalate (PET) film.
- (8) Recital 8 of the provisional duty Regulation stated further that the product can be split into a variety of segments typically identified within the industry as magnetic, packaging, electrical, imaging and other industrial segments and that for the purposes of the investigation, the products were grouped in types according to market segment, thickness, coating properties, surface treatment, mechanical properties and clarity/opacity.
- (9) After the imposition of provisional measures the Commission received a request by the Community industry to consider not only the types classifiable within CN codes 3920 62 19 and 3920 62 90 as set out in the provisional duty Regulation but also those classifiable within CN codes 3920 62 11 and 3920 62 13 as PET film. The Indian exporting producers opposed the inclusion of the two additional codes claiming that the PET film classifiable within them is not interchangeable with the PET film falling within the other two codes, i.e. 3920 62 19 and 3920 62 90. They pointed out that only these latter codes were included in the complaint of the Community industry and that the two former ones had not been specifically included in the complaint on the grounds that the products categorised within these codes were not interchangeable with those classified within CN codes 3920 62 19 and 3920 62 90.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1.

⁽²⁾ OJ L 219, 19.8.1999, p. 14.

- (10) On the basis of the information collected in the course of the investigation, the Commission decided not to include CN codes 3920 62 11 and 3920 62 13 within the scope of the investigation as no information has been submitted which would suggest that the claim made by the Community industry in the complaint in terms of lack of interchangeability is not correct.

3. SUBSIDIES

3.1. GENERAL SUBMISSIONS

3.1.1. Addition of interest in the calculation of benefits obtained

- (11) The exporting producers requested withdrawal of the interest element that had been added in order to calculate the total amount of benefit obtained under the various schemes. It was claimed that the addition of interest was unwarranted, beyond the terms of the Agreement on subsidies and countervailing measures (ASCM) and prohibited under Article VI paragraph 3 GATT 1994. The Calculation Guidelines of the Commission would be null and void in this respect.
- (12) The legal basis for the addition of interest to the face value of the subsidy is Article 5 in conjunction with Article 6 of the basic Regulation. Article 5 states that the amount of countervailable subsidies shall be calculated in terms of the benefit conferred on the recipient which is found to exist during the investigation period for subsidisation. Article 6, which reproduces Article 14 of the ASCM, establishes rules for calculation of the benefit for certain types of subsidies. For all categories of subsidies mentioned in Article 6, i.e. provision of equity, loans, loan guarantees and goods and services or purchase of goods, the benchmark for determining the benefit is the equivalent cost of funds on the commercial market. Therefore, by applying the rationale contained in Article 6 as a general rule to all categories of subsidies, in order to encompass the full benefit, the costs of borrowing the funds at commercial rates must be included.
- (13) When expressed as a face value during the investigation period, all subsidies are effectively equivalent to a grant. Since non-repayable grants are not available commercially, the recipient, in the absence of such a grant, would have had to raise the equivalent amount from

commercial sources and repay it with interest over a period of time. It is this element of the benefit which is covered by adding interest to the nominal subsidy amount.

- (14) This approach is specifically provided for by the sentence 'The face value of the amount of the subsidy has to be transformed into the value prevailing during the investigation period through the application of the normal commercial interest rate' in the Commission's guidelines for the calculation of the amount of subsidy in countervailing duty investigations (calculation guidelines) ⁽¹⁾ and is the Community's standing practice which has been followed in a number of previous cases.
- (15) Article VI3 GATT 1994, which is reproduced in Article 19(4) of the ASCM, only states that duties must not be levied in excess of the amount of the subsidy. The amount of the subsidy is calculated in terms of benefit found to exist in the investigation period (Article 14 ASCM). Since the company also benefited from the fact that it did not have to source the funds on the financial market, the amount of benefit must also include an interest element. Consequently, since the amount of benefit (including interest) corresponds to the amount of the subsidy and the countervailing duty is calculated in terms of the subsidy margin found, Article VI(3) GATT 1994 is fully respected by the addition of interest.
- (16) For these reasons, the claim to exclude the interest element in the calculation of the benefits obtained under the various schemes is rejected.

3.1.2 Specificity of the various schemes

- (17) The exporting producers submitted that the presumption in Article 2(3) of the ASCM rendering subsidies contingent upon export performance specific will not *ipso facto* apply, since Article 27(2) of the ASCM provides that the prohibition of subsidies contingent upon export performance shall not apply to developing countries. India is one of the countries listed in Annex VII to the ASCM, and therefore the export subsidies granted by the GOI would not be prohibited. As a consequence, the Commission would be under an obligation to demonstrate on the basis of positive evidence that the schemes in question are specific.
- (18) Article 3(4)(a) of the basic Regulation clearly states that subsidies, including those illustrated in Annex I, shall be deemed to be specific if they are, in law or in fact, contingent on export performance. This condition has been individually examined for each of the subsidy schemes subject to this proceeding.

⁽¹⁾ OJ C 394, 17.12.1998, p. 7.

3.2. INDIVIDUAL SCHEMES

3.2.1. **Passbook scheme (PBS)**

(19) The GOI and the exporting producers raised arguments regarding this scheme, which is described in recitals 12 to 19 of the provisional duty Regulation. These arguments need not be addressed, given that the benefits obtained under this were not included in the amounts of duty provisionally established for the reasons given in recital 24 of the provisional duty Regulation. Consequently, no measures will be imposed on benefits under this scheme and, therefore, no definitive finding is required.

3.2.2. **Duty entitlement passbook (DEPB) scheme — pre-export basis**

(20) The GOI and the exporting producers raised arguments regarding this scheme, which was described in recitals 26 to 30 of the provisional duty Regulation.

(21) In particular, it was claimed that the DEPB pre-export scheme is a permitted remission/drawback scheme within the provisions of the basic Regulation, and, as such, is non-countervailable. It was also claimed that, should the scheme be found to be countervailable, only actual excess remissions should be used as a basis for the calculation of the benefit, and the Commission should have examined whether there was in fact an excess drawback of import charges on inputs consumed in the production process.

(22) The DEPB on pre-export basis is not a remission/drawback or substitution scheme within the provisions of the Basic Regulation, despite the existence of the 'actual user condition'. It is fundamentally a value, and not quantity based scheme. The DEPB rate, which gives rise to import duty exemption, is not calculated in relation to specific physical quantities of inputs actually consumed or to be consumed in the production process. Concretely, inputs are determined on the basis of Standard Input/output Norms (SION) which set notional costings based on what are considered to be the values of inputs that have to be imported to manufacture a particular product. Once the DEPB rate has been set for a particular finished product, inputs can be imported duty free under a DEPB pre-export licence. There is no mechanism in place which would prevent an exporting producer from shifting the ratios of his inputs actually imported, since he is only required to remain within the overall credit ceiling granted.

(23) In addition, there is no obligation to actually import all different inputs for which credit has been granted. The only limits to the quantity of any particular input that may be imported under the scheme is the value of the licence granted and the corresponding commitment to

export the finished product. Therefore, there is no requirement that the imported inputs being substituted must be equal in quantity to, and have the same quality and characteristics as the home market inputs.

(24) A company which can obtain its inputs at a lower value or which sources some of the inputs on the domestic market, would be able to import duty-free inputs that could be used for domestic production or sale since the actual imported quantities will have no relation to those set in the SION. There was no evidence found of an effective system or procedure in place to confirm either which duty-free inputs are actually consumed in the production process of the exported finished product or in what quantities. Furthermore, it has been found that the offset that may take place when goods are exported is not carried out on the basis of actual quantities of duty free imported inputs used in the processing of the exported products, but rather on the basis of standard value assumptions concerning inputs of the exported product.

(25) Even if the DEPB pre-export basis were to be considered a duty draw-back system, as alleged, Annex II(II)(5) and Annex III(II)(3) to the basic Regulation provide that, where it is determined that the government of the exporting country does not have a verification system in place, a further examination by the exporting country based on actual inputs involved, or actual transactions, respectively, will normally need to be carried out in the context of determining whether an excess payment occurred. Since, as explained above, no such verification system of actual quantities of imported inputs exists, the GOI was required to undertake an examination. The GOI did not carry out such an examination. Therefore, the Commission did not examine whether there was in fact an excess drawback of import charges on inputs consumed in the production of the exported product.

(26) In any event, the excess remission of import duties is the basis for calculating the amount of the benefit only in the case of bona fide drawback and substitution drawback schemes. Since it has been established that the DEPB pre-export scheme is not a drawback or substitution drawback scheme within the meaning of Annex I(i) and Annexes II and III to the basic Regulation, the benefit is the total remission of import duties, not any supposed excess remission.

(27) As the DEPB pre-export scheme involves government revenue that is otherwise due being forgone, the scheme is considered to confer a subsidy under Article 2(1)(a)(ii) of the basic Regulation. Since benefit under the scheme cannot be obtained without an export commitment, the scheme is contingent in law upon export performance within the meaning of Article 3(4)(a) of the basic Regulation, and is therefore specific.

Calculation of the subsidy amount

- (28) The benefit to the exporting producers has been calculated as explained in recital 23 of the provisional duty Regulation, taking additionally into account application fees which have been claimed by the exporting producers. These additional amounts had, however, no influence on the provisionally calculated subsidy margins.
- (29) Two companies benefited from this scheme during the investigation period and obtained subsidies of 1,31 % and 6,84 %.

3.2.3. DEPB scheme — post-export basis

- (30) The GOI and the exporting producers raised arguments regarding this scheme, which was described in recitals 37 to 39 of the provisional duty Regulation.
- (31) In particular, it was claimed that the DEPB Scheme on post-export basis would be a permissible substitution drawback scheme since DEPB post-exports credits would be granted only in accordance with notified SION. Under paragraph (I) of Annex I to the basic Regulation, a drawback scheme may permit the use of a quantity of home market inputs equal to, and having the same quality and characteristics as the imported inputs. It was also claimed that the Excise Authorities would be in a position to verify which imported inputs are incorporated into the exported product. Accordingly, the DEPB Scheme on post-export basis would be a permissible substitution drawback scheme under Annex II to the basic Regulation.
- (32) It should be recalled that, contrary to the DEPB scheme on pre-export basis, no 'actual user condition' exists. The credits on the DEPB scheme on post-export basis are calculated as a percentage of the value of exported finished products. Credits thus obtained can be used to offset customs duties normally due on imports of any goods (excluding those on the negative list of imports). There is no restriction to goods for use in the production of the exported product. Imported goods may be sold on the domestic market or used in any other way. Moreover, licences, and thus credits, are freely transferable.
- (33) Consequently, it can be concluded that the DEPB scheme on post-export basis is not a drawback or substitution drawback scheme within the meaning of Annex I(i) and Annexes II and III of the basic Regulation.
- (34) The GOI also claimed that the scheme constitutes an export subsidy only to the extent that it provides a drawback of import charges in excess of those actually leviable in imported inputs that are used in export production, and that the Commission has failed to discharge its obligation of determining the extent of this excess.

- (35) This claim has to be rejected for the same reasons as stated in recital 26.

Calculation of the subsidy amount

- (36) The GOI submitted that, in the case of licences being sold, the Commission would be required to determine the actual value of the benefit derived by the exporting producers through these sales transactions, and not on the basis of the amount of credit granted in the licence.
- (37) As already explained in recital 43 of the provisional duty Regulation, this claim cannot be granted since the benefit granted by the GOI to the exporting producer in terms of revenue foregone is properly reflected in the value of the licence. Selling a licence at a price different (i.e. higher or lower) than its value represents a purely commercial transaction which does not alter the amount of benefit originally received from the scheme.
- (38) The benefit to the exporting producers has been calculated as explained in recitals 41 to 44 of the provisional duty Regulation. In this respect, it should be noted that a number of claims were made by four exporting producers and accepted by the Commission. Subsequently, additional costs necessarily incurred to obtain the licence have been taken into account. Also, corrections have been made to the amounts of credit granted. These corrections result in minor changes of the subsidy margins.
- (39) Four companies benefited from this scheme during the investigation period and obtained subsidies of between 2,34 % and 17,68 %.

3.2.4. Export promotion capital goods (EPCG) scheme

- (40) The GOI submitted that the objective of the EPCG scheme, which was described in recitals 46 to 50 in the provisional duty Regulation, would be to permit the technological upgrading of plant and equipment by enterprises across the economy while also preserving India's scarce foreign exchange resources. It was claimed that the EPCG benefit is not contingent upon export performance because EPCG licences are available regardless of previous export performance. Moreover, an EPCG licence-holder can always purchase domestic rather than imported capital goods.
- (41) In regard to this claim, it should be noted that to avail itself of the EPCG scheme, a company must make a commitment to export a certain value of goods within a certain time period. This scheme is therefore contingent in law upon export performance since no benefit can be obtained without a commitment to export goods. As such, it is deemed to be specific under the provisions of Article 3(4)(a) of the basic Regulation and, therefore, countervailable.

- (42) The exporting producers claimed that, under the EPCG Scheme, the Government revenue is not forgone, but only postponed. If an importer of capital goods fails to fulfil his export obligation by the end of the period that the scheme provides, any differential duty will be collected with interest. Thus, the question whether an importer had enjoyed any duty remission at all and whether the government revenue is forgone and, thereby a benefit is conferred, will arise only at the end of the given period for fulfilment of the export obligation under this scheme. It would therefore be premature to consider the import of capital goods under the scheme during the period of investigation.
- (43) In regard to this claim, it is considered that, when a company applies for this scheme and thereby gives a commitment to export goods, it must be presumed that the export obligation will be met and final exemption from the payment of the import duties will be obtained. Indeed, there must be an expectation on the part of the companies that they will finally not have to pay duties. To assume otherwise would render the scheme meaningless.
- (44) Moreover, the investigation has positively established that the GOI in fact grants extensions of the period of export obligation to companies that are unable to meet their export obligation within the period initially established.
- (45) For these reasons, it is considered that government revenue is forgone at the time of importation of capital goods and the importing company receives a benefit in the form of the total amount of unpaid duties.

Calculation of the subsidy amount

- (46) The benefit to the exporting producers has been calculated as explained in recital 53 of the provisional duty Regulation. In this respect, it should be noted that a number of claims were made by all exporting producers, which were in part accepted by the Commission. Most notably, costs necessarily incurred in order to qualify for, or to obtain the subsidy and for which substantiated evidence was provided were taken into account. Those costs were notably linked to application fees and bank guarantees. The application fee is a one time operation whereas the bank guarantees can be a one time operation covering a period of several years for the bank guarantee or can be composed of several yearly instalments to be paid throughout the period of the validity of the bank guarantee.
- (47) It should be noted that, one of these companies, MTZ Polyesters Ltd, claimed that the method applied in the provisional duty Regulation is not appropriate in its specific case, since it had been in a totally different situation during the investigation period than the other

companies involved in the investigation. Most notably, it was claimed that, owing to unforeseen events, among which was a natural disaster, commercial production started only in October 1998. This led to very low domestic and export sales during the investigation period and consequently to a high subsidy margin. The company therefore proposed and requested to use a different calculation methodology.

- (48) It should be noted that no such claim had been submitted to the Commission during the investigation until the disclosure of provisional findings. However, with its request, the company submitted detailed and substantiated evidence concerning the start of commercial production and the effect that such late start had on its operations.
- (49) After careful scrutiny of this submission, the Commission concluded that the request to adopt different calculation methodologies as proposed by the company was not justified. However, the Commission considered that, given the specific and exceptional circumstances affecting this company, the application of the same denominator (i.e. actual exports) to this company as that applied to the companies which were in a normal commercial production situation led to results of such a disproportionate nature that they did not adequately reflect the benefit obtained by this company from the countervailable subsidy under this scheme. Accordingly, the Commission, while maintaining the same calculation methodology, made an adaptation of the production and export sales figures of this company, based on verified data from companies in a normal commercial production situation in order to allocate the benefit conferred by the subsidy during the investigation period.

- (50) In summary, six companies have availed themselves of this scheme during the investigation period and obtained subsidies of between 1,42 % and 8,75 %.

3.3. EXPORT PROMOTION ZONES/EXPORT ORIENTED UNITS (EPZ/EOU)

- (51) The GOI submitted that it does not forgo any revenue under this scheme, which was described in recitals 55 to 58 of the provisional duty Regulation, because customs duties on capital goods are only suspended during the period of bonding. This means that, on imports of capital goods for use within EPZ/EOU units, the importer is not required to pay customs duty. However, when the capital goods are sold, or de-bonded, the customs duty becomes payable, at a rate proportionate to the depreciated value of the capital goods at the time of sale or de-bonding.

- (52) This claim is similar to the one made by the exporting producers concerning the EPCG scheme, i.e. revenue would not be forgone, but merely postponed. However, to presume that capital goods would be imported duty free and then resold on the domestic market, duty paid, would render the scheme meaningless. In any event, even if capital goods were to be resold at a given moment in the future, revenue would be forgone in an amount proportional to the accrued depreciation. If and when such capital goods are sold is a merely commercial decision taken by the company.
- (53) For these reasons, it is considered that government revenue is forgone at the time of importation of capital goods and the importing company receives a benefit in the form of the total amount of unpaid duties.
- (54) The exporting producer made a similar claim, and additionally presented arguments relating to the imports of inputs for exported products. Since the EPZ/EOU scheme was used exclusively for the import of capital goods, these additional arguments need not be addressed.
- (55) This subsidy is contingent in law on export performance within the meaning of Article 3(4)(a) of the basic Regulation, since it cannot be obtained without the company accepting an exporting obligation, and therefore deemed to be specific.

Calculation of the subsidy amount

- (56) The benefit of the exporting producer has been calculated as explained in recitals 63 to 65 of the provisional duty Regulation. One company received benefits under this scheme at a rate of 0,7 %.

3.3.1. Income tax exemption scheme

- (57) As already established in the provisional duty Regulation, no exporting producer made use of this scheme. Consequently, no measures were imposed and no definitive finding is required in the context of the investigation.

3.4. REGIONAL SCHEMES

3.4.1. Sales tax

- (58) The exporting producers submitted that the benefit bestowed under the sales tax exemptions of the States of Gujarat and Maharashtra and the trade tax incentive scheme of the state of Uttar Pradesh is conferred to the purchaser of the goods, and not the seller.
- (59) Sales or trade tax in these states is a tax levied on sales of goods, and added to the sales prices on the invoice. The seller thereby acts as a tax collector. The sales/trade tax system differs from VAT systems in that sales/trade tax paid cannot be offset against sales/trade tax collected.

- (60) It has been claimed that the sales or trade tax exemptions have been used by the companies exclusively for sales transactions, and not for any substantial purchases of goods.
- (61) The Commission, doting the verification visit, has found no evidence to the contrary. It was also established that all major suppliers of inputs for the exporting producers are located outside the States concerned. Therefore, sales tax was payable on purchases of goods by the exporting producers.
- (62) It can therefore be concluded that the sales tax exemptions granted by the States of Gujarat and Maharashtra and the trade tax incentive scheme granted by the State of Uttar Pradesh conferred no benefit upon the exporting producer.
- (63) No measures will be imposed and, therefore, no definitive findings on these schemes are required. Finally, it should be noted that these findings do not prejudice findings concerning the usage of these schemes for purchase transactions.

3.4.2. Regional schemes — Electricity duty exemption

- (64) The GOI and one exporting producer, MTZ Polyesters Ltd, submitted that this scheme, which was described in recitals 80 and 81 of the provisional duty Regulation, would not be specific, since it would be available to all new enterprises in Gujarat, regardless of where they are located.
- (65) The Commission analysed the evidence submitted in order to substantiate this claim. After a careful examination, it can be concluded that, even though some unclear wording in the relevant legislation appears to have been used, notably in the context of defining 'service undertakings' and setting differential duty rates, this scheme is indeed available to all new industrial undertakings within the state on an equal basis and during a period of five years.
- (66) Article 3(2)(b) of the basic Regulation stipulates that where the granting authority, or the legislation pursuant to which the granting authority operates, establishes objective criteria or conditions governing the eligibility for, and the amount of, a subsidy, specificity shall not exist provided that eligibility is automatic and such criteria and conditions are strictly adhered to. Such objective criteria and conditions should, *inter alia*, be horizontal in application and not favour certain enterprises over others.
- (67) In the light of the submissions received and evidence verified in this investigation, it is considered that the scheme meets the criteria of Article 3(2)(b) of the basic Regulation, in so far as it is horizontal in application, since it is available to enterprises in the whole state, and based on objective criteria, namely the creation of new industrial undertakings.

- (68) It is therefore concluded that this scheme is not specific and therefore not countervailable.

3.4.3. Regional schemes — Octroi refund

- (69) Concerning the octroi refund, which was described in recitals 88 to 89 of the provisional duty Regulation, the GOI submitted that the octroi is an indirect tax levied by local authorities in India on goods that enter the territorial units of a town or a district. It was argued that the 'Guidelines on consumption of inputs in the production process' in Annex II of the ASCM would permit indirect tax-rebate schemes of prior stage cumulative indirect taxes levied on imports that are consumed in the production of exported products. Therefore, this scheme would not be countervailable.

- (70) This argument has to be dismissed, since the octroi refund scheme has no link whatsoever with export production.

- (71) No substantiated claims regarding specificity of this scheme have been submitted. It is therefore confirmed that this scheme is specific in accordance with Article 3(2)(a) and (c) of the basic Regulation since it is explicitly limited to certain enterprises, which are located in designated areas, within the jurisdiction of the granting authority.

- (72) One exporting producer, Garware Polyester Ltd, submitted that it had obtained no benefit under this scheme during the investigation period (IP) since the State Authorities of Maharashtra had not yet actually fulfilled its repayment obligation.

- (73) This argument has to be rejected, since the benefit obtained is the accrued claim against the State of Maharashtra, to which the company is legally entitled.

- (74) The GOI, supported by the exporting producers, reiterated a general green-light claim and submitted that the Commission, especially in the case of developing countries, would be under an obligation to establish that backward regions are not eligible under Article 4(3) of the basic Regulation, rather than making a determination based on facts available.

- (75) In this respect, it should be noted that, in so far as this scheme is concerned, which was used only by one company located in the area of Aurangabad within the State of Maharashtra, no evidence was submitted within the deadlines applicable to this proceeding by the GOI

or by any other party in relation to the fulfilment of the requirements contained in Article 4(3) of the basic Regulation. Certain evidence, which was limited to data stemming from 1981/1982, was submitted considerably beyond the deadline. In these circumstances, the Commission is neither under an obligation nor in a position to establish that the criteria required for a determination under Article 4(3) of the basic Regulation, including, *inter alia*, those relating to the measurement of economic development based on statistical evidence, are met in the case of this scheme.

- (76) Under these circumstances, the Commission is under an obligation to confirm the findings as outlined in recital 93 of the provisional duty Regulation. It is therefore definitively concluded that this scheme is countervailable.

Calculation of the subsidy amount

- (77) The benefit to the exporting producer has been calculated as explained in recital 94 of the provisional duty Regulation. However, the company provided evidence that it was not entitled to a refund of the full amount of tax, which consequently led to a lower subsidy margin.

- (78) One company benefited from this scheme during the investigation period and obtained subsidies of 1,08 %.

3.4.4. Capital incentive

- (79) The GOI and the exporting producers raised arguments regarding this scheme, which is described in recitals 96 and 97 of the provisional Regulation. These arguments need not be addressed, given that the benefits obtained under this were not included in the amounts of duty provisionally established for the reasons given in recital 24 of the provisional duty Regulation. Consequently, no measures will be imposed on benefits under this scheme and, therefore, no definitive finding is required.

Amount of countervailable subsidies

- (80) The amount of countervailable subsidies in accordance with the provisions of the Basic Regulation, expressed *ad valorem*, for each investigated exporter is as follows.

(in %)

	PBS	DEPB		EPCGS	EPZ/EOU	State schemes				TOTAL
		Pre-export	Post-export			Sales-tax	Capital incentive	Octroi refund	Electricity refund	
Ester Industries Ltd		6,84	2,34	2,87						12,0
Flex Industries Ltd			10,44	2,13						12,5
Garware Polyester Ltd		1,31		1,48				1,08		3,8
India Polyfilms Ltd & Jindal Polyester Ltd			4,82	1,52	0,70					7,0
MTZ Polyester Ltd				8,75						8,7
Polyplex Corporation Ltd			17,68	1,42						19,1

4. INJURY

(83) Therefore, the findings set out in recitals 105 and 106 of the provisional duty Regulation are hereby confirmed.

4.2. COMMUNITY CONSUMPTION, IMPORT VOLUMES AND MARKET SHARE

4.1. DEFINITION OF THE COMMUNITY INDUSTRY

(81) Recital 106 of the provisional duty Regulation states that four complainant producers fulfil the requirements of Article 10(8) of the basic Regulation, since they account for more than 80 % of total Community production of the product concerned and are therefore deemed to constitute the Community industry within the meaning of Article 9(1) of the said Regulation.

(84) The conclusions reached by the Commission at the provisional stage, notably the existence of significant increases of total Indian exports of the product concerned, and a substantial increase of their share of the Community market were confirmed.

(85) Therefore, the findings set out in recitals 107 to 110 of the provisional duty Regulation are hereby confirmed.

(82) The Indian exporting producers have alleged that the proceeding should never have been initiated, as the complaint did not include sufficient evidence to prove that the requirements of Article 10(8) were fulfilled. They claimed that the fact that the captive production of PET film was left out in the complaint means that the Commission could not estimate the total production of PET film in the Community on the basis of the complaint. This allegation was considered unfounded as the captively produced PET film never entered the open Community market as PET film but as a downstream further processed product. In any event, the level of non-captive production of the complainant producers was substantially sufficient for standing to be established.

4.3. PRICES OF SUBSIDISED IMPORTS

(86) The Indian exporting producers have alleged that the price comparison of the provisional duty Regulation leads to unfair results for them, as it does not take into account the difference in price between commodity and special types of PET film. They have claimed that the Indian exports consist mainly of commodity-type PET film whereas an important part of PET film produced by the Community industry is of special type. This argument had to be rejected as the aspects of commodity and special type of PET film were taken into account in the product grouping used for the price comparison.

- (87) The Indian exporting producers have claimed further that the exclusion of certain parts of the structure of the product grouping as defined in the questionnaire has caused higher undercutting margins for them. They objected to the simplification of the product-type grouping after the disclosure of the provisional findings, claiming that the simplification led to incorrect comparison for PET film types of different quality. They claimed further that the Indian product tends to be of higher shrinkage in terms of thermal properties, narrower width and more hazy as compared to the Community product and therefore the Indian product is of lower quality and less expensive.
- (88) On the basis of the information received in the investigation, at the provisional stage the Commission had decided to simplify the grouping in types of different PET film as compared to what was foreseen by the questionnaires sent to the parties concerned. Therefore, the width, the thermal properties and the distinction between hazy and clear film were not considered. In this respect it has to be noted that, as in all investigations, in particular given the stage of the information collection, the product type grouping set out in the questionnaire in this case was indicative and open to modification. The present investigation has shown that a product grouping differentiation by PET film width would have multiplied the number of product types to be compared significantly without a clear impact on price comparison. Furthermore, the inclusion of thermal properties and the distinction between hazy and clear film was not possible as for haziness it fumed out that no clear definition exists for this characteristic and for thermal properties the definition given in the questionnaires was not consistently followed by the parties concerned. This led to a situation in which both the Community producers and the Indian exporting producers had used different and incomparable definitions for them.
- (89) The above allegation of the Indian producing companies has been disregarded, not only because the simplification of the product grouping was inevitable to guarantee a manageable undercutting exercise with representative comparisons of the product groupings declared by both parties concerned (actually around 400 Community industry product grouping codes were compared with about 160 PCN codes of the Indian exporting producers), but also as the undercutting determination already in a simplified form reflects sufficiently the differences in terms of physical characteristics between the types produced by the Indian exporting producers and by the Community industry.
- (90) All the Indian exporting producers also requested a level of trade adjustment. They argued that whereas they sell a major proportion of their PET film to importers in the Community, the Community industry is mainly selling directly to converters of PET film. Therefore, they claimed that the comparison for the purposes of undercutting should be made between the importers' resale prices to converters and the prices offered by the Community industry. They submitted that the margin an importer receives from its sales to converters is about 25 %, which represents the requested level of trade adjustment.
- (91) In this respect it has to be noted that in the questionnaire the Commission defined the levels of trade as being (1) distributors, (2) converters, (3) original equipment manufacturers, (4) end users and (5) others. The Indian exporting producers have declared in their questionnaire replies that a major proportion of their sales of PET film in Europe is sold to group number five, i.e. 'others', without any further clarification. After the disclosure on provisional findings the Indian exporting producers have confirmed that their sales to importers declared under 'others' should be considered as sales to distributors. However, the investigation has shown that some of these distributors are also converting the product, indicating that the clarifications submitted by the Indian exporting producers concerning the level of trade are inaccurate. Furthermore, the investigation did not confirm the 25 % price difference between the two levels of trade. In fact as far as the Community industry's sales are concerned, the average selling price to distributors is higher than the price charged to the converters. In the circumstances of the Indian exporting producers, this would mean that any adjustment to be made would actually increase the price undercutting rates determined. The fact that prices to distributors are higher than those to converters in the case of the Community industry is explained by the fact that the converters buy larger quantities and therefore receive a quantity discount. In the case of the Indian exporting producers five companies out of six sold at higher prices to converters than to distributors as submitted by them. However, one company sold at clearly higher prices to distributors and the price difference between the two levels of trade for the rest of the companies was far below 25 %.
- (92) The investigation has also shown that the two major levels of trade are not clearly separated owing to the fact that some major companies act both as a distributor and as a converter. It was noted further that there is no clear price difference between the two levels as the quantity ordered seems to be a more important price factor than the level of trade. Finally, and contrary to the allegation put forward by the Indian exporting producers, the investigation has shown that the Community industry also sells the product under consideration to distributors as well as to converters. Therefore it was concluded that there are no grounds to grant the Indian exporting producers an adjustment for a level of trade.

(93) One of the Indian exporting producers, MTZ, also requested an adjustment for a quality difference. They submitted that they had included off-grade film in their transaction listing used for undercutting calculations and that the off-grade film types should be granted an adjustment by way of an increase of their sales price by 100 %. In this respect it should be noted that the questionnaire reply of MTZ states that the company produces three qualities of film: A- grade, B-grade and off-grade. However, in the transaction listing no reference to different grades was made. After the disclosure of the provisional measures, MTZ provided further information on how to identify the off-grade products in the transaction listing. Having received this information, the Commission compared the prices between the alleged off grade product types with the rest of the product types and concluded that there is no price difference between the two groups of types. Therefore the request of MTZ for a quality adjustment could not be accepted.

(94) Finally, the Indian exporting producers claimed that the Commission should have offset any negative margin of price undercutting by positive ones in their undercutting calculations. Since this was not done, they stated that a higher injury elimination margin had been determined. It should be noted that, in the methodology described in recitals 112 to 114 of the provisional duty Regulation for the calculation of the price undercutting margins, the weighted average net sales prices of the subsidised imports were compared on a model-by-model basis with the weighted average net sales price of the Community industry on the Community market. Therefore, this methodology allowed the amount by which the exporting producers' price in an export transaction exceeded that of the Community industry's weighted average price to be taken into account on a per model basis. The argument was therefore rejected.

(95) It follows from the above that the provisional finding set out in recital 114 of the provisional duty Regulation of undercutting ranging between 28,2 % and 50,5 % are confirmed.

4.4. SITUATION OF THE COMMUNITY INDUSTRY

(96) The GOI claimed in general terms that based on the non-confidential responses of the complainants, the Community industry is not suffering any injury at all. In this respect as stated in recitals 115 to 125 of the provisional duty Regulation, the investigation has shown that the overall trends for the Community industry are negative, notably in relation to market share and prices as well as profitability, giving a clear indication of material injury. This trend is sufficiently confirmed in the non-confidential responses of the Community industry.

(97) The Indian exporting producers have alleged that the choice of 1995 as a starting year for data collected for the investigation has distorted the analysis in favour of a finding of injury to the Community industry. They have submitted that, since 1995 was an exceptionally good

year owing to very high demand, it is only natural that the injury indicators show a negative trend after that. The Indian exporting producers claim that fixing year 1993 as a starting year would have given a fairer view as to the evolution of the injury factors. However, the purpose of the investigation is to evaluate the effect of the countervailable imports on the economic situation of the Community industry during the IP. In order to make such an analysis, trends are established for a number of indicators on the basis of information relating to a number of years (usually three) preceding the IP. The purpose of this analysis is therefore not to compare the starting year with the IP but rather to assess the annual developments within the entire period considered. In any event it should be noted that at the time the decision on the period considered was taken there was no information available of the possibility that the injury indicators would have shown a different pattern had an earlier starting year been chosen. Finally, it should be noted that choosing an earlier starting year would not have been favourable to Indian exporting companies as there was a strong increase in their market share in the time was leading to the IP.

(98) the findings stated in recitals 115 to 125 of the provisional duty regulation are confirmed.

4.5. CONCLUSION ON INJURY

(99) Based on the above considerations, it is confirmed that the Community industry has suffered material injury within the meaning of Article 8(1) of the basic Regulation.

5. CAUSATION

5.1. EFFECT OF THE SUBSIDISED IMPORTS

(100) The Indian exporting producers and GOI claimed that there was no obvious correlation between the Indian subsidised exports and the injury suffered by the Community industry. They claimed that there has been globally a negative price development for PET film caused by a worldwide surplus of the product coupled with a decrease in the price of the key raw materials. The Indian exporting producers claimed further that PET film prices in the Community have just followed the global negative price trend and the fact that the average price of the Community producers declined in 1996 when the market share of the Indian exporting producers decreased should prove the claim. However, it should be recalled that India is one of the major contributors to the worldwide surplus on the PET film market and that according to Eurostat figures India cut its prices on the European market as early as 1996 while the other major exporting countries the USA, Japan and South Korea increased their prices. The fact that they

lost market share in 1996 does not mean that they were not causing injury to the Community industry through increased price pressure resulting in a 3 % decrease in the average price of the Community industry. Finally, it should be recalled that the injury analysis is made on the basis of the IP and that the previous years are mainly used for setting the trend.

Thus, the arguments put forward by the Indian exporting producers and GOI must be rejected.

5.2. EFFECT OF OTHER FACTORS

- (101) The findings made as set out in recitals 134 to 144 of the provisional duty Regulation are hereby confirmed with the following additions

5.2.1. Imports from other third countries

- (102) The Indian exporting producers and GOI maintained their argument about the discriminatory aspect of investigating only imports originating in India while the import volumes from South Korea have increased and the Korean average prices have declined during the period considered. The Indian exporting producers claimed that the increase in the import volumes from South Korea is likely to be even higher than officially reported by Eurostat as the importers of Korean PET film are likely to carry out the customs clearance occasionally under CN code 3920 69 00 (other polyesters) just as they have done for the PET film of Indian origin.
- (103) The Commission maintains the arguments presented in the provisional duty Regulation, namely that the absolute and relative increase in South Korea's market share has been smaller than that of India and that the prices of South Korean PET film have systematically stayed at a higher level than the Indian prices. Furthermore, the Korean exporting producers reduced their prices only one year later than the Indians. As for the imports under the CN code for other polyesters the Commission has not received any evidence implying that Korean PET film could have been cleared through customs with that code.
- (104) Finally, and most importantly, it should be noted that the Commission has seen no reason to initiate an investigation against South Korea as no evidence of unfair trade in the form of dumping or subsidised exports being practised by the Korean exporting producers has been brought to their attention.
- (105) Based on the above, the situation with respect to imports originating in India and South Korea are different, a situation of discrimination cannot have occurred.

5.2.2. Fluctuation in the price of raw materials

- (106) The Indian exporting producers have argued that on the basis of the non-confidential questionnaire replies of the Community industry, one can conclude that the average decline in the raw material prices during the period considered has been more like one third than 17 % as stated in the provisional duty Regulation. This, they claim, is confirmed by the publicly available information on raw material price developments. They repeated their previous argument that a one-third decrease in the price of raw materials permits the Community industry to reduce its prices without a corresponding decrease in profitability and that the imports from India therefore did not trigger the price reductions of the Community industry.
- (107) It should be noted that the Commission, on the basis of confidential questionnaire replies investigated price development of all PET film raw materials as stated in recital 140 of the provisional duty Regulation arriving at the decrease of 17 %. Furthermore, it is true that the non-confidential questionnaire replies of the Community industry concentrated on the price development of dimethyl terephthalate (DMT) or terephthalic acid (PTA). As the price of these raw materials decreased more than the prices of other raw materials, a decrease of 17 % in total cost of raw material is consistent with a higher decrease in the costs of DMT and PTA. Therefore the conclusions of recital 140 of the provisional duty Regulation are consistent with the replies to the questionnaire received from the Community industry and are therefore confirmed.

5.2.3. General difficulties in the polyester sector

- (108) The Indian exporting producers submitted that the decreasing prices of biaxially orientated polypropylene (BOPP) film would have a direct effect on PET film prices in the packaging sector as the products are interchangeable from a PET film user's perspective. Therefore, they claimed that the prices would have in any case have decreased with or without the increased imports of PET film into the Community.
- (109) The Commission had to reject this argument as no evidence to support the claim has been brought forward.

5.3. CONCLUSION ON CAUSATION

- (110) In view of the above, the conclusion of recital 145 of the provisional duty Regulation is confirmed.

6. COMMUNITY INTEREST

6.1. PRELIMINARY REMARK

- (111) No new facts or arguments were submitted by any party with regard to the interest of the Community industry, other Community producers or importers of PET film.

The findings of the provisional duty Regulation are therefore confirmed, notably the conclusions that the impact of measures on those groups would either be beneficial (Community industry and non-captive other Community producers), neutral (captive producers) or at most negative to a limited extent (importers).

6.2. INTEREST OF USERS OF THE PRODUCT CONCERNED

- (112) As mentioned in recital 2, the Commission received comments from two users of the product under consideration after the disclosure of the finding having led to provisional measures. In the submissions of the users it was claimed that contrary to the provisional findings, PET film is an important raw material cost factor for them and that production of downstream products based on PET film accounts for an important proportion of their total production. They claimed further that the price increases of the Community industry would make it difficult for them to compete on the downstream market against imports from South Korea, People's Republic of China and the USA. It was claimed further that there have been occasions when the Community industry has refused to deliver certain quantities of PET film indicating the existence of a lack of capacity. The Community industry was also alleged to have refused to develop a non-standard film for the specific needs of one of the users where an Indian producer has agreed to do so. Therefore, they claim that it is in the interest of the users to maintain an alternative source of PET film originating in India.

- (113) The Commission maintains the arguments and conclusions presented in recital 153 of the provisional duty Regulation as far as the overall share of PET film out of the total production costs of users overall and the proportion overall of PET film based downstream of the users' total production are concerned. As the analysis concerned reflects an overall analysis, there can be individual cases in which PET film may be a crucial raw material for a user. This, however, does not alter the average overall results of the investigation. Furthermore, the investigation has shown that even for certain users for whom PET film is an important cost factor, the imports of PET film originating in India had a minor share in their total purchases of PET film. Furthermore, the worries of the users concerning the disappearance of an alternative source of imports in case of capacity shortage or a need to develop a new film type are unfounded as the countervailing duties will not exclude

the Indian exporting producers from the Community market. The duties will only remedy the effect of an illegal, injurious subsidisation.

6.3. CONCLUSION ON COMMUNITY INTEREST

- (114) In examining the various interests involved and all the above aspects, the Commission can confirm that there are no compelling reasons not to take action against the imports in question.

7. DEFINITIVE DUTY

- (115) On the basis of the conclusions on subsidisation, injury, causal link and Community interest, the Commission considers it necessary to adopt definitive countervailing measures.

7.1. INJURY ELIMINATION LEVEL

- (116) The Community industry suggested that a higher minimum profit margin than 6 % (set by the Commission in recital 156 of the provisional duty Regulation) was necessary. However, it is not important to define a conclusive percentage in this case as, even on the lower figure used by the Commission, the injury margin is greater than the subsidy margin. The Indian exporting producers made requests for adjustments for level of trade and suggested a correction in the calculation method of the underselling margins required to determine the injury elimination level. In addition, MTZ requested an adjustment for quality differences. As set out in recitals 92 and 93, these requests had to be denied.

7.2. FORM AND LEVEL OF DUTY

- (117) Changes from the provisional determination of the amount of countervailable subsidies have been made where appropriate. The rate of definitive countervailing duty is accordingly lower than the level of provisional duty for all of the cooperating Indian exporting producers.

- (118) In accordance with Article 15(1) of the basic Regulation, the countervailing duty rate should correspond to the subsidy margin, unless the injury margin is lower. The following rates of duty therefore apply for the cooperating producers:

Ester Industries Ltd	12,0 %
Flex Industries Ltd	12,5 %
Garware Polyester Ltd	3,8 %
India Polyfilms Ltd	7,0 %
Jindal Polyester Ltd	7,0 %
MTZ Polyesters Ltd	8,7 %
Polyplex Corporation Ltd	19,1 %

(119) Given the high level of cooperation, which covered more than 80 % of imports into the Community of the product concerned originating in India, it was considered appropriate to establish the duty rate for non-cooperating companies at the same rate as the highest rate that has been established for the cooperating companies, i.e. 19,1 %. This level will ensure that no bonus is granted for non cooperation and that duty evasion will be minimised.

(120) Recitals 159 and 160 of the provisional duty Regulation are confirmed.

8. COLLECTION OF THE PROVISIONAL DUTY

(121) In view of the magnitude of the countervailable subsidies found for the exporting producers and in light of the seriousness of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of provisional countervailing duty under Regulation (EC) No 1810/1999 be definitively collected to the extent of the amount of definitive duties imposed.

9. PROPOSALS FOR UNDERTAKINGS

(122) Finally, it should be noted that the Commission services also received proposals for price undertakings from five Indian exporting companies. The Commission services investigated the said proposals and concluded that they cannot be sufficiently monitored or managed due to the

complexity of the product: about 160 minimum prices would be required to cover all Indian product groupings and there were no guarantees that the suggested organisation for monitoring the undertakings, the Export Inspection Agency of India, has the mandate or the technical means to carry out such a detailed control. Therefore, the Commission services had to reject the received proposals for undertakings,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive countervailing duty is hereby imposed on imports of polyethylene terephthalate (PET) film falling within CN codes ex 3920 62 19 (TARIC codes 3920 62 19*10, 3920 62 19*15, 3920 62 19*25, 3920 62 19*30, 3920 62 19*35, 3920 62 19*40, 3920 62 19*45, 3920 62 19*50, 3920 62 19*55, 3920 62 19*60, 3920 62 19*65, 3920 62 19*70, 3920 62 19*75, 3920 62 19*80, 3920 62 19*81, 3920 62 19*85, 3920 62 19*87, 3920 62 19*89, 3920 62 19*91) and ex 3920 62 90 (TARIC codes 3920 62 90*30, 3920 62 90*91), originating in India.

2. The rate of duty applicable to the net free-at-Community-frontier price, before duty, shall be as follows:

Produced by	Rate of duty (%)	TARIC additional code
Ester Industries Ltd 75-76, Amrit Nagar, Behind N.D.S.E. Part-1, New Delhi — 110 003, India	12,0 %	A026
Flex Industries Ltd A-1, Sector-60, Noida — 201 301 (U.P.), India	12,5 %	A027
Garware Polyester Ltd 50-A Swami Nityanand Marg, Vile Parle (East), Mumbai — 400 057, India	3,8 %	A028
India Polyfilms Ltd 112, Indra Prakash Building 21, Barakhamba Road, New Delhi — 110 001, India	7,0 %	A029
Jindal Polyester Ltd 115-117, Indra Prakash Building 21, Barakhamba Road, New Delhi — 110 001, India	7,0 %	A030
MTZ Polyesters Ltd Sarnath Centre, Upvan Area, Upper Govind Nagar, Malad (E), Mumbai — 400 097, India	8,7 %	A031

Produced by	Rate of duty (%)	TARIC additional code
Polyplex Corporation Ltd 2 Ring Road, Kilokri, Opposite Maharani Bagh, New Delhi — 110 014, India	19,1 %	A032
All other Indian companies	19,1 %	A999

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The amount secured by way of provisional countervailing duty pursuant to Regulation (EC) No 1810/1999 shall be definitively collected at the duty rate definitively imposed.

Amounts secured in excess of the definitive rate of countervailing duty shall be released.

Article 3

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 December 1999.

For the Council
The President
T. HALONEN

COUNCIL REGULATION (EC) No 2598/1999**of 7 December 1999****amending for the second time Regulation (EC) No 48/1999 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1999 and certain conditions under which they may be fished**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Regulation (EC) No 48/1999 ⁽²⁾ fixes, for certain fish stocks and groups of fish stocks, the TACs for 1999 and certain conditions under which they may be fished;
- (2) In accordance with the provisions laid down in Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas ⁽³⁾, precautionary TACs may be raised under conditions stipulated in Article 3(1) therein; those conditions are satisfied for the stocks of Norway lobster in the North Sea and in the Skagerrak, the Kattegat and ICES area IIIbcd and of sprat in ICES areas IIa (EC waters) and North Sea (EC waters);
- (3) According to the most recent scientific evidence, the TAC for cod in the Kattegat for 1999 may be increased while still keeping with conservation principles;

(4) Within the framework of the bilateral consultations on the reciprocal fishing rights between the Community and Poland for 1999, the Community share for Baltic sprat has been modified;

(5) In order to ensure the livelihood of Community fishermen it is important to open these fisheries as early as possible in 1999; given the urgency of the matter it is imperative to grant an exception to the six-week period mentioned in paragraph I(3) of the Protocol on the role of national parliaments of the European Union annexed to the Treaty of Amsterdam;

(6) Regulation (EC) No 48/1999 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to this Regulation replaces the corresponding elements of the Annex to Regulation (EC) No 48/1999.

Article 2

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, 7 December 1999.

For the Council

The President

K. SASI

⁽¹⁾ OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/98 (OJ L 164, 9.6.1998, p. 1.)

⁽²⁾ OJ L 13, 18.1.1999, p. 1. Regulation as amended by Regulation (EC) 1570/1999 (OJ L 187, 20.7.1999, p. 5).

⁽³⁾ OJ L 115, 9.5.1996, p. 3.

ANNEX

Species: Cod <i>Gadus morhua</i>	Zone: Kattegat
België/Belgique Danmark 4 320 Deutschland 90 Ελλάδα España France Ireland Italia Luxembourg Nederland Österreich Portugal Suomi/Finland Sverige 2 590 United Kingdom EC 7 000 TAC 7 000	
Species: Norway lobster <i>Nephrops norvegicus</i>	Zone: Skagerrak and Kattegat ⁽¹⁾ , IIIbcd ⁽¹⁾
België/Belgique Danmark 3 675 ⁽²⁾ Deutschland 10 ⁽³⁾ Ελλάδα España France Ireland Italia Luxembourg Nederland Österreich Portugal Suomi/Finland Sverige 1 315 ⁽²⁾ United Kingdom EC 5 000 TAC 5 000	⁽¹⁾ Community waters. ⁽²⁾ No fishing of this quota may take place, in the Skagerrak, within 4 miles of the baselines of the Kingdom of Norway ⁽³⁾ No fishing of this quota may take place, in the Skagerrak, within 12 miles of the baselines of the Kingdom of Norway.

Species: Norway lobster <i>Nephrops norvegicus</i>		Zone: IIa ⁽¹⁾ , North Sea ⁽¹⁾
België/Belgique	900	⁽¹⁾ Community waters
Danmark	900	
Deutschland	15	
Ελλάδα		
España		
France	25	
Ireland		
Italia		
Luxembourg		
Nederland	465	
Österreich		
Portugal		
Suomi/Finland		
Sverige		
United Kingdom	14 895	
EC	17 200	
TAC	17 200	
Species: Sprat <i>Sprattus sprattus</i>		Zona: IIa ⁽¹⁾ , North Sea ⁽¹⁾
België/Belgique	2 370	⁽¹⁾ Community waters ⁽²⁾ Including sandeel
Danmark	187 380	
Deutschland	2 370	
Ελλάδα		
España		
France	2 370	
Ireland		
Italia		
Luxembourg		
Nederland	2 370	
Österreich		
Portugal		
Suomi/Finland		
Sverige	1 330 ⁽²⁾	
United Kingdom	7 810	
EC	206 000	
TAC	225 000	

Species: Sprat <i>Sprattus sprattus</i>		Zone: IIIbcd ⁽¹⁾
België/Belgique		⁽¹⁾ Community waters
Danmark	48 064	
Deutschland	30 450	
Ελλάδα		⁽²⁾ Of which no more than 8 000 t may be fished in the Estonian zone, no more 6 000 t in the Latvian zone, and no more than 4 000 t in the Lithuanian zone
España		
France		⁽³⁾ Whenever consumption of this quota had reached a level of 105 917 t, the remaining 4 000 tonnes may only be taken in waters under the sovereignty or the Kingdom of Sweden
Ireland		
Italia		
Luxembourg		
Nederland		
Österreich		
Portugal		
Suomi/Finland	25 160	
Sverige	109 916 ⁽³⁾	
United Kingdom		
EC	213 590 ⁽²⁾	
TAC	468 000	

COMMISSION REGULATION (EC) No 2599/1999
of 9 December 1999
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,

Whereas:

- (1) 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;

- (2) 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 10 December 1999.

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

Done at Brussels, 9 December 1999.

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.

ANNEX

to the Commission Regulation of 9 December 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	74,8
	624	132,5
	999	103,7
0707 00 05	204	83,7
	999	83,7
0709 90 70	052	110,6
	204	151,3
	999	130,9
0805 10 10, 0805 10 30, 0805 10 50	052	38,4
	204	53,9
	388	36,7
	508	33,1
	999	40,5
0805 20 10	204	52,6
	999	52,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	69,5
	999	69,5
0805 30 10	052	62,3
	600	68,2
	999	65,3
	400	83,6
0808 10 20, 0808 10 50, 0808 10 90	404	73,5
	728	109,8
	999	89,0
	064	63,2
0808 20 50	400	115,5
	720	85,1
	999	87,9

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 2600/1999
of 9 December 1999
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 134/1999 ⁽²⁾,

- (1) Whereas Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f);
- (2) Whereas Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 1999 to 30 June 2000 at 11 500 t;

- (3) Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 December 1999 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of January 2000 for 5 909,384 t.

Article 2

This Regulation shall enter into force on 11 December 1999.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 17, 22.1.1999, p. 22.

COMMISSION REGULATION (EC) No 2601/1999**of 9 December 1999****amending Regulation (EEC) No 1725/92 laying down detailed implementing rules for the specific measures for supplying the Azores and Madeira with products from the pigmeat sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

- (1) Whereas the amounts of aid for supplying the Azores and Madeira with products from the pigmeat sector have been fixed by Commission Regulation (EEC) No 1725/92 of 30 June 1992 laying down detailed implementing rules for the specific measures for supplying the Azores and Madeira with products from the pigmeat sector ⁽³⁾, as last amended by Regulation (EC) No 2000/1999 ⁽⁴⁾; whereas, in calculating the aid for the pigmeat products intended for the Azores and Madeira, it is necessary to take account of the relationship that exists between the aids for cereals and those for pigmeat; whereas as a

result of the changes in quotations and prices for cereal products on the European territory of the Community and on the world market, the amounts of aid for supplying the Azores and Madeira should be fixed again as set out in the Annex hereto;

- (2) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 1725/92 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 320, 11.12.1996, p. 1.

⁽³⁾ OJ L 179, 1.7.1992, p. 95.

⁽⁴⁾ OJ L 247, 18.9.1999, p. 18.

ANNEX

‘ANNEX II

Amounts of aid granted for products referred to in Annex I and coming from the Community market

(EUR/100 kg net)

Product code	Amount of aid
0203 11 10 9000	11,7
0203 12 11 9100	17,5
0203 12 19 9100	11,7
0203 19 11 9100	11,7
0203 19 13 9100	17,5
0203 19 15 9100	11,7
0203 19 55 9110	19,8
0203 19 55 9310	19,8
0203 21 10 9000	11,7
0203 22 11 9100	17,5
0203 22 19 9100	11,7
0203 29 11 9100	11,7
0203 29 13 9100	17,5
0203 29 15 9100	11,7
0203 29 55 9110	19,8

NB: The product codes as well as the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).’

COMMISSION REGULATION (EC) No 2602/1999**of 9 December 1999****amending Regulation (EC) No 1487/95 establishing the supply balance for the Canary Islands for products from the pigmeat sector and fixing the aid for products coming from the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures for the Canary Islands concerning certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 4 (4) thereof,

- (1) Whereas the amounts of aid for the supply of the pigmeat sector to the Canary Islands have been settled by Commission Regulation (EC) No 1487/95 of 28 June 1995 establishing the supply balance for the Canary Islands for products from the pigmeat sector and fixing the aid for products coming from the Community ⁽³⁾, as last amended by Regulation (EC) No 2002/1999 ⁽⁴⁾; whereas, for the calculation of aid for supply to the Canary Islands of products from the pigmeat sector, the existing relationship between the aid for cereals and the aid for pigmeat must be taken into consideration;

whereas, as a consequence of the changes in the rates and prices for cereal products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

- (2) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 1487/95 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 2000.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 320, 11.12.1996, p. 1.

⁽³⁾ OJ L 145, 29.6.1995, p. 63.

⁽⁴⁾ OJ L 247, 18.9.1999, p. 22.

ANNEX

‘ANNEX II

Amounts of aid granted for products coming from the Community market*(EUR/100 kg net weight)*

Product code	Amount of aid
0203 21 10 9000	11,7
0203 22 11 9100	17,5
0203 22 19 9100	11,7
0203 29 11 9100	11,7
0203 29 13 9100	17,5
0203 29 15 9100	11,7
0203 29 55 9110	19,8

NB: The product codes as well as the footnotes are defined in Regulation (EEC) No 3846/87.’

COMMISSION REGULATION (EC) No 2603/1999**of 9 December 1999****laying down rules for the transition to the rural development support provided for by Council Regulation (EC) No 1257/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and replacing certain regulations ⁽¹⁾, and in particular Article 53(1) thereof,

Whereas:

- (1) Regulation (EC) No 1257/1999 is to apply in relation to Community support as from 1 January 2000. Regulations repealed and provisions deleted by that Regulation are to continue to apply to actions approved by the Commission under the Regulations concerned before 1 January 2000.
- (2) Transitional rules should facilitate the transition from existing support schemes to the new rural development support scheme in order to avoid any difficulties or delays in the implementation of rural development support during the period of transition.
- (3) Rural development support under Regulation (EC) No 1257/1999 is to cover a programming period starting on 1 January 2000. In order to ensure full integration of all future measures into the new programming the Commission should no longer approve measures or amendments to measures under the existing schemes whose duration extends beyond 31 December 1999, unless immediate approval is required for imperative reasons.
- (4) In order to ensure the continuity of agri-environment support, Member States should be authorised to extend existing agri-environment commitments for the necessary period to allow transition to the new scheme and to conclude new agri-environment contracts if full compliance of such commitments with the new support framework can be assured. In order to ensure the effectiveness of new rules for agri-environment support, the specific transitional arrangements for agri-environment commitments must be applied as from 30 July 1999, the day after they were announced to Member States in the management committee. Member States should also be authorised to make new agri-environment commitments before 1 January 2000 upon applications submitted before 30 July 1999 under Council Regulation (EEC) No

2078/92 ⁽²⁾, as last amended by Commission Regulation (EC) No 2772/95 ⁽³⁾.

- (5) Payments arising from commitments made before 1 January 2000 in connection with rural development schemes, which in future are to be financed by the Guarantee Section of the EAGGF, should continue to be financed by the Guidance Section of the EAGGF until 31 December 2001 in accordance with existing support conditions and subject to funds available. However, until 31 December 2001 multiannual expenditure arising from such commitments, as well as compensatory allowances relating at the latest to the year 1999, may under certain conditions be financed from the Guarantee Section of the EAGGF if no funds are available or the available funds are insufficient. In any case, multiannual expenditure beyond 31 December 2001 should be financed by the Guarantee Section of the EAGGF.
- (6) Specific rules should be established as to the starting point for eligibility of expenditure under the new rural development programming documents.
- (7) In order to resolve specific problems arising from the change from headage to hectare based payments for granting compensatory allowances, Member States should be authorised for a transitional period of one year to continue payments on a headage basis.
- (8) The dates for the applicability of the State aid rules laid down in Title IV of Regulation (EC) No 1257/1999 should be defined for new aid within the meaning of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty ⁽⁴⁾.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Scope*Article 1*

This Regulation lays down specific measures to facilitate the transition from the system in force to the one established by Regulation (EC) No 1257/1999.

⁽²⁾ OJ L 215, 30.7.1992, p. 91.

⁽³⁾ OJ L 288, 1.12.1995, p. 35.

⁽⁴⁾ OJ L 83, 27.3.1999, p. 1.

⁽¹⁾ OJ L 160, 26.6.1999, p. 80.

CHAPTER II

Existing measures*Article 2*

The Commission shall not approve in the framework of Regulations repealed by Article 55(1) of Regulation (EC) No 1257/1999 any measure or any amendment thereto whose duration extends beyond 31 December 1999, unless immediate approval is required for imperative reasons.

Article 3

1. Member States may extend an agri-environment commitment made under Regulation (EEC) No 2078/92 terminating before the rural development programming document has been approved by the Commission by up to a maximum period of one year, but in no case extending beyond 31 December 2000.

The extension period shall not be taken into account in calculating the duration of commitments in the framework of Regulation (EC) No 1257/1999.

2. Member States may make new agri-environment commitments under Regulation (EEC) No 2078/92 only before 1 January 2000 and on condition that:

- (a) an application has been submitted before 30 July 1999 and continuity of agri-environment support requires a commitment without undue delay; or
- (b) these commitments are adjusted, if necessary and as soon as possible, to the rural development programming document as approved by the Commission. In cases where such adjustment is made, the period before the adjustment shall not be taken into account in calculating the duration of commitments in the framework of Regulation (EC) No 1257/1999.

3. Where Member States apply paragraphs 1 or 2, they shall integrate this in their rural development plans. Member States shall specify where they have applied paragraph 1 or paragraph 2 and shall integrate any adjustments under paragraph 2(b).

Article 4

1. In the case of support granted Council Regulations (EEC) No 1696/71 ⁽¹⁾, (EEC) No 404/93 ⁽²⁾ and (EC) No 2200/96 ⁽³⁾, as well as Council Regulations (EEC) No 4256/88 ⁽⁴⁾, (EEC) No 1610/89 ⁽⁵⁾, (EEC) No 867/90 ⁽⁶⁾, (EC) No 950/97 ⁽⁷⁾, (EC) No 951/97 ⁽⁸⁾ and (EC) No 952/97 ⁽⁹⁾, the provisions of paragraphs 2 and 3 of this Article shall apply.

⁽¹⁾ OJ L 175, 4.8.1971, p. 1.

⁽²⁾ OJ L 47, 25.2.1993, p. 1.

⁽³⁾ OJ L 297, 21.11.1996, p. 1.

⁽⁴⁾ OJ L 374, 31.12.1988, p. 25.

⁽⁵⁾ OJ L 165, 15.6.1989, p. 3.

⁽⁶⁾ OJ L 91, 6.4.1990, p. 7.

⁽⁷⁾ OJ L 142, 2.6.1997, p. 1.

⁽⁸⁾ OJ L 142, 2.6.1997, p. 22.

⁽⁹⁾ OJ L 142, 2.6.1997, p. 30.

2. Payments arising from commitments, including compensatory allowances relating, at the latest, to the year 1999, made by Member States before 1 January 2000 and for which the application for payment is received by the Commission before 1 January 2002 shall continue to be financed by the Guidance Section of the EAGGF in accordance with the conditions laid down in the Regulations referred to in paragraph 1 and subject to the availability of funds.

Where for actions referred to in subparagraph 1 no funds are available or the available funds are insufficient, the following may be integrated into the rural development programming for the period 2000-2006 and financed by the Guarantee Section of the EAGGF, provided that criteria clearly identifying the expenditure to be integrated in the programming are laid down by the Member State concerned:

- (a) payments in connection with compensatory allowances relating, at the latest, to the year 1999, or
- (b) payments in connection with multiannual expenditure in areas not covered by Objective 1 as defined as from 1 January 2000.

3. Community support for multiannual expenditure for actions referred to in the first subparagraph of paragraph 2 for which application for payment is received by the Commission after 31 December 2001, shall be financed by the Guarantee section of the EAGGF in areas not covered by Objective 1 as defined as from 1 January 2000.

4. In their rural development plans, Member States shall specify where they have applied paragraph 1 or paragraph 2.

Article 5

1. For existing measures Member States shall continue to report to the Commission in compliance with the rules applicable to those measures.

2. Member States shall submit to the Commission by 31 March 2000 a report on actions covered by Article 4. This report must be presented in accordance with the tables in Annexes I and II.

CHAPTER III

New measures*Article 6*

Expenditure shall be eligible for support from the EAGGF Guarantee Section only if it has actually been paid to the individual beneficiary of a rural development support measure after 31 December 1999 and after the date on which the rural development plan or any amendment to that plan relevant for the measure concerned has been submitted or communicated to the Commission. The later of those dates shall constitute the starting point for the eligibility of expenditure.

However, expenditure in respect of *ex-ante* evaluation shall be eligible for support according to Article 40 of Commission Regulation (EC) No 1750/1999 ⁽¹⁾, if it has been paid after 31 July 1999.

Article 7

Member States may provide in their rural development plans that compensatory allowances may continue to be granted on the basis of livestock numbers for payments due in relation to the year 2000. In this case, the maximum compensatory allowance referred to in the Annex to Regulation (EC) No 1257/1999 applies per livestock unit.

CHAPTER IV

State aid

Article 8

The provisions of Title IV of Regulation (EC) No 1257/1999 shall apply to new aids within the meaning of Article 1 (c) of Regulation (EC) No 659/1999 from 1 January 2000.

CHAPTER V

Final rules

Article 9

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

Article 3 shall apply as from 30 July 1999.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 214, 13.8.1999, p. 31.

ANNEX I

Report of EAGGF assistance committed at Member State level up to 31 December 1999

ARINCO reference No

Commission Decision No of (most recent)

(A separate report should be presented for each objective)

Currency unit

Measures concerned	Number of beneficiaries ⁽¹⁾	Total public expenditure approved ⁽¹⁾	EAGGF Assistance pending ⁽²⁾
Regulation (EC) No 950/97: — Articles 4 to 9 — Articles 10 to 11 — Articles 13 to 16 — Articles 17 to 19 — Article 20 — Articles 26 to 28 Council Directive (EEC) No 72/159 ⁽³⁾ Council Directive (EEC) No 72/160 ⁽⁴⁾ Council Regulation (EEC) No 1035/72 ⁽⁵⁾ Regulation (EC) No 952/97 Council Regulation (EEC) No 389/82 ⁽⁶⁾ Regulation (EEC) No 1696/71			
Total programme			

⁽¹⁾ The information given concerns only cases where a commitment has been made, or an amount is due in respect of a period ending before 1 January 2000, but the amount has not been paid to the beneficiary before 1 January 2000.

⁽²⁾ Committed but not paid up to 31 December 1999.

⁽³⁾ OJ L 90 23.4.1972, p. 1.

⁽⁴⁾ OJ L 96 23.4.1972, p. 9.

⁽⁵⁾ OJ L 118 20.5.1972, p. 1.

⁽⁶⁾ OJ L 51 23.2.1982, p. 1.

Dossier in charge of

Tel. Fax

Date, stamp, position and signature of the competent authority of the Member State.

ANNEX II

Report on EAGGF assistance committed at Member State level up to 31 December 1999

ARINGO reference No

Commission Decision No of (most recent)

(A separate report should be presented for each Objective)

Currency unit

Measures concerned	Investment No ⁽¹⁾	Region	Total eligible expenditure approved	EAGGF assistance	
				Paid to 31.12.1999	pending ⁽²⁾
Regulation (EC) No 951/97					
Regulation (EEC) No 867/90					
Total Programme					

⁽¹⁾ Member State's identification number of the investment.⁽²⁾ Committed but not paid up to 31 December 1999

Dossier in the charge of

Tel. Fax

Date, stamp, position and signature of the competent authority of the Member State.

COMMISSION REGULATION (EC) No 2604/1999**of 9 December 1999****fixing the definitive aid on certain grain legumes for the 1999/2000 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1577/96 of 30 July 1996 introducing a specific measure in respect of certain grain legumes ⁽¹⁾, as last amended by Commission Regulation (EC) No 1826/97 ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Article 6(1) of Regulation (EC) No 1577/96 provides that the Commission is to determine the overrun in the maximum guaranteed area and to fix the definitive aid for the marketing year in question.
- (2) The maximum guaranteed area referred to in Article 3 of Regulation (EC) No 1577/96 was exceeded by 15,72 % in 1999/2000; the aid provided for in Article 2(2) of

Regulation (EC) No 1577/96 should be reduced proportionately for the marketing year in question.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder,

HAS ADOPTED THIS REGULATION:

Article 1

The definitive aid for certain grain legumes for the 1999/2000 marketing year shall be EUR 156,41 per hectare.

Article 2

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

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 206, 16.8.1996, p. 4.

⁽²⁾ OJ L 260, 23.9.1997, p. 11.

COMMISSION REGULATION (EC) No 2605/1999
of 9 December 1999
amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for
export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13 thereof and the corresponding provisions of the other regulations on the common organisation of markets in agricultural products,

Whereas:

- (1) Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 1230/1999 ⁽⁴⁾, establishes, on the basis of the Combined Nomenclature, an agricultural product nomenclature for export refunds;
- (2) to facilitate the electronic transmission of the data and so reduce costs, the regulations fixing the export refunds for each sector should be presented in a more uniform manner. To this end, the destinations or stable groupings of countries common to several market organisations should be codified and that codification should be inserted into Regulation (EEC) No 3846/87;
- (3) in addition to the codes for the destinations or stable groupings of countries, codes for third countries are listed in the nomenclature of countries and territories for the Community's statistics for foreign trade and for trade

between the Member States. Sectoral regulations may also contain codes for groupings of countries;

- (4) the measures provided for in this Regulation are in accordance with the opinion of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3846/87 is amended as follows:

1. In the second sentence of Article 1, the word 'Annex' is replaced by 'Annex I'.

2. The following Article 3a is added:

'Article 3a

The destinations or stable groupings of countries common to several market organisations are codified and listed in Annex II.'

3. The existing Annex 'Agricultural product nomenclature' becomes Annex I.
4. The Annex to this Regulation is inserted as Annex II.

Article 2

This Regulation shall enter into force on 1 September 2000.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 366, 24.12.1987, p. 1.

⁽⁴⁾ OJ L 149, 16.6.1999, p. 3.

ANNEX

‘ANNEX II

Destination codes for export refunds

- A00 All destinations (third countries, other territories, victualling and destinations treated as exports from the Community).
- A01 Other destinations.
- A02 All destinations except for the United States of America.
- A03 All destinations except for Switzerland.
- A04 All third countries
- A05 Other third countries.
- A10 **EFTA countries (European Free Trade Association)**
Iceland, Norway, Liechtenstein, Switzerland.
- A11 **ACP States (African, Caribbean and Pacific States party to the Lomé Convention)**
Angola, Antigua and Barbuda, Bahamas, Barbados, Belize, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros (except for Mayotte), Congo, Democratic Republic of the Congo, Cote d'Ivoire, Djibouti, Dominica, Ethiopia, Fiji Islands, Gabon, Gambia, Ghana, Grenada, Guinea, Guinea-Bissau, Equatorial Guinea, Guyana, Haiti, Jamaica, Kenya, Kiribati, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Mauritania, Mozambique, Namibia, Niger, Nigeria, Uganda, Papua New Guinea, Dominican Republic, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Solomon Islands, Samoa, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, Suriname, Swaziland, Tanzania, Chad, Togo, Tonga, Trinidad and Tobago, Tuvalu, Vanuatu, Zambia, Zimbabwe.
- A12 **Countries or territories of the Mediterranean Basin**
Ceuta and Melilla, Gibraltar, Malta, Turkey, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Federal Republic of Yugoslavia, Former Yugoslav Republic of Macedonia, Morocco, Algeria, Tunisia, Libya, Egypt, Cyprus, Lebanon, Syria, Israel, West Bank and Gaza Strip, Jordan.
- A12 **OPEC States (Organisation of Petroleum Exporting Countries)**
Algeria, Libya, Nigeria, Gabon, Venezuela, Iraq, Iran, Saudi Arabia, Kuwait, Qatar, United Arab Emirates, Indonesia.
- A14 **ASEAN countries (Association of South-East Asian Nations)**
Myanmar, Thailand, Laos, Vietnam, Indonesia, Malaysia, Brunei, Singapore, Philippines.
- A15 **Countries of Latin America**
Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Haiti, Dominican Republic, Colombia, Venezuela, Ecuador, Peru, Brazil, Chile, Bolivia, Paraguay, Uruguay, Argentina.
- A16 **SAARC countries (South Asian Association for Regional Cooperation)**
Pakistan, India, Bangladesh, Maldives, Sri Lanka, Nepal, Bhutan.
- A17 **Countries of the EEA (European Economic Area) other than the European Union**
Iceland, Norway, Liechtenstein.
- A18 **CEEC countries (Central and eastern European Countries)**
Estonia Latvia Lithuania Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia and Herzegovina, Federal Republic of Yugoslavia, Former Yugoslav Republic of Macedonia.
- A19 **NAFTA countries (North-American Free Trade Agreement)**
United States of America, Canada, Mexico.

- A20 Mercosur countries (Southern Cone Common Market)**
Brazil, Paraguay, Uruguay, Argentina.
- A21 Newly industrialised counties of Asia**
Singapore, South Korea, Taiwan, Hong Kong.
- A22 Dynamic Asian economies**
Thailand, Malaysia, Singapore, South Korea, Taiwan, Hong Kong.
- A23 APEC countries (Asia-Pacific economic cooperation)**
United States of America, Canada, Mexico, Chile, Thailand, Indonesia, Malaysia, Brunei, Singapore, Philippines, China, South Korea, Japan, Taiwan, Hong Kong, Australia, Papua New Guinea, New Zealand.
- A24 Commonwealth of Independent States**
Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.
- A25 Non-EU OECD countries (Organisation for Economic Cooperation and Development)**
Iceland, Norway, Switzerland, Turkey, Czech Republic, Poland, Hungary, United States of America, Canada, Mexico, South Korea, Japan, Australia, Australian Pacific Territories, New Zealand, New Zealand Pacific Territories.
- A26 European countries or territories outside the European Union**
Iceland, Norway, Liechtenstein, Switzerland, Faeroe Islands, Andorra, Gibraltar, Vatican City, Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Albania, Ukraine, Belarus, Moldova, Russia, Slovenia, Croatia, Bosnia and Herzegovina, Federal Republic of Yugoslavia, Former Yugoslav Republic of Macedonia, Cyprus.
- A27 Africa (A28) (A29)**
Countries or territories of North Africa, other countries of Africa.
- A28 Countries or territories of North Africa**
Ceuta and Melilla, Morocco, Algeria, Tunisia, Libya, Egypt.
- A29 Other countries of Africa**
Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Cote d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroon, Central African Republic, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Democratic Republic of the Congo, Rwanda, Burundi, Saint Helena and Dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Kenya, Uganda, Tanzania, Seychelles and Dependencies, British Indian Ocean Territory, Mozambique, Madagascar, Mauritius, Comoros, Mayotte, Zambia, Zimbabwe, Malawi, South Africa, Namibia, Botswana, Swaziland, Lesotho.
- A30 America (A31) (A32) (A33)**
North America, Central America and the Antilles, South America.
- A31 North America**
United States of America, Canada, Greenland, Saint Pierre and Miquelon.
- A32 Central America and the Antilles**
Mexico, Bermuda, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Anguilla, Cuba, Saint Kitts and Nevis, Haiti, The Bahamas, Turks and Caicos Islands, Dominican Republic, US Virgin Islands, Antigua and Barbuda, Dominica, Cayman Islands, Jamaica, Saint Lucia, Saint Vincent, British Virgin Islands, Barbados, Montserrat, Trinidad and Tobago, Grenada, Aruba, Netherlands Antilles.
- A33 South America**
Colombia, Venezuela, Guyana, Suriname, Ecuador, Peru, Brazil, Chile, Bolivia, Paraguay, Uruguay, Argentina, Falkland Islands.

- A34 **Asia (A35) (A36)**
Near and Middle East, other countries of Asia.
- A35 **Near and Middle East**
Georgia, Armenia, Azerbaijan, Lebanon, Syria, Iraq, Iran, Israel, West Bank and Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen.
- A36 **Other countries of Asia**
Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Afghanistan, Pakistan, India, Bangladesh, Maldives, Sri Lanka, Nepal, Bhutan, Myanmar, Thailand, Laos, Vietnam, Cambodia, Indonesia, Malaysia, Brunei, Singapore, Philippines, Mongolia, China, North Korea, South Korea, Japan, Taiwan, Hong Kong, Macao.
- A37 **Oceania and the polar regions (A38) (A39)**
Australia and New Zealand, other countries of Oceania and the polar regions.
- A38 **Australia and New Zealand**
Australia, Australian Pacific Territories, New Zealand, New Zealand Pacific Territories.
- A39 **Other countries of Oceania and the polar regions**
Papua New Guinea, Nauru, Solomon Islands, Tuvalu, New Caledonia and Dependencies, American Pacific Territories, Wallis and Futuna, Kiribati, Pitcairn, Fiji, Vanuatu, Tonga, Samoa, Northern Marianas, French Polynesia, Federated States of Micronesia (Yap, Kosrae, Chuuk, Pohnpei), Marshall Islands, Palau, Polar Regions.
- A40 **Overseas countries of territories (OCTs)**
French Polynesia, New Caledonia and Dependencies, Wallis and Futuna, French Southern and Antarctic Lands, Saint Pierre and Miquelon, Mayotte, Netherlands Antilles, Aruba, Greenland, Anguilla, Cayman Islands, Falkland Islands, South Sandwich Islands and Dependencies, Turks and Caicos Islands, British Virgin Islands, Montserrat, Pitcairn, Saint Helena and Dependencies, British Antarctic Territories, British Indian Ocean Territory.
- A96 Communes of Livigno and Campione d'Italia, Heligoland
- A97 **Victuallina and destinations treated as exports from the Community**
Destinations referred to in Articles 36, 44 and 45 of Regulation (EC) No 800/1999.'
-

COMMISSION REGULATION (EC) No 2606/1999**of 9 December 1999****determining the revised estimate of production of unginned cotton for the 1999/2000 marketing year and the relevant percentage increase**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81 ⁽²⁾, as last amended by Regulation (EC) No 1419/98 ⁽³⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) In accordance with Article 8(1) of Regulation (EC) No 1554/95, Commission Regulation (EC) No 1844/98 ⁽⁴⁾ lays down the estimated production of unginned cotton for the 1998/1999 marketing year.
- (2) Article 8(2) of Regulation (EC) No 1554/95 lays down that the revised estimate of production of unginned cotton and the percentage increase used in calculating the advance applicable from 16 December of the current marketing year must be determined by 1 December of each marketing year, account being taken of the progress of the harvest. Those figures should be fixed for the 1999/2000 marketing year as indicated below on

the basis of the information available. In order to ensure that the new level of advance may be applied from the deadline laid down, this Regulation should enter into force on the day following its publication.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Flax and Hemp,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1999/2000 marketing year, the revised estimate of production of unginned cotton is:
 - 1 280 000 t for Greece,
 - 390 472 t for Spain,
 - 67 t for other Member States.
2. For the 1999/2000 marketing year, the percentage increase referred to in the second subparagraph of Article 5(3a) of Regulation (EC) No 1554/95 shall be 7,5 %.

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, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 30.6.1995, p. 45.

⁽²⁾ OJ L 148, 30.6.1995, p. 48.

⁽³⁾ OJ L 190, 4.7.1998, p. 4.

⁽⁴⁾ OJ L 240, 28.8.1998, p. 3.

COMMISSION REGULATION (EC) No 2607/1999
of 9 December 1999
prohibiting fishing for mackerel by vessels flying the flag of Denmark

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 2846/98 ⁽²⁾, and in particular Article 21(3) thereof,

- (1) Whereas Council Regulation (EC) No 51/1999 of 18 December 1998 allocating, for 1999, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen ⁽³⁾, as amended by Commission Regulation (EC) No 1619/1999 ⁽⁴⁾, lays down quotas for mackerel for 1999;
- (2) Whereas, in order to ensure compliance with the provisions relating to the quantity limits on catches of stocks subject to quotas, the Commission must fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;
- (3) Whereas, according to the information received by the Commission, catches of mackerel in the waters of ICES division IIa (Norwegian waters north of 62° N) by vessels flying the flag of Denmark or registered in

Denmark have exhausted the quota allocated for 1999; whereas Denmark has prohibited fishing for this stock from 28 October 1999; whereas this date should be adopted in this Regulation also,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of mackerel in the waters of ICES division IIa (Norwegian waters north of 62° N) by vessels flying the flag of Denmark or registered in Denmark are hereby deemed to have exhausted the quota allocated to Denmark for 1999.

Fishing for mackerel in the waters of ICES division IIa (Norwegian waters north of 62° N) by vessels flying the flag of Denmark or registered in Denmark is hereby prohibited, as are the retention on board, transshipment and landing of this stock caught by the above 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 from 28 October 1999.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 261, 20.10.1993, p. 1.

⁽²⁾ OJ L 358, 31.12.1998, p. 5.

⁽³⁾ OJ L 13, 18.1.1999, p. 67.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 14.

COMMISSION REGULATION (EC) No 2608/1999**of 9 December 1999****fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1701/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1701/1999 ⁽⁵⁾, as amended by Regulation (EC) No 2322/1999 ⁽⁶⁾;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account

of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) 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

For tenders notified from 3 to 9 December 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1701/1999, the maximum refund on exportation of barley shall be EUR 30,99/t.

Article 2

This Regulation shall enter into force on 10 December 1999.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 27.

⁽⁶⁾ OJ L 280, 30.10.1999, p. 77.

COMMISSION REGULATION (EC) No 2609/1999**of 9 December 1999****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1707/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1707/1999 ⁽⁵⁾, as amended by Regulation (EC) No 2011/1999 ⁽⁶⁾;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account

of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) 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

For tenders notified from 3 to 9 December 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1707/1999, the maximum refund on exportation of common wheat shall be EUR 43,47/t.

Article 2

This Regulation shall enter into force on 10 December 1999.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 55.

⁽⁶⁾ OJ L 248, 21.9.1999, p. 23.

COMMISSION REGULATION (EC) No 2610/1999**of 9 December 1999****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1897/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾,

Having regard to Commission Regulation (EC) No 1897/1999 of 2 September 1999 on a special intervention measure for cereals in Finland and Sweden⁽⁵⁾, as last amended by Regulation (EC) No 2482/1999⁽⁶⁾, and in particular Article 8 thereof,

- (1) Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1897/1999;
- (2) Whereas Article 8 of Regulation (EC) No 1897/1999 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid

down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) 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

For tenders notified from 3 to 9 December 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1897/1999, the maximum refund on exportation of oats shall be EUR 60,95/t.

Article 2

This Regulation shall enter into force on 10 December 1999.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 233, 3.9.1999, p. 10.

⁽⁶⁾ OJ L 303, 26.11.1999, p. 3.

COMMISSION REGULATION (EC) No 2611/1999**of 9 December 1999****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2010/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

- (1) Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2010/1999 ⁽⁵⁾;
- (2) Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC)

No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

- (3) Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;
- (4) 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

For tenders notified from 3 to 9 December 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2010/1999, the maximum refund on exportation of common wheat shall be EUR 45,85/t.

Article 2

This Regulation shall enter into force on 10 December 1999.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 248, 21.9.1999, p. 19.

COMMISSION REGULATION (EC) No 2612/1999**of 9 December 1999****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13 (2) thereof,

- (1) Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;
- (2) Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾;
- (3) Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

- (4) Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;
- (5) Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;
- (6) Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;
- (7) 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

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

Article 2

This Regulation shall enter into force on 10 December 1999.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

**to the Commission Regulation of 9 December 1999 fixing the export refunds on cereals and on wheat or rye
flour, groats and meal**

(EUR/t)			(EUR/t)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	59,50
1001 90 91 9000	—	—	1101 00 15 9130	01	55,75
1001 90 99 9000	03	33,50	1101 00 15 9150	01	51,50
	02	0	1101 00 15 9170	01	47,50
1002 00 00 9000	03	58,00	1101 00 15 9180	01	44,25
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	21,00	1102 10 00 9500	01	87,00
	02	0	1102 10 00 9700	01	68,50
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	15,00 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	01	13,40 ⁽²⁾
1005 90 00 9000	03	39,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	15,00 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

⁽²⁾ No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

COMMISSION REGULATION (EC) No 2613/1999
of 9 December 1999
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1303/1999 ⁽²⁾, and in particular Article 5(5) thereof,

- (1) Whereas Commission Regulation (EC) No 2331/1999 ⁽³⁾, fixes the indicative quantities for system B export licences other than those sought in the context of food aid;
- (2) Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for table grapes and apples for destination groups F01 and F02 will shortly be exceeded; whereas this overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

- (3) Whereas, to avoid this situation, applications for system B licences for table grapes and apples for destination groups F01 and F02 exported after 9 December 1999 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for table grapes and apples for destination groups F01 and F02 submitted pursuant to Article 1 of Regulation (EC) No 2331/1999, export declarations for which are accepted after 9 December 1999 and before 24 January 2000, are hereby rejected.

Article 2

This Regulation shall enter into force on 10 December 1999.

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

Done at Brussels, 9 December 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 155, 22.6.1999, p. 29.

⁽³⁾ OJ L 281, 4.11.1999, p. 3.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 November 1999

adapting, pursuant to Articles 16(1) and 42(3), Annexes II, III, IV and 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

(notified under document number C(1999) 3880)

(Text with EEA relevance)

(1999/816/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

- (3) Whereas it is necessary to modify Annexes II, III and IV to the Regulation to reflect these modifications,

Having regard to the Treaty establishing the European Community,

- (4) Whereas Annex V to the Regulation comprises in its part 3 wastes from Annexes III and IV,

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 Regulation (EC) No 2408/98 ⁽²⁾, and in particular Article 16(1) and Article 42(3) thereof,

- (5) Whereas in accordance with Article 16(1) of Regulation (EEC) No 259/93, as amended by Council Regulation (EC) No 120/97 ⁽⁶⁾, Annex V shall be reviewed and further amended as appropriate,

Having regard to Council Directive 75/442/EEC of 15 July 1975 ⁽³⁾ on waste, as last amended by Commission Decision 96/350/EC ⁽⁴⁾, and in particular Article 18 thereof,

- (6) Whereas it is necessary also to modify Annex V, part 3 to reflect the modifications decided in the framework of the OECD review mechanism to modify the amber and red lists of wastes,

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

- (7) Whereas the Commission, in order to adapt Annexes II, III, IV and V to the Regulation is assisted in this task by the Committee established pursuant to Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended,

(2) Whereas the Council of the OECD ⁽⁵⁾ has decided in the framework of the review mechanism to modify the green, amber and red lists of wastes,

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

⁽¹⁾ OJ L 30, 6.2.1993, p. 1.

⁽²⁾ OJ L 298, 7.11.1998, p. 19.

⁽³⁾ OJ L 78, 26.3.1991, p. 32.

⁽⁴⁾ OJ L 135, 6.6.1996, p. 32.

⁽⁵⁾ OECD Council, 23 December 1998, Doc. Ref. C(98)202 final.

⁽⁶⁾ OJ L 22, 24.1.1997, p. 14.

HAS ADOPTED THIS DECISION:

Article 1

Annexes II, III, IV and V to Regulation (EEC) No 259/93 are hereby replaced by the Annex to the present Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 November 1999.

For the Commission

Margot WALLSTRÖM

Member of the Commission

ANNEX

ANNEX II

GREEN LIST OF WASTES ⁽¹⁾

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

GA. METAL AND METAL-ALLOY WASTES IN METALLIC, NON-DISPERSIBLE FORM ⁽²⁾

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

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

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

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

- GA 120 7404 00 Copper waste and scrap
- GA 130 7503 00 Nickel waste and scrap
- GA 140 7602 00 Aluminium waste and scrap
- GA 150 ex 7802 00 Lead waste and scrap
- GA 160 7902 00 Zinc waste and scrap
- GA 170 8002 10 Tin waste and scrap
- GA 180 ex 8101 91 Tungsten waste and scrap
- GA 190 ex 8102 91 Molybdenum waste and scrap
- GA 200 ex 8103 10 Tantalum waste and scrap
- GA 210 8104 20 Magnesium waste and scrap (excluding those listed in AA 190)
- GA 220 ex 8105 10 Cobalt waste and scrap
- GA 230 ex 8106 00 Bismuth waste and scrap
- GA 240 ex 8107 10 Cadmium waste and scrap
- GA 250 ex 8108 10 Titanium waste and scrap
- GA 260 ex 8109 10 Zirconium waste and scrap
- GA 270 ex 8110 00 Antimony waste and scrap
- GA 280 ex 8111 00 Manganese waste and scrap
- GA 290 ex 8112 11 Beryllium waste and scrap
- GA 300 ex 8112 20 Chromium waste and scrap
- GA 310 ex 8112 30 Germanium waste and scrap
- GA 320 ex 8112 40 Vanadium waste and scrap
- ex 8112 91 Wastes and scrap of:
- GA 330 — Hafnium
- GA 340 — Indium
- GA 350 — Niobium
- GA 360 — Rhenium
- GA 370 — Gallium
- GA 400 ex 2804 90 Selenium waste and scrap
- GA 410 ex 2804 50 Tellurium waste and scrap
- GA 420 ex 2805 30 Rare earth waste and scrap

GA 430 7204 Iron or steel scrap

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

GB 010 2620 11 Hard zinc spelter

GB 020 Zinc containing drosses:

GB 021 — Galvanising slab zinc top dross (>90 % Zn)

GB 022 — Galvanising slab zinc bottom dross (>92 % Zn)

GB 023 — Zinc die cast dross (>85 % Zn)

GB 024 — Hot dip galvanisers slab zinc dross (batch) (>92 % Zn)

GB 025 — Zinc skimmings

GB 030 Aluminium skimmings (excluding those that are flammable or emit, upon contact with water, flammable gases in dangerous quantities)

GB 040 ex 2620 90 Slags from precious metals and copper processing for further refining

GB 050 Tantalum bearing tin slags with less than 0,5 % tin

GC. OTHER WASTES CONTAINING METALS

GC 010 Electrical assemblies consisting only of metals or alloys

GC 020 Electronic scrap (e.g. printed circuit boards, electronic components, wire, etc.) and reclaimed electronic components suitable for base and precious metal recovery

GC 030 ex 8908 00 Vessels and other floating structures for breaking up, properly emptied of any cargo and other materials arising from the operation of the vessel which may have been classified as a dangerous substance or waste

GC 040 Motor vehicle wrecks, drained of liquids

Spent catalysts excluding liquids used as catalysts:

GC 050 Spent fluid catalytic cracking (FCC) catalysts (e.g. aluminium oxide, zeolites)

GC 060 Spent metal-bearing catalysts containing any of:

— Precious metals: gold, silver.

— Platinum-group metals: ruthenium, rhodium, palladium, osmium, iridium, platinum.

— Transition metals: 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, neodymium, europium, terbium, holmium, thulium, lutetium.

GC 070 ex 2619 00 Slags arising from the manufacture of iron and carbon steel (including low alloy steel) excluding those slags which have been specifically produced to meet both national and relevant international requirements and standards ⁽³⁾

GC 080 Mill scale (ferrous metal)

The following metal and metal alloy wastes in metallic dispersible form:

GC 090 Molybdenum

GC 100 Tungsten

GC 110 Tantalum

GC 120 Titanium

GC 130 Niobium

GC 140 Rhenium

GC 150 Gold

GC 160 Platinum (the expression "platinum" includes platinum, iridium, osmium, palladium, rhodium and ruthenium)

GC 170 Other precious metals, e.g. silver
 NB: mercury is specifically excluded as a contaminant of these metals and their alloys or amalgams.

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

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

GE. GLASS WASTES IN NON-DISPERSIBLE FORM

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

GF. CERAMIC WASTES IN NON-DISPERSIBLE FORM

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

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

GG 010 Partially refined calcium sulphate produced from flue gas desulphurisation (FGD)
GG 020 Waste gypsum wallboard or plasterboard arising from the demolition of buildings
GG 030 ex 2621 Bottom ash and slag tap from coal-fired power plants
GG 040 ex 2621 Coal-fired power plants fly ash
GG 050 Anode butts of petroleum coke and/or bitumen
GG 060 ex 2803 Spent activated carbon, resulting from the treatment of potable water and processes of the food industry and vitamin production
GG 080 ex 2621 00 Slag from copper production, chemical 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
GG 090 Sulphur in solid form
GG 100 Limestone from the production of calcium cyanamide (having a pH less than 9)
GG 110 ex 2621 00 Neutralised red mud from alumina production
GG 120 Sodium, potassium, calcium chlorides
GG 130 Carborundum (silicon carbide)
GG 140 Broken concrete
GG 150 ex 2620 90 Lithium-tantalum and lithium-niobium containing glass scraps
GG 160 Bituminous materials (asphalt waste) from road construction and maintenance, not containing tar

GH. SOLID PLASTIC WASTES

Including, but not limited to:

- | | | |
|---------------|------------|---|
| GH 010 | 3915 | Waste, parings and scrap of plastics of: |
| GH 011 | ex 3915 10 | — Polymers of ethylene |
| GH 012 | ex 3915 20 | — Polymers of styrene |
| GH 013 | ex 3915 30 | — Polymers of vinyl chloride |
| GH 014 | ex 3915 90 | — Polymers or copolymers, for example: <ul style="list-style-type: none"> — Polypropylene — Polyethylene terephthalate — Acrylonitrile copolymer — Butadiene copolymer — Styrene copolymer — Polyamides — Polybutylene terephthalates — Polycarbonates — Polyphenylene sulphides — Acrylic polymers — Paraffins (C10 - C13) (*) — Polyurethane (not containing chlorofluorocarbons) — Polysiloxanes (silicones) — Polymethyl methacrylate — Polyvinyl alcohol — Polyvinyl butyral — Polyvinyl acetate — Polymers of fluorinated ethylene (Teflon, PTFE) |
| GH 015 | ex 3915 90 | — Resins or condensation products, for example: <ul style="list-style-type: none"> — Urea formaldehyde resins — Phenol formaldehyde resins — Melamine formaldehyde resins — Epoxy resins — Alkyd resins — Polyamides |

GI. PAPER, PAPERBOARD AND PAPER PRODUCT WASTES

- | | | |
|---------------|---------|---|
| GI 010 | 4707 | Waste and scrap of paper or paperboard: |
| GI 011 | 4707 10 | — Of unbleached kraft paper or paperboard or of corrugated paper or paperboard |
| GI 012 | 4707 20 | — Of other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass |
| GI 013 | 4707 30 | — Of paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter) |
| GI 014 | 4707 90 | — Other, including but not limited to: <ol style="list-style-type: none"> 1. Laminated paperboard 2. Unsorted waste and scrap |

GJ. TEXTILE WASTES

- | | | |
|---------------|---------|--|
| GJ 010 | 5003 | Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock) |
| GJ 011 | 5003 10 | — Not carded or combed |
| GJ 012 | 5003 90 | — Other |
| GJ 020 | 5103 | Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock |
| GJ 021 | 5103 10 | — Noils of wool or of fine animal hair |
| GJ 022 | 5103 20 | — Other waste of wool or of fine animal hair |
| GJ 023 | 5103 30 | — Waste of coarse animal hair |

GJ 030	5202	Cotton waste (including yarn waste and garnetted stock)
GJ 031	5202 10	— Yarn waste (including thread waste)
GJ 032	5202 91	— Garnetted stock
GJ 033	5202 99	— Other
GJ 040	5301 30	Flax tow and waste
GJ 050	ex 5302 90	Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.)
GJ 060	ex 5303 90	Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
GJ 070	ex 5304 90	Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus <i>Agave</i>
GJ 080	ex 5305 19	Tow, noils and waste (including yarn waste and garnetted stock) of coconut
GJ 090	ex 5305 29	Tow, noils and waste (including yarn waste and garnetted stock) of abaca (<i>Manila hemp</i> or <i>Musa textilis</i> Nee)
GJ 100	ex 5305 99	Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
GJ 110	5505	Waste (including noils, yarn waste and garnetted stock) of man-made fibres
GJ 111	5505 10	— Of synthetic fibres
GJ 112	5505 20	— Of artificial fibres
GJ 120	6309 00	Worn clothing and other worn textile articles
GJ 130	ex 6310	Used rags, scrap twine, cordage, rope and cables and worn-out articles of twine, cordage, rope or cables of textile materials
GJ 131	ex 6310 10	— Sorted
GJ 132	ex 6310 90	— Other
GJ 140	ex 6310	Waste textile floor coverings, carpets
GK. RUBBER WASTES		
GK 010	4004 00	Waste, parings and scrap of rubber (other than hard rubber) and granules obtained therefrom
GK 020	4012 20	Used pneumatic tyres
GK 030	ex 4017 00	Waste and scrap of hard rubber (for example, ebonite)
GL. UNTREATED CORK AND WOOD WASTES		
GL 010	ex 4401 30	Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
GL 020	4501 90	Cork waste; crushed, granulated or ground cork
GM. WASTES ARISING FROM AGRO-FOOD INDUSTRIES		
GM 070	ex 2307	Wine lees
GM 080	ex 2308	Dried and sterilised vegetable waste, residues and by-products, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
GM 090	1522	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes
GM 100	0506 90	Waste of bones and horn-cones, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
GM 110	ex 0511 91	Fish waste
GM 120	1802 00	Cocoa shells, husks, skins and other cocoa waste
GM 130		Waste from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption
GM 140	ex 1500	Waste edible fats and oils of animal or vegetable origin (e.g. frying oils)

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

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

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

GO 010	ex 0501 00	Waste of human hair
GO 020		Waste straw
GO 030		Deactivated fungus mycelium from penicillin production to be used as animal feed
GO 040		Waste photographic film and paper (including base and photo-sensitive coating), whether or not containing silver and not containing silver in free ionic form
GO 050		Single-use cameras without batteries.

(¹) Whenever possible, the code number of the Harmonised Commodity Description and Coding System, established by the Brussels Convention of 14 June 1983 under the auspices of the Customs Cooperation Council (Harmonised 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 Harmonised System code.

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

(²) "Non-dispersible" does not include any wastes in the form of powder, sludge, dust or solid items containing encased hazardous waste liquids.

(³) This entry covers the use of such slags as a source of titanium dioxide and vanadium.

(⁴) These cannot be polymerised and are used as plasticisers.

ANNEX III

AMBER LIST OF WASTES ⁽¹⁾

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

AA. METAL-BEARING WASTES

AA 010	ex 2619 00	Dross, scalings and other wastes from the manufacture of iron and steel ⁽²⁾
AA 020	ex 2620 19	Zinc ashes and residues ⁽²⁾
AA 030	2620 20	Lead ashes and residues ⁽²⁾
AA 040	ex 2620 30	Copper ashes and residues ⁽²⁾
AA 050	ex 2620 40	Aluminium ashes and residues ⁽²⁾
AA 060	ex 2620 50	Vanadium ashes and residues ⁽²⁾
AA 070	2620 90	Ashes and residues ⁽²⁾ 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 ⁽²⁾
AA 100	ex 2805 40	Mercury waste and residues ⁽²⁾
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, duts 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 ⁽²⁾ , 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		Spent 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 130** Used blasting grit
- AB 140** Gypsum arising chemical from industry processes
- AB 150** Unrefined calcium sulphite and calcium sulphate from flue gas desulphurisation (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 020** Bituminous materials (asphalt waste) not elsewhere specified or included
- 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, plasticisers, 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 naphtalenes
- 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)
- AC 250** Surface active agents (surfactants)
- AC 260** Liquid pig manure; faeces
- AC 270** Sewage sludge

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

AD 040	— 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 biofilters)
AD 160	Municipal/household wastes
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.

(¹) Whenever possible, the code number of the Harmonised Commodity Description and Coding System, established by the Brussels Convention of 14 June 1983 under the auspices of the Customs Cooperation Council (Harmonised 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 Harmonised System code.

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

(²) 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.

ANNEX IV

RED LIST OF WASTES

“Containing” or “contaminated with”, when used in this list, mean that the substance referred to is present to an extent which (a) renders the waste hazardous or (b) renders it not suitable for submission to a recovery operation.

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 those listed in AC020) arising from refining, distillation and any pyrolytic treatment of organic materials

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

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 91/689/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 Council Decision 94/904/EC ⁽¹⁾.

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 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.

⁽¹⁾ OJ L 356, 31.12.1994, p. 14.

- 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
- A1180 Waste electrical and electronic assemblies or scrap ⁽²⁾ 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) ⁽³⁾

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, plasticisers, 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, dichloroethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
- 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 ⁽⁴⁾
- 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 ⁽⁵⁾, or unfit for their originally intended use
- A4040 Wastes from the manufacture, formulation and use of wood-preserving chemicals ⁽⁶⁾
- 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 (5) chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics
- 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)
 — Leadenium 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 ⁽⁷⁾
- B1060 Waste selenium and tellurium in metallic elemental form including powder
- B1070 Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics
- 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 ⁽⁸⁾
- 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 galvanisers 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 ⁽⁹⁾ (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 ⁽¹⁰⁾ and not for recycling or final disposal ⁽¹¹⁾
- 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, neodymium, 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)
- 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
 - Lithiumtantalum 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 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 copolymers, including but not limited to the following ⁽¹²⁾:
 - 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 ⁽¹³⁾:
 - Perfluoroethylene/propylene(FEP)
 - Perfluoroalkoxy alkane (PFA)
 - Perfluoroalkoxy alkane (MFA)
 - Polyvinylfluoride (PVF)
 - Polyvinylidene fluoride (PVDF)
- 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, A3100)
- B3100 Leather dust, ash, sludges or fluors not containing hexavalent chromium compounds or biocides (note the related entry on List A, A3090)
- B3110 Fellmongery waste 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

⁽¹⁾ Note that the mirror entry on List B (B1160) does not specify exceptions.

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

⁽³⁾ PCBs are at a concentration level of 50 mg/kg or more.

⁽⁴⁾ 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.

⁽⁵⁾ "Out-dated" means unused within the period recommended by the manufacturer.

⁽⁶⁾ This entry does not include wood treated with wood-preserving chemicals.

⁽⁷⁾ 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.

⁽⁸⁾ 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.

⁽⁹⁾ This entry does not include scrap from electrical power generation.

⁽¹⁰⁾ Reuse can include repair, refurbishment or upgrading, but not major reassembly.

⁽¹¹⁾ In some countries these materials destined for direct reuse are not considered wastes.

⁽¹²⁾ It is understood that such scraps are completely polymerised.

⁽¹³⁾ — Post-consumer wastes are excluded from this entry.

— Wastes shall not be mixed.

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

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

- 02 00 00 WASTE FROM AGRICULTURAL, HORTICULTURAL, HUNTING, FISHING AND AQUACULTURE PRIMARY PRODUCTION, FOOD PREPARATION AND PROCESSING
- 02 01 00 **Primary production waste**
- 02 01 05 Agrochemical wastes
- 03 00 00 WASTES FROM WOOD PROCESSING AND THE PRODUCTION OF PAPER, CARDBOARD, PULP, PANELS AND FURNITURE
- 03 02 00 **Wood preservation waste**
- 03 02 01 Non-halogenated organic wood preservatives
- 03 02 02 Organochlorinated wood preservatives
- 03 02 03 Organometallic wood preservatives
- 03 02 04 Inorganic wood preservatives
- 04 00 00 WASTES FROM THE LEATHER AND TEXTILE INDUSTRIES
- 04 01 00 **Wastes from the leather industry**
- 04 01 03 Degreasing wastes containing solvents without a liquid phase
- 04 02 00 **Wastes from the textile industry**
- 04 02 11 Halogenated wastes from dressing and finishing
- 05 00 00 WASTES FROM PETROLEUM REFINING, NATURAL GAS PURIFICATION AND PYROLYTIC TREATMENT OF COAL
- 05 01 00 **Only sludges and solid wastes**
- 05 01 03 Tank bottom sludges
- 05 01 04 Acid alkyl sludges
- 05 01 05 Oil spills
- 05 01 07 Acid tars
- 05 01 08 Other tars
- 05 04 00 **Spent filter clays**
- 05 04 01 Spent filter clays
- 05 06 00 **Waste from the pyrolytic treatment of coal**
- 05 06 01 Acid tars
- 05 06 03 Other tars
- 05 07 00 **Wastes from natural gas purification**
- 05 07 01 Sludges containing mercury
- 05 08 00 **Wastes from oil regeneration**
- 05 08 01 Spent filter clays
- 05 08 02 Acid tars
- 05 08 03 Other tars
- 05 08 04 Aqueous liquid waste from oil regeneration
- 06 00 00 WASTES FROM INORGANIC CHEMICAL PROCESSES
- 06 01 00 **Waste acidic solutions**
- 06 01 01 Sulphuric acid and sulphurous acid
- 06 01 02 Hydrochloric acid
- 06 01 03 Hydrofluoric acid
- 06 01 04 Phosphoric and phosphorous acid

- 06 01 05 Nitric acid and nitrous acid
- 06 01 99 Waste not otherwise specified
- 06 02 00 **Waste alkaline solutions**
- 06 02 01 Calcium hydroxide
- 06 02 02 Soda
- 06 02 03 Ammonia
- 06 02 99 Wastes not otherwise specified
- 06 03 00 **Waste salts and their solutions**
- 06 03 11 Salts and solutions containing cyanides
- 06 04 00 **Metal-containing wastes**
- 06 04 02 Metallic salts (except 06 03 00)
- 06 04 03 Wastes containing arsenic
- 06 04 04 Wastes containing mercury
- 06 04 05 Wastes containing other heavy metals
- 06 07 00 **Wastes from halogen chemical processes**
- 06 07 01 Wastes containing asbestos from electrolysis
- 06 07 02 Activated carbon from chlorine production
- 06 13 00 **Wastes from other inorganic chemical processes**
- 06 13 01 Inorganic pesticides, biocides and wood preserving agents
- 06 13 02 Spent activated carbon (except 06 07 02)
- 07 00 00 WASTE FROM ORGANIC CHEMICAL PROCESSES
- 07 01 00 **Waste from the manufacture, formulation, supply and use (MFSU) of basic organic chemicals**
- 07 01 01 Aqueous washing liquids and mother liquors
- 07 01 03 Organic halogenated solvents, washing liquids and mother liquors
- 07 01 04 Other organic solvents, washing liquids and mother liquors
- 07 01 07 Halogenated still bottoms and reaction residues
- 07 01 08 Other still bottoms and reaction residues
- 07 01 09 Halogenated filter cakes, spent absorbents
- 07 01 10 Other filter cakes, spent absorbents
- 07 02 00 **Waste from the MFSU of plastics, synthetic rubber and man-made fibres**
- 07 02 01 Aqueous washing liquids and mother liquors
- 07 02 03 Organic halogenated solvents, washing liquids and mother liquors
- 07 02 04 Other organic solvents, washing liquids and mother liquors
- 07 02 07 Halogenated still bottoms and reaction residues
- 07 02 08 Other still bottoms and reaction residues
- 07 02 09 Halogenated filter cakes, spent absorbents
- 07 02 10 Other filter cakes, spent absorbents
- 07 03 00 **Waste from the MFSU of organic dyes and pigments (excluding 06 11 00)**
- 07 03 01 Aqueous washing liquids and mother liquors
- 07 03 03 Organic halogenated solvents, washing liquids and mother liquors
- 07 03 04 Other organic solvents, washing liquids and mother liquors
- 07 03 07 Halogenated still bottoms and reaction residues
- 07 03 08 Other still bottoms and reaction residues

- 07 03 09 Halogenated filter cakes, spent absorbents
- 07 03 10 Other filter cakes, spent absorbents
- 07 04 00 **Waste from the MFSU of organic pesticides (except 02 01 05)**
- 07 04 01 Aqueous washing liquids and mother liquors
- 07 04 03 Organic halogenated solvents, washing liquids and mother liquors
- 07 04 04 Other organic solvents, washing liquids and mother liquors
- 07 04 07 Halogenated still bottoms and reaction residues
- 07 04 08 Other still bottoms and reaction residues
- 07 04 09 Halogenated filter cakes, spent absorbents
- 07 04 10 Other filter cakes, spent absorbents
- 07 05 00 **Waste from the MFSU of pharmaceuticals**
- 07 05 01 Aqueous washing liquids and mother liquors
- 07 05 03 Organic halogenated solvents, washing liquids and mother liquors
- 07 05 04 Other organic solvents, washing liquids and mother liquors
- 07 05 07 Halogenated still bottoms and reaction residues
- 07 05 08 Other still bottoms and reaction residues
- 07 05 09 Halogenated filter cakes, spent absorbents
- 07 05 10 Other filter cakes, spent absorbents
- 07 06 00 **Waste from the MFSU of fats, grease, soaps, detergents, disinfectants and cosmetics**
- 07 06 01 Aqueous washing liquids and mother liquors
- 07 06 03 Organic halogenated solvents, washing liquids and mother liquors
- 07 06 04 Other organic solvents, washing liquids and mother liquors
- 07 06 07 Halogenated still bottoms and reaction residues
- 07 06 08 Other still bottoms and reaction residues
- 07 06 09 Halogenated filter cakes, spent absorbents
- 07 06 10 Other filter cakes, spent absorbents
- 07 07 00 **Waste from the MFSU of fine chemicals and chemical products not otherwise specified**
- 07 07 01 Aqueous washing liquids and mother liquors
- 07 07 03 Organic halogenated solvents, washing liquids and mother liquors
- 07 07 04 Other organic solvents, washing liquids and mother liquors
- 07 07 07 Halogenated still bottoms and reaction residues
- 07 07 08 Other still bottoms and reaction residues
- 07 07 09 Halogenated filter cakes, spent absorbents
- 07 07 10 Other filter cakes, spent absorbents
- 08 00 00 WASTES FROM THE MANUFACTURE, FORMULATION, SUPPLY AND USE (MFSU) OF COATINGS (PAINTS, VARNISHES AND VITREOUS ENAMELS), ADHESIVE SEALANTS AND PRINTING INKS
- 08 01 00 **Wastes from MFSU of paint and varnish**
- 08 01 01 Waste paints and varnish containing halogenated solvents
- 08 01 02 Waste paints and varnish free of halogenated solvents
- 08 01 06 Sludges from paint or varnish removal containing halogenated solvents
- 08 01 07 Sludges from paint or varnish removal free of halogenated solvents
- 08 03 00 **Waste from MFSU of printing inks**

- 08 03 01 Waste ink containing halogenated solvents
- 08 03 02 Waste ink free of halogenated solvents
- 08 03 05 Ink sludges containing halogenated solvents
- 08 03 06 Ink sludges free of halogenated solvents
- 08 04 00 **Wastes from MFSU of adhesives and sealants (including waterproofing products)**
- 08 04 01 Waste adhesives and sealants containing halogenated solvents
- 08 04 02 Waste adhesives and sealants free of halogenated solvents
- 08 04 05 Adhesives and sealants sludges containing halogenated solvents
- 08 04 06 Adhesives and sealants sludges free of halogenated solvents
- 09 00 00 WASTES FROM THE PHOTOGRAPHIC INDUSTRY
- 09 01 00 **Wastes from the photographic industry**
- 09 01 01 Water based developer and activator solutions
- 09 01 02 Water based offset plate developer solutions
- 09 01 03 Solvent based developer solutions
- 09 01 04 Fixer solutions
- 09 01 05 Bleach solutions and bleach fixer solutions
- 09 01 06 Waste containing silver from on-site treatment of photographic waste
- 10 00 00 INORGANIC WASTES FROM THERMAL PROCESSES
- 10 01 00 **Wastes from power station and other combustion plants (except 19 00 00)**
- 10 01 04 Oil fly ash
- 10 01 09 Sulphuric acid
- 10 03 00 **Wastes from aluminium thermal metallurgy**
- 10 03 01 Tars and other carbon-containing wastes from anode manufacture
- 10 03 03 Skimmings
- 10 03 04 Primary smelting slags/white drosses
- 10 03 07 Spent pot lining
- 10 03 08 Salt slags from secondary smelting
- 10 03 09 Black drosses from secondary smelting
- 10 03 10 Waste from treatment of salt slags and black drosses treatment
- 10 04 00 **Wastes from lead thermal metallurgy**
- 10 04 01 Slags (first and second smelting)
- 10 04 02 Dross and skimmings (first and second smelting)
- 10 04 03 Calcium arsenate
- 10 04 04 Flue gas dust
- 10 04 05 Other particulates and dust
- 10 04 06 Solid waste from gas treatment
- 10 04 07 Sludges from gas treatment
- 10 05 00 **Wastes from zinc thermal metallurgy**
- 10 05 01 Slags (first and second smelting)
- 10 05 02 Dross and skimmings (first and second smelting)
- 10 05 03 Flue gas dust
- 10 05 05 Solid waste from gas treatment
- 10 05 06 Sludges from gas treatment

- 10 06 00 **Wastes from copper thermal metallurgy**
- 10 06 03 Flue gas dust
- 10 06 05 Waste from electrolytic refining
- 10 06 06 Solid waste from gas treatment
- 10 06 07 Sludges from gas treatment
- 11 00 00 **INORGANIC WASTE WITH METALS FROM METAL TREATMENT AND THE COATING OF METALS; NON-FERROUS HYDRO-METALLURGY**
- 11 01 00 **Liquid wastes and sludges from metal treatment and coating of metals (e.g. galvanic processes, zinc coating processes, pickling processes, etching, phosphatising, alkaline degreasing)**
- 11 01 01 Cyanidic (alkaline) wastes containing heavy metals other than chromium
- 11 01 02 Cyanidic (alkaline) wastes which do not contain heavy metals
- 11 01 03 Cyanide-free wastes containing chromium
- 11 01 05 Acidic pickling solutions
- 11 01 06 Acids not otherwise specified
- 11 01 07 Alkalis not otherwise specified
- 11 01 08 Phosphatising sludges
- 11 02 00 **Wastes and sludges from non-ferrous hydrometallurgical processes**
- 11 02 02 Sludges from zinc hydrometallurgy (including jarosite, goethite)
- 11 03 00 **Sludges and solids from tempering processes**
- 11 03 01 Wastes containing cyanide
- 11 03 02 Other wastes
- 12 00 00 **WASTES FROM SHAPING AND SURFACE TREATMENT OF METALS AND PLASTICS**
- 12 01 00 **Wastes from shaping (including forging, welding, pressing, drawing, turning, cutting and filing)**
- 12 01 06 Waste machining oils containing halogens (not emulsified)
- 12 01 07 Waste machining oils free of halogens (not emulsified)
- 12 01 08 Waste machining emulsions containing halogens
- 12 01 09 Waste machining emulsions free of halogens
- 12 01 10 Synthetic machining oils
- 12 01 11 Machining sludges
- 12 01 12 Spent waxes and fats
- 12 03 00 **Wastes from water and steam degreasing processes (except 11 00 00)**
- 12 03 01 Aqueous washing liquids
- 12 03 02 Steam degreasing wastes
- 13 00 00 **OIL WASTES (except edible oils, 05 00 00 and 12 00 00)**
- 13 01 00 **Waste hydraulic oils and brake fluids**
- 13 01 01 Hydraulic oils, containing PCBs or PCTs
- 13 01 02 Other chlorinated hydraulic oils (not emulsions)
- 13 01 03 Non-chlorinated hydraulic oils (not emulsions)
- 13 01 04 Chlorinated emulsions
- 13 01 05 Non-chlorinated emulsions
- 13 01 06 Hydraulic oils containing only mineral oil
- 13 01 07 Other hydraulic oils
- 13 01 08 Brake fluids

- 13 02 00 **Waste engine, gear and lubricating oils**
- 13 02 01 Chlorinated engine, gear and lubricating oils
- 13 02 02 Non-chlorinated engine, gear and lubricating oils
- 13 02 03 Other machine, gear and lubricating oils
- 13 03 00 **Waste insulating and heat transmission oils and other liquids**
- 13 03 01 Insulating or heat transmission oils and other liquids containing PCBs or PCTs
- 13 03 02 Other chlorinated insulating and heat transmission oils and other liquids
- 13 03 03 Non-chlorinated insulating and heat transmission oils and other liquids
- 13 03 04 Synthetic insulating and heat transmission oils and other liquids
- 13 03 05 Mineral insulating and heat transmission oils
- 13 04 00 **Bilge oils**
- 13 04 01 Bilge oils from inland navigation
- 13 04 02 Bilge oils from jetty sewers
- 13 04 03 Bilge oils from other navigation
- 13 05 00 **Oil/water separator contents**
- 13 05 01 Oil/water separator solids
- 13 05 02 Oil/water separator sludges
- 13 05 03 Interceptor sludges
- 13 05 04 Desalter sludges or emulsions
- 13 05 05 Other emulsions
- 13 06 00 **Oil waste not otherwise specified**
- 13 06 01 Oil waste not otherwise specified
- 14 00 00 WASTES FROM ORGANIC SUBSTANCES EMPLOYED AS SOLVENTS (except 07 00 00 and 08 00 00)
- 14 01 00 **Wastes from metal degreasing and machinery maintenance**
- 14 01 01 Chlorofluorocarbons
- 14 01 02 Other halogenated solvents and solvent mixes
- 14 01 03 Other solvents and solvent mixes
- 14 01 04 Aqueous solvent mixes containing halogens
- 14 01 05 Aqueous solvent mixes free of halogens
- 14 01 06 Sludges or solid wastes containing halogenated solvents
- 14 01 07 Sludges or solid wastes free of halogenated solvents
- 14 02 00 **Wastes from textile cleaning and degreasing of natural products**
- 14 02 01 Halogenated solvents and solvent mixes
- 14 02 02 Solvent mixes or organic liquids free of halogenated solvents
- 14 02 03 Sludges or solid wastes containing halogenated solvents
- 14 02 04 Sludges or solid wastes containing other solvents
- 14 03 00 **Wastes from the electronic industry**
- 14 03 01 Chlorofluorocarbons
- 14 03 02 Other halogenated solvents
- 14 03 03 Solvents and solvent mixes free of halogenated solvents
- 14 03 04 Sludges or solid wastes containing halogenated solvents
- 14 03 05 Sludges or solid wastes containing other solvents

- 14 04 00 **Wastes from coolants, foam/aerosol propellents**
- 14 04 01 Chlorofluorocarbons
- 14 04 02 Other halogenated solvents and solvent mixes
- 14 04 03 Other solvents and solvent mixes
- 14 04 04 Sludges or solid wastes containing halogenated solvents
- 14 04 05 Sludges or solid wastes containing other solvents
- 14 05 00 **Wastes from solvent and coolant recovery (still bottoms)**
- 14 05 01 Chlorofluorocarbons
- 14 05 02 Halogenated solvents and solvent mixes
- 14 05 03 Other solvents and solvent mixes
- 14 05 04 Sludges containing halogenated solvents
- 14 05 05 Sludges containing other solvents
- 16 00 00 WASTE NOT OTHERWISE SPECIFIED IN THE CATALOGUE
- 16 02 00 **Discarded equipment and shredder residues**
- 16 02 01 Transformers and capacitors containing PCB or PCTs
- 16 04 00 **Waste explosives**
- 16 04 01 Waste ammunition
- 16 04 02 Fireworks waste
- 16 04 03 Other waste explosives
- 16 06 00 **Batteries and accumulators**
- 16 06 01 Lead batteries
- 16 06 02 Ni-Cd batteries
- 16 06 03 Mercury dry cells
- 16 06 06 Electrolyte from batteries and accumulators
- 16 07 00 **Waste from transport and storage tank cleaning (except 05 00 00 and 12 00 00)**
- 16 07 01 Waste from marine transport tank cleaning, containing chemicals
- 16 07 02 Waste from marine transport tank cleaning, containing oil
- 16 07 03 Waste from railway and road transport tank cleaning containing oil
- 16 07 04 Waste from railway and road transport tank cleaning containing chemicals
- 16 07 05 Waste from storage tank cleaning, containing chemicals
- 16 07 06 Waste from storage tank cleaning, containing oil
- 17 00 00 CONSTRUCTION AND DEMOLITION WASTE (INCLUDING ROAD CONSTRUCTION)
- 17 06 00 **Insulation materials**
- 17 06 01 Insulation materials containing asbestos
- 18 00 00 WASTES FROM HUMAN OR ANIMAL HEALTH CARE AND/OR RELATED RESEARCH (excluding kitchen and restaurant wastes which do not arise from immediate health care)
- 18 01 00 **Waste from natal care, diagnosis, treatment or prevention of disease in humans**
- 18 01 03 Other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
- 18 02 00 **Waste from research, diagnosis, treatment or prevention of disease involving animals**
- 18 02 02 Other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
- 18 02 04 Discarded chemicals

- 19 00 00 WASTES FROM WASTE TREATMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE WATER INDUSTRY
- 19 01 00 **Wastes from incineration or pyrolysis of municipal and similar commercial, industrial and institutional wastes**
- 19 01 03 Fly ash
- 19 01 04 Boiler dust
- 19 01 05 Filter cake from gas treatment
- 19 01 06 Aqueous liquid waste from gas treatment and other aqueous liquid wastes
- 19 01 07 Solid waste from gas treatment
- 19 01 10 Spent activated carbon from flue-gas treatment
- 19 02 00 **Wastes from specific physico-chemical treatments of industrial wastes (e.g. dechromatation, decyanidation, neutralisation)**
- 19 02 01 Metal hydroxide sludges and other sludges from metal insolubilisation treatment
- 19 04 00 **Vitrified wastes and wastes from vitrification**
- 19 04 02 Fly ash and other flue-gas treatment wastes
- 19 04 03 Non-vitrified solid phase
- 19 08 00 **Wastes from waste water treatment plants not otherwise specified**
- 19 08 03 Grease and oil mixture from oil/waste water separation
- 19 08 06 Saturated or spent ion exchange resins
- 19 08 07 Solutions and sludges from regeneration of ion exchangers
- 20 00 00 MUNICIPAL WASTES AND SIMILAR COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL WASTES INCLUDING SEPARATELY COLLECTED FRACTIONS
- 20 01 00 **Separately collected fractions**
- 20 01 12 Paint, inks, adhesives and resins
- 20 01 13 Solvents
- 20 01 17 Photo chemicals
- 20 01 19 Pesticides
- 20 01 21 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 subjected 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	ex 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		Spent 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 desulphurisation (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, plasticisers, 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 naphtalenes |
| 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 chloro-methanes, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin) |
- AD. WASTES WHICH MAY CONTAIN EITHER INORGANIC OR ORGANIC CONSTITITUENTS**
- | | |
|---------------|---|
| 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 |
| | Wastes that contain, consist of or are contaminated with any of the following: |
| AD 040 | — 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 process and similar applications.

(*) Wherever possible, the code number of the Harmonised Commodity Description and Coding System, established by the Brussels Convention on 14 June 1983 under the auspices of the Customs Cooperation Council (harmonised 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 Harmonised 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.

NOTICE TO READERS

Subject: Monthly Indexes

The April 1999 editions of the OJ 'L' and 'C' monthly alphabetical index and the methodological table are now available.

EUR-OP aims to produce all subsequent editions rapidly, at two-week intervals, and to be up to date early in the year 2000.

We regret the long delays which were caused by internal changes in production methods, and are confident that these problems will not re-appear with the year 2000 subscriptions.

We apologise for any inconvenience caused.