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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3955/92

of 21 December 1992

concerning the conclusion on behalf of the European Economic Community of an Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the conclusion on behalf of the European Economic Community of the Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community will help to achieve the Community's objectives; whereas the Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community, together with the Community Declaration relating to Article I, are hereby approved on behalf of the European Economic Community.

The texts of the Agreement and the Declaration are attached to this Regulation.

Article 2

The President of the Council shall, on behalf of the European Economic Community, give the notification provided for in Article XVIII of the Agreement ⁽²⁾.

Article 3

1. The Community shall be represented on the Governing Board of the International Science and Technology Centre (hereinafter referred to as the Centre) by the Presidency of the Council and by the Commission, which shall each appoint one Board member.

2. The Commission shall be generally responsible for the management of matters concerning the Centre.

The Council shall be kept fully informed, in good time before meetings of the Governing Board of the Centre, concerning the matters to be discussed at such meetings and the Commission's intentions in this regard.

Without prejudice to paragraph 3, the Commission shall express the Communities' position to the Governing Board.

3. For matters falling under Article III (v), Articles V and XIII, the Communities' position shall be determined by the Council and expressed as a general rule by the Presidency, unless otherwise decided by the Council. For matters falling under Article IV B (i) and (v) and Article IV E, the Communities' position shall be determined by the Council and expressed as a general rule by the Commission, unless otherwise decided by the Council, and more particularly in areas where experience and expertise are to be found chiefly in the Member States.

⁽¹⁾ OJ No C 337, 21. 12. 1992.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

4. In determining the Communities' position as provided for in paragraph 3, the Council shall act by qualified majority.

In taking any decision whereby, pursuant to the preceding paragraph, the Communities' position shall be expressed, contrary to the general rule, by the Commission, or, as the case may be, by the Presidency, the Council shall act by simple majority.

5. Decisions on projects financed or co-financed by the Communities will be taken pursuant to, and in accordance with the procedure laid down in, Regulation (EEC) No 2157/91 ⁽¹⁾ or any successor thereof.

6. The Communities shall be represented on the Scientific Advisory Committee set up by Article IV D of the Agreement by appropriate experts appointed by the

Council on the basis of a list proposed by the Commission and containing the names put forward by the Member States.

Article 4

The Centre shall have legal personality and enjoy the most extensive legal capacity accorded to legal persons under laws applicable in the Communities and, in particular, may contract, acquire or dispose of movable and immovable property and be a party to legal proceedings.

Article 5

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, 21 December 1992.

For the Council

The President

D. HURD

⁽¹⁾ JO No L 201, 24. 7. 1991, p. 2.

AGREEMENT

establishing an International Science and Technology Centre

THE UNITED STATES OF AMERICA, JAPAN, THE RUSSIAN FEDERATION, and, acting as one party, the EUROPEAN ATOMIC ENERGY COMMUNITY and EUROPEAN ECONOMIC COMMUNITY:

REAFFIRMING the need to prevent the proliferation of technologies and expertise related to weapons of mass destruction, nuclear, chemical, and biological weapons;

TAKING NOTE of the present critical period in the states of the Commonwealth of Independent States (hereinafter referred to as 'CIS') and Georgia, a period that includes the transition to a market economy, the developing process of disarmament, and the conversion of industrial-technical potential from military to peaceful endeavours;

RECOGNIZING, in this context, the need to create an International Science and Technology Centre that would minimize incentives to engage in activities that could result in such proliferation, by supporting and assisting the activities for peaceful purposes of weapons scientists and engineers in the Russian Federation and, if interested, in other states of the CIS and Georgia;

RECOGNIZING the need to contribute, through the Centre's projects and activities, to the transition of the states of the CIS and Georgia to market-based economies and to support research and development for peaceful purposes;

DESIRING that Centre projects provide impetus and support to participating scientists and engineers in developing long-term career opportunities, which will strengthen the scientific research and development capacity of the states of the CIS and Georgia; and

REALIZING that the success of the Centre will require strong support from governments, foundations, academic and scientific institutions, and other inter-governmental and non-governmental organizations;

HAVE AGREED AS FOLLOWS:

Article I

There is hereby established the International Science and Technology Centre (hereinafter referred to as the 'Centre') as an inter-governmental organization. Each Party shall facilitate, in its territory, the activities of the Centre. In order to achieve its objectives, the Centre shall have, in accordance with the laws and regulations of the Parties, the legal capacity to contract, to acquire and dispose of immovable and movable property, and to institute and respond to legal proceedings.

Article II

A. The Centre shall develop, approve, finance, and monitor science and technology projects for peaceful purposes, which are to be carried out primarily at institutions and facilities located in the Russian Federation and, if interested, in other states of the CIS and Georgia.

B. The objectives of the Centre shall be:

- (i) to give weapons scientists and engineers, particularly those who possess knowledge and skills related to

weapons of mass destruction or missile delivery systems, in the Russian Federation and, if interested, in other states of the CIS and Georgia, opportunities to redirect their talents to peaceful activities; and

- (ii) to contribute thereby through its projects and activities: to the solution of national or international technical problems; and to the wider goals of reinforcing the transition to market-based economies responsive to civil needs, of supporting basic and applied research and technology development, *inter alia*, in the fields of environmental protection, energy production, and nuclear safety, and of promoting the further integration of scientists of the states of the CIS and Georgia into the international scientific community.

Article III

In order to achieve its objectives, the Centre is authorized to:

- (i) promote and support, by use of funds or otherwise, science and technology projects in accordance with Article II of this Agreement;

- (ii) monitor and audit Centre projects in accordance with Article VIII of this Agreement;
- (iii) establish appropriate forms of cooperation with governments, inter-governmental organizations, non-governmental organizations (which shall, for the purposes of this Agreement, include the private sector), and programs;
- (iv) receive funds or donations from governments, inter-governmental organizations, and non-governmental organizations;
- (v) establish branch offices as appropriate in interested states of the CIS and Georgia; and
- (vi) engage in other activities as may be agreed upon by all the Parties.

Article IV

A. The Centre shall have a Governing Board and a Secretariat, consisting of an Executive Director, Deputy Executive Directors, and such other staff as may be necessary, in accordance with the Statute of the Centre.

B. The Governing Board shall be responsible for:

- (i) determining the Centre's policy and its own rules of procedure;
- (ii) providing overall guidance and direction to the Secretariat;
- (iii) approving the Centre's operating budget;
- (iv) governing the financial and other affairs of the Centre, including approving procedures for the preparation of the Centre's budget, drawing up of accounts, and auditing thereof;
- (v) formulating general criteria and priorities for the approval of projects;
- (vi) approving projects in accordance with Article VI;
- (vii) adopting the Statute and other implementing arrangements as necessary; and
- (viii) other functions assigned to it by this Agreement or necessary for the implementation of this Agreement.

Decisions of the Governing Board shall be by consensus of all Parties on the Board, subject to the conditions and terms determined pursuant to Article V, except as provided otherwise in this Agreement.

C. Each of the four Signatory Parties shall be represented by a single vote on the Governing Board. Each shall appoint no more than two representatives to the Governing Board within seven (7) days after entry into force of this Agreement.

D. The Parties shall establish a Scientific Advisory Committee, made up of representatives to be nominated by the Parties, to give to the Board expert scientific and other necessary professional advice within forty-five (45) days of every project proposal's submission to the Centre; to advise the Board on the fields of research to be encouraged; and to provide any other advice that may be required by the Board.

E. The Governing Board shall adopt a Statute in implementation of this Agreement. The Statute shall establish:

- (i) the structure of the Secretariat;
- (ii) the process for selecting, developing, approving financing, carrying out and monitoring projects;
- (iii) procedures for the preparation of the Centre's budget, drawing up of accounts and auditing thereof;
- (iv) appropriate guidelines on intellectual property rights resulting from Centre projects and on the dissemination of project results;
- (v) procedures governing the participation of governments, inter-governmental organizations, and non-governmental organizations in Centre projects;
- (vi) personnel policies; and
- (vii) other arrangements necessary for the implementation of this Agreement.

Article V

The Governing Board shall have the discretion and exclusive power to expand its membership to include representatives appointed by Parties that accede to this Agreement, on such conditions and terms as the Board may determine. Parties not represented on the Governing Board and inter-governmental and non-governmental organizations may be invited to participate in Board deliberations, in a non-voting capacity.

Article VI

Each project submitted for approval by the Governing Board shall be accompanied by the written concurrence of the state or states in which the work is to be carried out. In addition to the prior agreement of that state or

those states, the approval of projects shall require the consensus of Parties on the Governing Board, subject to the conditions and terms determined pursuant to Article, V, other than such Parties that are states of the CIS and Georgia.

Article VII

A. Projects approved by the Governing Board may be financed or supported by the Centre, or by governments, inter-governmental organizations, or non-governmental organizations, directly or through the Centre. Such financing and support of approved projects shall be provided on terms and conditions specified by those providing it, which terms and conditions shall be consistent with this Agreement.

B. Representatives of the Parties on the Board and personnel of the Centre Secretariat shall be ineligible for project grants and may not directly benefit from any project grant.

Article VIII

A. The Centre shall have the right, within the Russian Federation and other interested states of the CIS and Georgia in which the work is to be carried out:

- (i) to examine on-site Centre project activities, materials, supplies, use of funds, and project-related services and use of funds, upon its notification or, in addition, as specified in a project agreement;
- (ii) to inspect or audit, upon its request, any records or other documentation in connection with Centre project activities and use of funds, wherever such records or documentation are located, during the period in which the Centre provides the financing, and for a period thereafter as determined in a project agreement.

The written concurrence required in Article VI shall include the agreement, of both the state or states of the CIS or Georgia in which the work is to be carried out and the recipient institution, to provide the Centre with access necessary for auditing and monitoring the project, as required by this paragraph.

B. Any Party represented on the Governing Board shall also have the rights described in paragraph (a), coordinated through the Centre, with regard to projects it finances in whole or in part, either directly or through the Centre.

C. If it is determined that the terms and conditions of a project have not been respected, the Centre or a financing government or organization may, having informed the Board of its reasons, terminate the project and take appropriate steps in accordance with the terms of the project agreement.

Article IX

A. The Headquarters of the Centre shall be located in the Russian Federation.

B. By way of providing material support to the Centre the Government of the Russian Federation shall provide at its own expense a facility suitable for use by the Centre, along with maintenance, utilities, and security for the facility.

C. In the Russian Federation, the Centre shall have the status of a legal person and, in that capacity, shall be entitled to contract, to acquire and dispose of immovable and movable property, and to institute and respond to legal proceedings.

Article X

In the Russian Federation:

- (i) (a) in determining profits of the Centre subject to taxation, funds received by the Centre from its founders and sponsors, governments, inter-governmental organizations, and non-governmental organizations, and any interest arising from keeping those funds in banks in the Russian Federation, shall be excluded;
- (b) the Centre, or any branch thereof, shall not be subject to any taxation on property that is subject to taxation under the tax laws of the Russian Federation;
- (c) commodities, supplies, and other property provided or utilized in connection with the Centre and its projects and activities may be imported into, exported from, or used in the Russian Federation free from any tariffs, dues, customs duties, import taxes, and other similar taxes or charges imposed by the Russian Federation;
- (d) personnel of the Centre who are not Russian nationals shall be exempt from payment of the income tax in the Russian Federation for physical persons;
- (e) funds received by legal entities, including Russian scientific organizations, in connection with Centre's projects and activities, shall be excluded in determining the profits of these organizations for the purpose of tax liability;

- (f) funds received by persons, in particular scientists or specialists, in connection with the Centre's projects or activities, shall not be included in those persons' taxable income;
- (ii) (a) the Centre, governments, inter-governmental organizations, and non-governmental organizations shall have the right to move funds related to the Centre and its projects or activities, other than Russian currency, into or out of the Russian Federation without restriction. Each shall have the right to so move only amounts not exceeding the total amount it moved into the Russian Federation;
- (b) to finance the Centre and its projects and activities, the Centre shall be entitled, for itself and on behalf of the entities referred to in subparagraph (ii) (a), to sell foreign currency on the internal currency market of the Russian Federation;
- (iii) personnel of non-Russian organizations taking part in any Centre project or activity and who are not Russian nationals shall be exempt from the payment of any customs duties and charges upon personal or household goods imported into, exported from, or used in the Russian Federation for the personal use of such personnel or members of their families.

Article XI

- A. The Parties shall closely cooperate in order to facilitate the settlement of legal proceedings and claims under this Article.
- B. Unless otherwise agreed, the Government of the Russian Federation shall, in respect of legal proceedings and claims by Russian nationals or organizations, other than contractual claims, arising out of the acts or omissions of the Centre or its personnel done in the performance of the Centre's activities:
 - (i) not bring any legal proceedings against the Centre and its personnel;
 - (ii) assume responsibility for dealing with legal proceedings and claims brought by the aforementioned against the Centre and its personnel;
 - (iii) hold the Centre and its personnel harmless in respect of legal proceedings and claims referred to in subparagraph (ii) above.

C. The provisions of this Article shall not prevent compensation or indemnity available under applicable international agreements or national law of any state.

D. Nothing in paragraph (B) shall be construed to prevent legal proceedings or claims against Russian nationals or permanent residents of the Russian Federation.

Article XII

A. Personnel of the Governments of the States or the European Communities that are Parties present in the Russian Federation in connection with the Centre or its projects and activities shall be accorded, by the Government of the Russian Federation, status equivalent to that accorded to administrative and technical staff under the Vienna Convention on Diplomatic Relations of 18 April 1961.

B. Personnel of the Centre shall be accorded, by the Government of the Russian Federation, the privileges and immunities usually accorded to officials of international organizations, namely:

- (i) immunity from arrest, detention, and legal process, including criminal, civil, and administrative jurisdiction, in respect of words spoken or written and all acts performed by them in their official capacity;
- (ii) exemption from any income, social security, or other taxation, duties, or other charges, except those that are normally incorporated in the price of goods or paid for services rendered;
- (iii) immunity from social security provisions;
- (iv) immunity from immigration restrictions and from alien registration; and
- (v) right to import their furniture and effects, at the time of first taking up their post, free of any Russian tariffs, dues, customs duties, import taxes, and other similar taxes or charges.

C. Any Party may notify the Executive Director of any person, other than those in paragraphs (A) and (D), who will be in the Russian Federation in connection with the Centre's projects and activities. A Party making such a notification shall inform such persons of their duty to respect the laws and regulations of the Russian Federation. The Executive Director shall notify the Government of the Russian Federation, which shall accord to such persons the benefits in subparagraph (B) (ii) to (v) and a status adequate for carrying out the project or activity.

D. Representatives of the Parties on the Governing Board, the Executive Director, and the Deputy Executive Directors shall be accorded by the Government of the Russian Federation, in addition to the privileges and immunities listed in paragraphs (A) and (B) of this Article, the privileges, immunities, exemptions, and facilities generally accorded to the representatives of members and executive heads of international organizations in accordance with international law.

E. Nothing in this Article shall require the Government of the Russian Federation to provide the privileges and immunities provided in paragraphs (A), (B) and (D) of this Article to its nationals or its permanent residents.

F. Without prejudice to the privileges, immunities, and other benefits provided above, it is the duty of all persons enjoying privileges, immunities, and benefits under this Article to respect the laws and regulations of the Russian Federation.

G. Nothing in this Agreement shall be construed to derogate from privileges, immunities, and other benefits granted to personnel described in paragraphs (A) to (D) under other agreements.

Article XIII

Any state desiring to become Party to this Agreement shall notify the Governing Board through the Executive Director. The Governing Board shall provide such a state with certified copies of this Agreement through the Executive Director. Upon approval by the Governing Board, that state shall be permitted to accede to this Agreement. This Agreement shall enter into force for that state on the thirtieth (30th) day after the date on which its instrument of accession is deposited. In the event that a state or States of the CIS and Georgia accede to this Agreement, that State or those States shall comply with the obligations undertaken by the Government of the Russian Federation in Articles VIII, IX(C) and X to XII.

Article XIV

Although nothing in this Agreement limits the rights of the Parties to pursue Projects without resort to the

Centre, the Parties shall make their best efforts to use the Centre when pursuing projects of character and objectives appropriate to the Centre.

Article XV

A. This Agreement shall be subject to review by the Parties two years after entry into force. This review shall take into account the financial commitments and payments of the Parties.

B. This Agreement may be amended by written agreement of all the Parties.

C. Any Party may withdraw from this Agreement six months after written notification to the other Parties.

Article XVI

Any question or dispute relating to the application or interpretation of this Agreement shall be the subject of consultation between the Parties.

Article XVII

With a view to financing projects as soon as possible, the four Signatories shall establish necessary interim procedures until the adoption of the Statute by the Governing Board. These shall include, in particular, the appointment of an Executive Director and necessary staff and the establishment of procedures for the submission, review, and approval of projects.

Article XVIII

A. This Agreement shall be open for signature by the United States of America, Japan, the Russian Federation and, acting as one party, the European Atomic Energy Community and European Economic Community.

B. Each Signatory shall notify the others through diplomatic channels that it has completed all internal procedures necessary to be bound by this Agreement.

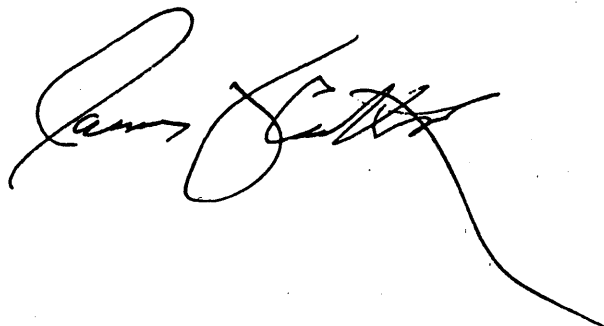
C. This Agreement shall enter into force upon the thirtieth (30th) day after the date of the last notification described in paragraph (B).

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Moscow on 27 November 1992, in the Danish, Dutch, English, French, German, Greek, Italian, Japanese, Portuguese, Russian and Spanish languages, each text being equally authentic.

FOR:

The United States of America



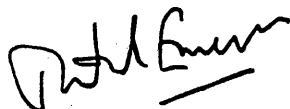
Japan

枝村 健郎

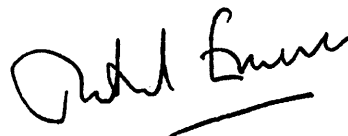
The Russian Federation



*The European Atomic
Energy Community*



*The European Economic
Community*



**Declaration made by the Representatives of the Community on the signing of the Agreement
establishing the International Science and Technology Centre**

'The Community declares that the Centre shall have legal personality and enjoy the most extensive legal capacity to legal persons under laws applicable in the Community, and, in particular, may contract, acquire and dispose of movable and immovable property and be a party to legal proceedings.'

COMMISSION REGULATION (EURATOM) No 3956/92

of 21 December 1992

on the conclusion by the European Atomic Energy Community of an Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community and in particular the second paragraph of Article 101 thereof,

Whereas the Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community was signed on 27 November 1992; whereas by Decision of 14 December 1992 the Council approved the said Agreement for the purposes of conclusion by the Commission on behalf of the European Atomic Energy Community;

Whereas the Agreement should be concluded on behalf of the European Atomic Energy Community,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement establishing an International Science and Technology Centre between the United States of America, Japan, the Russian Federation and, acting as one Party, the European Atomic Energy Community and the European Economic Community together with the Community declaration relating to Article 1 are hereby approved on behalf of the European Atomic Energy Community.

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

Done at Brussels, 21 December 1992.

The texts of the Agreement and the Declaration are annexed to this Regulation (*).

Article 2

The President of the Commission shall give on behalf of the European Atomic Energy Community the notification provided for in Article XVIII of the Agreement.

Article 3

One Representative of the Community on the Governing Board shall be appointed by each of the Council and the Commission pursuant to Article IV (C) of the Agreement.

Article 4

The International Science and Technology Centre shall have legal personality and enjoy the most extensive legal capacity accorded to legal persons under laws applicable in the Community and, in particular, may contract, acquire or dispose of movable and immovable property and be a party to legal proceedings.

Article 5

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

For the Commission

Jacques DELORS

President

(*) See page 3 of the Official Journal.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/112/EEC

of 15 December 1992

on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas Council Directive 89/428/EEC of 21 June 1989 on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry ⁽⁴⁾ was annulled by the Court of Justice in its judgment of 11 June 1991 on the grounds that it lacked an appropriate legal basis ⁽⁵⁾;

Whereas, if Member States have taken the necessary measures to comply with the said Directive, it is not necessary for them to adopt new measures to meet this Directive, provided the measures already taken comply with the latter;

Whereas the legal void caused by the annulment of the said Directive may have adverse effects on the environment and on conditions of competition in the titanium dioxide production sector; whereas it is necessary to restore the material situation created by the said Directive;

Whereas the objective of this Directive is to approximate national rules relating to titanium dioxide production conditions in order to eliminate the existing distortions of competition between the various producers in the industry and to ensure a high level of environmental protection;

Whereas Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry ⁽⁶⁾, and in particular Article 9 thereof, requires the Member States to draw up programmes for the progressive reduction and eventual elimination of pollution caused by waste from industrial establishments in existence on 20 February 1978;

Whereas these programmes set general targets for the reduction of pollution caused by liquid, solid and gaseous wastes to be achieved by 1 July 1987; whereas these programmes were to be submitted to the Commission so that it could present suitable proposals to the Council for their harmonization with regard to the reduction and eventual elimination of this pollution and the improvement of the conditions of competition in the titanium dioxide industry;

Whereas, in order to protect the aquatic environment, dumping of waste and discharges of certain wastes, in particular of solid and strong acid wastes, should be prohibited and discharges of other wastes, in particular of weak acid and neutralized wastes, should be progressively reduced;

Whereas existing industrial establishments should employ the appropriate systems for treating the wastes in order to meet the requisite targets by the set dates;

Whereas installation of those systems can give rise to major technico-economic difficulties in the case of weak acid waste and neutralized waste from certain establishments; whereas Member States should therefore be

⁽¹⁾ OJ No C 317, 7. 12. 1991, p. 5.

⁽²⁾ OJ No C 94, 13. 4. 1992, p. 158, and OJ No C 305, 23. 11. 1992.

⁽³⁾ OJ No C 98, 21. 4. 1992, p. 9.

⁽⁴⁾ OJ No L 201, 14. 7. 1989, p. 56.

⁽⁵⁾ Judgment of 11 June 1991, Case C-300/89, Commission v. Council (not yet published).

⁽⁶⁾ OJ No L 54, 25. 2. 1978, p. 19; Directive as last amended by Directive 83/29/EEC (OJ No L 32, 3. 2. 1983, p. 28).

able to defer application of these provisions, on condition that a programme of effective reduction of pollution is drawn up and submitted to the Commission; whereas where Member States experience such difficulties, the Commission should be able to extend the relevant time limits;

Whereas, in respect of discharges of certain wastes, Member States should be able to make use of quality objectives in such a way that the results are equivalent in all respects to those obtained through limit values; whereas such equivalence should be demonstrated in a programme to be presented to the Commission;

Whereas, without prejudice to the obligations placed on Member States by Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates ⁽¹⁾, and Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants ⁽²⁾, it is expedient to protect the quality of the air by fixing appropriate emission standards in respect of gaseous discharges from the titanium dioxide industry;

Whereas, in order to verify the effective application of the measures, Member States should undertake monitoring in relation to the actual production of each establishment;

Whereas all waste from the titanium dioxide industry should be avoided or reused where technically and economically feasible and whereas such waste should be reused or disposed of without endangering human health or the environment,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down, as required by Article 9 (3) of Directive 78/176/EEC, procedures for harmonizing the programmes for the reduction and eventual elimination of pollution from existing industrial establishments and is intended to improve the conditions of competition in the titanium dioxide industry.

⁽¹⁾ OJ No L 229, 30. 8. 1980, p. 30; Directive as last amended by Directive 89/427/EEC (OJ No L 201, 14. 7. 1989, p. 53).

⁽²⁾ OJ No L 188, 16. 7. 1989, p. 20.

Article 2

1. For the purposes of this Directive:

(a) where the sulphate process is used:

— *solid waste* shall mean:

— insoluble ore residues not broken down by sulphuric acid during the manufacturing process,

— copperas, i.e. crystalline ferrous sulphate ($\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$),

— *strong acid waste* shall mean:

— the mother liquors arising from the filtration phase following hydrolysis of the titanyl sulphate solution. If these mother liquors are associated with weak acid wastes which overall contain more than 0,5 % free sulphuric acid and various heavy metals ⁽¹⁾, the liquors and waste taken together shall be considered strong acid waste,

— *treatment waste* shall mean:

— filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralization) of strong acid waste and containing various heavy metals, but not including neutralized and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value above 5,5,

— *weak acid waste* shall mean:

— wash waters, cooling waters, condensates and other sludges and liquid wastes, other than those included in the above definitions, containing 0,5 % or less free sulphuric acid,

— *neutralized waste* shall mean:

— any liquid which has a pH value over 5,5, contains only traces of heavy metals, and is obtained directly by filtration or decantation from strong or weak acid waste after its treatment to reduce its acidity and its heavy metal content,

— *dust* shall mean:

— all kinds of dust from production plants and in particular ore and pigment dust,

⁽¹⁾ Strong acid waste which has been diluted until it contains 0,5 % or less free sulphuric acid shall also be covered by this definition.

— SO_x shall mean:

- gaseous sulphur dioxide and trioxide released in the various stages of the manufacturing and internal waste treatment processes, including acid droplets;

(b) where the chlorine process is used:

— *solid waste* shall mean:

- insoluble ore residues not broken down by the chlorine during the manufacturing process,
- metal chlorides and metal hydroxides (filtration substances), arising in solid form from the manufacture of titanium tetrachloride,
- coke residues arising from the manufacture of titanium tetrachloride,

— *strong acid waste* shall mean:

- waste containing more than 0,5 % free hydrochloric acid and various heavy metals⁽¹⁾;

— *treatment waste* shall mean:

- filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralization) of strong acid waste and containing various heavy metals, but not including neutralized and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value over 5,5,

— *weak acid waste* shall mean:

- wash waters, cooling waters, condensates and other sludges and liquid wastes, other than those included in the above definitions, containing 0,5 % or less free hydrochloric acid,

— *neutralized waste* shall mean:

- any liquid which has a pH value over 5,5, contains only traces of heavy metals, and is obtained directly by filtration or decantation from strong or weak acid waste after its treatment to reduce its acidity and its heavy metal content,

— *dust* shall mean:

- all kinds of dust from production plants and in particular ore, pigment and coke dust,

— *chlorine* shall mean:

- gaseous chlorine released in the various stages of the manufacturing process;

(c) where the sulphate process or the chlorine process is used

— *dumping* shall mean:

- any deliberate disposal into inland surface waters, internal coastal waters, territorial waters or the high seas of substances and materials by or from ships or aircraft⁽²⁾

2. The terms defined in Directive 78/176/EEC shall have the same meaning for the purposes of this Directive.

Article 3

The dumping of any solid waste, strong acid waste, treatment waste, weak acid waste, or neutralized waste, as referred to in Article 2 shall be prohibited with effect from 15 June 1993.

Article 4

Member States shall take the necessary measures to ensure that discharges of waste into inland surface waters, internal coastal waters, territorial waters and the high sea are prohibited:

(a) as regards solid waste, strong acid waste and treatment waste from existing industrial establishments using the sulphate process:

- by 15 June 1993 in all the abovementioned waters;

(b) as regards solid waste and strong acid waste from existing industrial establishments using the chlorine process:

- by 15 June 1993 in all the abovementioned waters.

Article 5

In the case of Member States which have serious technical and economic difficulties in complying with the date of application referred to in Article 4, the Commission may grant an extension, provided that a programme for the effective reduction of discharges of such waste is submitted to the Commission by 15 June 1993. That programme must result in a definitive ban on such discharges by 30 June 1993.

⁽¹⁾ Strong acid waste which has been diluted until it contains 0,5 % or less free sulphuric acid shall also be covered by this definition.

⁽²⁾ 'Ships and aircraft' shall mean waterborne vessels and airborne craft of any type whatsoever. This expression shall include air-cushion craft, floating craft, whether self-propelled or not, and fixed or floating platforms.

No later than three months after adoption of this Directive, the Commission shall be informed of any such cases and shall be consulted thereon. The Commission shall inform the other Member States.

Article 6

Member States shall take the necessary measures to ensure that discharges of waste are reduced in accordance with the following provisions:

(a) from existing industrial establishments using the sulphate process:

- weak acid waste and neutralized waste shall be reduced by 31 December 1993 in all waters to a value of not more than 800 kg of total sulphate per tonne of titanium dioxide produced (i.e. corresponding to the SO_4 ions contained in the free sulphuric acid and in the metallic sulphates);

(b) from existing industrial establishments using the chlorine process:

- weak acid waste, treatment waste and neutralized waste shall be reduced by 15 June 1993 in all waters to the following values of total chloride per tonne of titanium dioxide produced (i.e. corresponding to the Cl ions contained in the free hydrochloric acid and in the metallic chlorides):

- 130 kg using neutral rutile,
- 228 kg using synthetic rutile,
- 450 kg using slag.

In the case of an establishment using more than one type or ore, the values shall apply in proportion to the quantity of these ores used.

Article 7

Except where inland surface waters are concerned, Member States may defer the date of application referred to in point (a) of Article 6 until 31 December 1994 at the latest if serious technico-economic difficulties so require and provided that a programme of effective reduction of discharges of such waste is submitted to the Commission by 15 June 1993. Such a programme shall enable the following limit value per tonne of titanium dioxide produced to be reached by the date shown:

- weak acid waste and neutralized waste: 1 200 kg — 15 June 1993,
- weak acid waste and neutralized waste: 800 kg — 31 December 1994.

Three months at the latest following adoption of this Directive the Commission shall be informed of such cases, which shall be the subject of consultation with the Commission. The Commission shall inform the other Member States.

Article 8

1. As regards the requirements of Article 6, Member States may choose to make use of quality objectives coupled with appropriate limit values applied in such a way that the effects in terms of protecting the environment and avoiding distortions of competition are equivalent to that of the limit values laid down in this Directive.

2. If a Member State chooses to make use of quality objectives, it shall present to the Commission a programme⁽¹⁾ demonstrating that the measures achieve an effect which, in terms of protecting the environment and avoiding distortion of competition, is equivalent to that of the limit values by the dates when these limit values are applied in accordance with Article 6.

This programme shall be submitted to the Commission at least six months before the Member State proposes to apply the quality objectives.

This programme shall be assessed by the Commission in accordance with the procedures laid down in Article 10 of Directive 78/176/EEC.

The Commission shall inform the other Member States.

Article 9

1. Member States shall take the necessary measures to ensure that discharges into the atmosphere are reduced in accordance with the following provisions:

(a) in the case of existing industrial establishments using the sulphate process:

- (i) as regards dust, discharges shall be reduced by 31 December 1993 to a value of not more than 50 mg/nm^3 ⁽²⁾ from major sources and not more than 150 mg/nm^3 ⁽²⁾ from any other source ⁽³⁾;
- (ii) as regards SO_x , discharges arising from digestion and calcination steps in the manufacture of titanium dioxide shall be reduced by 1 January 1995 to a value of not more than 10 kg of SO_2 equivalent per tonne of titanium dioxide produced;

⁽¹⁾ Such information shall be provided under Article 14 of Directive 78/176/EEC or separately should circumstances so require.

⁽²⁾ Cubic metre at a temperature of 273 K and a pressure of 101,3 kPa.

⁽³⁾ Member States shall inform the Commission of those minor sources not included in their measurements.

- (iii) Member States shall require means to be installed for preventing the emission of acid droplets;
 - (iv) plants for the concentration of waste acid shall not discharge more than 500 mg/nm³ SO_x calculated as SO₂ equivalent ⁽¹⁾;
 - (v) plants for the roasting of salts generated by the treatment of waste shall be equipped with the best available technology not entailing excessive costs in order to reduce SO_x emissions;
- (b) in the case of existing industrial establishments using the chlorine process:
- (i) as regards dust, discharges shall be reduced by 15 June 1993 to a value of not more than 50 mg/nm³ ⁽²⁾ for major sources and not more than 150 mg/nm³ ⁽²⁾ from any other source ⁽³⁾;
 - (ii) as regards chlorine, discharges shall be reduced by 15 June 1993 to a daily average concentration of not more than 5 mg/nm³ ⁽⁴⁾ and not more than 40 mg/ng³ at any time.

2. This Directive shall not prejudice Directive 80/779/EEC.

3. The procedure for monitoring the reference measurements for discharges of SO_x into the atmosphere is set out in the Annex.

Article 10

Member States shall monitor the values and reductions specified in Articles 6, 8 and 9 in relation to the actual production of each establishment.

Article 11

Member States shall take the measures necessary to ensure that all waste from the titanium dioxide industry, and in particular waste subject to prohibition on discharge or dumping into water or on discharge into the atmosphere is:

- avoided or reused where technically and economically feasible,
- reused or disposed of without endangering human health or harming the environment.

The same shall apply to waste arising from the reuse or treatment of the abovementioned waste.

Article 12

1. Member States which have not yet taken the necessary measures to comply with this Directive shall bring them into force not later than 15 June 1993. They shall inform the Commission forthwith of the national provisions adopted to comply with this Directive.

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

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

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 15 December 1992.

For the Council
The President
 M. HOWARD

⁽¹⁾ For new concentration processes the Commission can agree to a different value if the Member States can demonstrate the non-availability of techniques to achieve this standard.

⁽²⁾ Cubic meter at a temperature of 273 K and a pressure of 101,3 kPa.

⁽³⁾ Member States shall inform the Commission of those minor sources not included in their measurements.

⁽⁴⁾ It is considered that these values correspond to a maximum of six grammes per tonne of titanium dioxide produced.

*ANNEX***Procedure for monitoring the reference measurements for gaseous SO_x emissions**

For the purposes of calculating the quantities of SO₂ and SO₃ and acid droplets expressed as SO₂ equivalent, discharged by specific installations, account must be taken of the volume of gas discharged over the duration of the specific operations in question and of the average SO₂/SO₃ content measured over the same period. The SO₂/SO₃ flow rate and content must be determined under the same temperature and humidity conditions.

COUNCIL DIRECTIVE 92/114/EEC

of 17 December 1992

relating to the external projections forward of the cab's rear panel of motor vehicles of category N

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas measures should be adopted with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas the technical requirements which motor vehicles must satisfy pursuant to national laws relate, *inter alia*, to the external projections of cabs of goods vehicles;

Whereas these requirements differ from one Member State to another; whereas it is therefore necessary that all Member States adopt the same requirements either in addition to or in place of their existing rules in order to allow, in particular, the EEC type-approval procedure which was the subject of Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of Member States relating to the type-approval of motor vehicles and their trailers ⁽⁴⁾, to be applied in respect of each type of vehicle;

Whereas, with a view to improving road safety, it is considered imperative and urgently necessary that the cabs of motor vehicles of category N do not exhibit sharp external projections to reduce the risk or the severity of injuries sustained by a person coming into contact with the external surface of the vehicle in the event of an accident;

Whereas it is recommended to follow the technical requirements of ECE Regulation No 61 (Economic Commission for Europe of the United Nations) relating to the uniform provisions concerning external projections of the cabs of goods vehicles; whereas this ECE Regulation is annexed to the Agreement of 20 March 1958 concerning the adoption of uniform conditions of approval and reciprocal recognition of approval for motor vehicle equipment and parts,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purposes of this Directive, 'vehicle' means any motor vehicle of category N, as defined in Annex I to Directive 70/156/EEC, designed and constructed for use on the road, with or without bodywork, having at least four wheels and a maximum design speed exceeding 25 km/h.

Article 2

No Member State may refuse EEC type-approval or national type-approval of a vehicle type, or refuse or prohibit the sale, registration, putting into service or use of a vehicle on grounds relating to their external projections forward of the cab's rear panel, if such vehicles satisfy the requirements set out in Annex I.

Article 3

Any amendments necessary to adapt the requirements of the Annexes to technical progress shall be adopted in accordance with the procedure laid down in Article 13 of Directive 70/156/EEC.

Article 4

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 June 1993.

They shall apply these provisions from 1 October 1993.

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

⁽¹⁾ OJ No C 230, 4. 9. 1991, p. 46.

⁽²⁾ OJ No C 67, 16. 3. 1992, p. 77;
and OJ No C 305, 23. 11. 1992.

⁽³⁾ OJ No C 49, 24. 2. 1992, p. 3.

⁽⁴⁾ OJ No L 42 23. 2. 1970, p. 1. Directive last amended by Directive 87/403/EEC (OJ No L 220, 8. 8. 1987, p. 44).

2. Member States shall communicate to the Commission the text of the main provisions of national law that they adopt in the field governed by this Directive.

Done at Brussels, 17 December 1992.

Article 5

This Directive is addressed to the Member States.

For the Council

The President

R. NEEDHAM

ANNEX I

1. SCOPE

This Directive applies to the external projections forward of the cab's rear panel of motor vehicles of category N; it is limited to the external surface as defined below and does not apply to the exterior rear-view mirrors, including their supports, or to the accessories such as aerials and luggage racks.

2. DEFINITIONS

For the purposes of this Directive:

- 2.1. *'External surface'* means that part of the vehicle forward of the cab's rear panel as defined in 2.5, with the exception of the rear panel itself, and includes such items as the front wings, front bumpers and front wheels;
- 2.2. *'Vehicle type-approval'* means the approval of a vehicle type with regard to its external projections;
- 2.3. *'Vehicle type'* means motor vehicles which do not differ in such essential respects as the *'external surface'*;
- 2.4. *'Cab'* means that part of the bodywork which constitutes the driver and passenger compartment, including the doors;
- 2.5. *'Cab rear panel'* means the rearmost part of the external surface of the driver and passenger compartment. Where it is not possible to determine the position of the rear cab panel, for the purposes of this Directive it would be deemed to be the vertical transversal plane situated 50 cm to the rear of the R point of the driver's seat, with the seat, if adjustable, located at its rearmost driving position (see Annex III to Directive 77/649/EEC) ⁽¹⁾. If the cab is fitted with more than one row of seats, the rearmost passenger seat in its rearmost position has to be taken into account for the definition of the rear cab panel. However, the manufacturer may, with the agreement of the technical services, request an alternative distance if 50 cm can be shown as being inappropriate for particular vehicle;
- 2.6. *'Reference plane'* means a horizontal plane passing through the centre of the front wheels or a horizontal plane situated at the height of 50 cm above the ground, whichever is lower. This plane is defined for the laden state of the vehicle;
- 2.7. *'Floor line'* means a line determined as follows:
- When a vertical-axis cone of undetermined height having its side at an angle of 15° to the vertical is moved about the external surface of the loaded vehicle so as to remain in contact with the external surface of the body at its lowest point, the floor line is the geometrical trace of the points of contact. In determining the floor line, no account is taken of the exhaust pipes or wheels, or of functional mechanical features attached to the under-body such as jacking points, suspension mountings or attachments for use in towing or in case of breakdown. In the spaces at the outside of wheel arches an imaginary surface extending the adjacent external surfaces without change of position is assumed. The front bumpers are taken into account in determining the floor line. Depending on the type of vehicles, the trace of the floor line may be at either the outer edge of the bumper profile or at the body panel below the bumper. Where there are two or more points of contact at the same time, the lowest point of contact is used to determine the floor line;
- 2.8. *'Radius of curvature'* means the radius of the arc of a circle which comes closest to the rounded form of the component under consideration.
- 2.9. *'Laden vehicle'* means the vehicle at its technically permissible maximum laden mass and the distribution of this mass among the axles as stated by the manufacturer.

⁽¹⁾ OJ No L 267, 19. 10. 1977, p. 1. Directive last amended by Directive 90/630/EEC (OJ No L 341, 6. 12. 1990, p. 20).

3. GENERAL REQUIREMENTS

- 3.1. The provisions of this Directive do not apply to these parts of the 'external surface' of the vehicle which, with the vehicle unladen, with doors, windows, access lids, etc., in the closed position are either:
- 3.1.1. outside a zone having as its upper limit a horizontal plane situated 2,00 m above the ground and as its lower limit either the reference plane defined in 2.6, or the floor line defined in 2.7, as selected by the manufacturer; or
- 3.1.2. located within the zone as described in 3.1.1, but in static condition cannot be contracted by a sphere of 100 mm in diameter.
- 3.1.3. Where the reference plane is the lower limit of the zone, account is also taken of the parts of the vehicle below the reference plane falling between two vertical planes, one touching the external surface of the vehicle and the other parallel to it and set at 80 mm towards the interior of the vehicle from the point at which the reference plane touches the bodywork of the vehicle.
- 3.2. The 'external surface' of the vehicle must not exhibit, directed outwards, any part likely to catch on pedestrians, cyclists or motor cyclists.
- 3.3. The 'external surface' of the vehicle must not exhibit, directed outwards, any pointed or sharp parts or any projections of such shape, dimensions, direction or hardness as to be likely to increase the risk or seriousness of bodily injury to a person hit by the external surface or brushing against it in the event of a collision.
- 3.4. Projecting parts of the outer surface having a hardness of not more than 60 Shore A may have a radius of curvature lower than the values prescribed in section 4 below.

4. SPECIFIC REQUIREMENTS

4.1. Ornaments, commercial symbols, letters and numbers of commercial markings

- 4.1.1. Ornaments, commercial symbols, letters and numbers of commercial markings must not have any radius of curvature of less than 2,5 mm. This requirement does not apply to these parts if they do not protrude more than 5 mm from the surrounding surface; however, in this case their edges directed outwards must be blunted.
- 4.1.2. Ornaments, commercial symbols, letters and numbers of commercial markings, which project more than 10 mm from the surrounding surface must retract, become detached or bend over under a force of 10 daN exerted at their most salient point in any direction in a plane approximately parallel to the surface on which they are mounted. To apply 10daN force a flat-ended ram of not more than 50 mm diameter is used. Where this is not possible, an equivalent method must be used. After the ornaments are retracted, detached or bent over, the remaining portion must not project more than 10 mm and have no pointed, sharp or cutting edges.

4.2. Headlamp visors and rims

- 4.2.1. Projecting visors and rims are permitted on headlamps provided that their projection as measured in relation to the external transparent surface of the headlamp does not exceed 30 mm and their radius of curvature is at least 2,5 mm throughout.
- 4.2.2. Retracting headlamps must meet the requirements of 4.2.1 in both operative and retracted positions.
- 4.2.3. The provisions of 4.2.1 do not apply to headlamps recessed in the body, or where the headlamp is overhung by the body, provided the bodywork conforms to the requirements of 3.2.

4.3. Grilles

Parts of grilles must exhibit a radius of curvature of:

- not less than 2,5 mm if the distance between adjacent parts is more than 40 mm,
- not less than 1 mm if the distance is between 25 and 40 mm,
- not less than 0,5 mm if the distance is less than 25 mm.

4.4. Windscreen and headlamp cleaning devices

- 4.4.1. The abovementioned devices must be such that the wiper shafts have a protective covering with a radius of curvature of not less than 2,5 mm and a surface area of not less than 150 mm² measured in the projection of a section not further than 6,5 mm from the most protruding point.
- 4.4.2. Nozzles for windscreen washer and headlamp cleaning devices must have a radius of curvature of not less than 2,5 mm. Those protruding less than 5 mm must have blunted outward facing edges.

4.5. Protective devices (bumpers)

- 4.5.1. The ends of front protective devices must be turned in towards the external surface of the body.
- 4.5.2. The components of the front protective devices must be so designed that all rigid surfaces facing outwards have a radius of curvature of not less than 5 mm.
- 4.5.3. Equipment such as towing hitches and winches must not protrude beyond the foremost surface of the bumper. However, winches may protrude beyond the foremost surface of the bumper provided they are covered when not in use by a suitable protective covering having a radius of curvature of not less than 2,5 mm.
- 4.5.4. The requirements of 4.5.2 do not apply to parts of the bumper or parts mounted on or inset in the bumper which project less than 5 mm. The edges of devices projecting less than 5 mm must be blunted. With respect to devices mounted on the bumpers and referred to in other sections of this Directive, the particular requirements contained in this Directive remain applicable.

4.6. Handles, hinges, pushbuttons of doors, luggage compartments, bonnets, vents, access flaps and grab handles

- 4.6.1. The above parts must not protrude more than: 30 mm in the case of pushbuttons, 70 mm in the case of grab handles and bonnet-fasteners; and 50 mm in all other cases. They must have radii of curvature of not less than 2,5 mm.
- 4.6.2. If lateral door handles rotate to operate, they must meet one or other of the following requirements:
- 4.6.2.1. in the case of handles which rotate parallel to the plane of the door the open end of handles must be directed towards the rear. The end of such handles must be turned back towards the plane of the door and fitted into a protective surround or be recessed;
- 4.6.2.2. handles which pivot outwards in any direction which are not parallel to the plane of the door must, when in the closed position, be enclosed in a protective surround or be recessed. The open end must face either rearwards or downwards.

Nevertheless, handles which do not comply with this last condition may be accepted if:

- they have an independent return mechanism,
- should the return mechanisms fail, they cannot project more than 15 mm,
- they, in such opened position, have a radius of curvature not less than 2,5 mm (this requirement does not apply if in maximum opened position the projection is less than 5 mm, in which case the angles of the parts facing outwards must be blunted),
- their end surface area, when measured not more than 6,5 mm from the point projecting furthest, is not less than 150 mm².

4.7. Running boards

The edges of running boards and steps must be rounded.

4.8. Lateral air and rain deflectors and window anti-smear air deflectors

Edges capable of being directed outwards must have a radius of curvature of not less than 1 mm.

4.9. Sheet metal edges

Sheet metal edges are permitted provided that the edge is folded back towards the body so that it cannot be touched by a sphere of 100 mm diameter or is provided with a protective covering having a radius of curvature of not less than 2,5 mm.

4.10. Wheel nuts, hub caps and protective devices

4.10.1. The wheel nuts, hub caps and protective devices must not exhibit any fin-shaped projections.

4.10.2. When the vehicle is travelling in a straight line, no part of the wheels, other than the tyres, situated above the horizontal plane, passing through their axis of rotation, must project beyond the vertical projection in a horizontal plane, of the body panel edge above the wheel. However, if functional requirements so warrant, the protective devices which cover wheel nuts and hubs may project beyond the vertical projection of the body panel edge above the wheel, on condition that radius of curvature of the surface of the projection part is not less than 5 mm and that the projection beyond the vertical projection of the body panel edge above the wheel in no case exceeds 30 mm.

4.10.3. Protective device(s) conforming to 4.10.2 must be fitted if bolts or nuts protrude beyond the projection of the outside surface of the tyre (the part of the tyre situated above the horizontal plane passing through the axis of rotation of the wheel).

4.11. Jacking points and exhaust pipe(s)

4.11.1. The jacking points (if any) and exhaust pipe or pipes must not project more than 10 mm beyond the vertical projection of the floor line or the vertical projection of the intersection of the reference plane with the external surface of the vehicle.

4.11.2. Notwithstanding the above requirement, an exhaust pipe may project more than 10 mm provided that its edges are rounded at the end to a radius of curvature of not less than 2,5 mm.

4.12. Projections and distances must be measured according to the requirements of Annex III.

5. APPLICATION FOR EEC TYPE-APPROVAL

5.1. The application for EEC type-approval of a vehicle type with regard to external projections must be submitted by the vehicle manufacturer or by his authorized representative.

5.2. It must be accompanied by the undermentioned documents in triplicate:

5.2.1. a description of the vehicle type, its external projections forward of the cab's rear panel, comprising the particulars referred to in Annex III, along with the documentation required in application of Article 3 of Directive 70/156/EEC;

5.2.2. photographs of the front and the side parts of the vehicle;

5.2.3. such dimensional drawings of the external surface, containing the external projections, R-point, the reference plane or floor line, which in the opinion of the technical service are required in order to demonstrate compliance with the provisions in 3 and 4.

5.3. The applicant must submit to the technical service responsible for conducting the approval test:

5.3.1. a vehicle representative of the type to be approved and part(s) of the vehicle deemed essential to carry out the checks and tests required by this Directive;

5.3.2. certain parts and samples of the materials used, if so required by the technical service.

6. EEC TYPE-APPROVAL

EEC type-approval is granted and a certificate conforming to the model in Annex IV issued, if the vehicle submitted for approval conforms with the provisions described in section 5 and meets the requirements in sections 3 and 4.

At the manufacturer's request, any category N₁ vehicle may be type-approved with regard to its external projections forward of the cab's rear panel on the basis of the technical specifications of Directive 74/483/EEC ⁽¹⁾.

7. EXTENSION OF EEC TYPE-APPROVAL

- 7.1. Every modification of the vehicle type or of its external projections forward of the cab's rear panel must be communicated to the administrative department which approved the vehicle type. That department may then either:
- 7.1.1. consider that the modifications made are unlikely to have an appreciable adverse effect and that in any case the vehicle still complies with the requirements; or
 - 7.1.2. require a further test report from the technical service responsible for conducting the tests.
- 7.2. The competent authority issuing the extension of approval must assign a series number of an extension in the type-approval certificate as shown in Annex IV.
-

⁽¹⁾ OJ No L 266, 2. 10. 1974, p. 4.

ANNEX II**MEASUREMENT OF PROJECTIONS AND DISTANCES**

1. **METHOD OF DETERMINING THE DIMENSIONS OF THE PROJECTION OF A PART FITTED ON THE EXTERNAL SURFACE**
 - 1.1. The dimensions of the projection of a part mounted on a convex panel may be determined either directly or by reference to a drawing of an appropriate section of the part in the fitted position.
 - 1.2. If the projection of a part mounted on a panel other than convex cannot be determined by simple measurement, it is determined by the maximum variation in the distance between the reference line of the panel and the centre of a sphere of 100 mm diameter when the sphere is moved in constant contact with the part. An example of the use of this method is given in figure 1.
 - 1.3. For grab handles, the projection is measured in relation to a plane passing through the points of attachment. An example is given in figure 2.
2. **METHOD OF DETERMINING THE PROJECTION OF HEADLAMP VISORS AND RIMS**
 - 2.1. The projection from the outer surface of the headlamp is measured horizontally from the point of contact of a sphere of 100 mm diameter, as shown in figure 3.
3. **METHOD OF DETERMINING THE DISTANCE BETWEEN PARTS OF A GRILLE**
 - 3.1. The distance between parts of a grille is the distance between two planes passing through the points of contact of the sphere and perpendicular to the line joining the points of contact. Examples of the use of this method are given in figures 4 and 5.

Figure 1

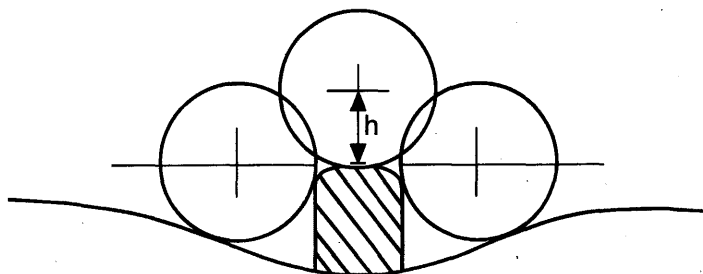


Figure 2

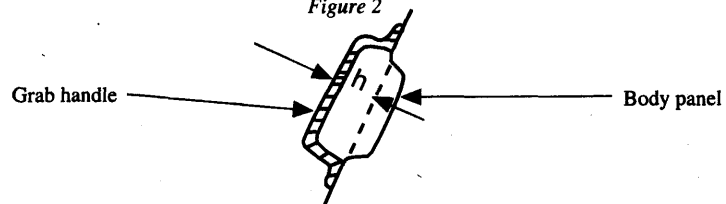


Figure 3

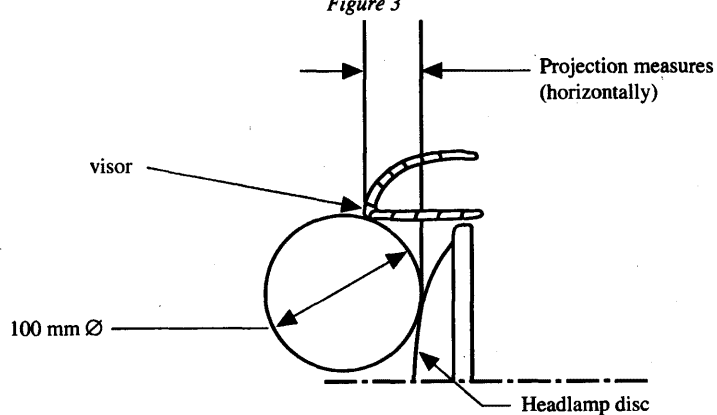


Figure 4

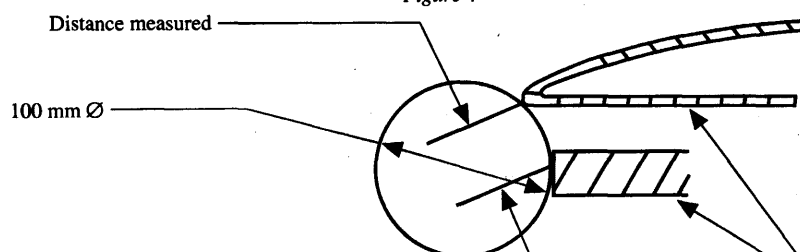
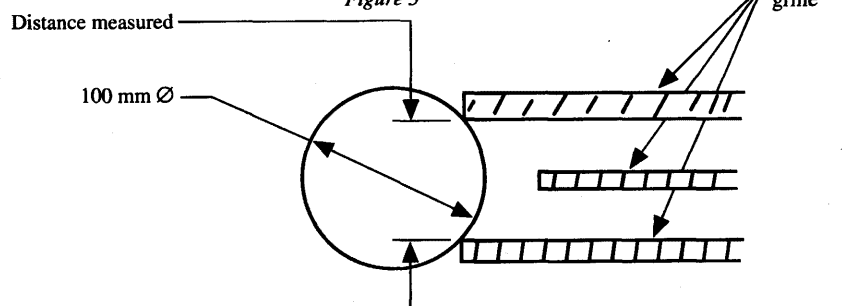


Figure 5



*ANNEX III***MODEL INFORMATION DOCUMENT (a)**

The following information, if applicable, must be supplied in triplicate and must include a list of contents. Drawings, if any, must be supplied in appropriate scale and in sufficient detail.

If any systems, components or separate technical modules function by means of electronic controls, details of their performance must be given.

0. GENERAL

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type, if marked on the vehicle (b):
.....
- 0.3.1. Location:
- 0.4. Category (c):
- 0.5. Name and address of manufacturer:
- 0.6. Location of statutory plates and inscriptions and method of affixing:
 - 0.6.1. On the chassis:
 - 0.6.2. On the bodywork:
- 0.8. Address of assembly shops:

1. GENERAL CONSTRUCTION CHARACTERISTICS OF THE VEHICLE

- 1.1. Photographs or drawings of a typical vehicle:
- 1.2. Dimensional drawing of the whole vehicle:
- 1.3. Number of axles and wheels:
- 1.3.2. Number and position of steered wheels:
- 1.7. Driving cab (forward or normal):

2. MASSES AND DIMENSIONS (e) (in kg and mm) (refer to drawing where applicable)

- 2.3. Axle track(s) and width(s):
- 2.3.1. Track of each steered axle (i):
- 2.4. Range of vehicle dimensions (overall)
 - 2.4.1. Chassis without bodywork
 - 2.4.1.2. Width (k):
 - 2.4.1.3. Height (unladen) (l) (for suspension adjustable for height, indicate normal running position):
.....
 - 2.4.1.4. Front overhang (m):
 - 2.4.1.6. Ground clearance (as defined in 4.5.4 of Section A of Annex II):
 - 2.4.2. Chassis with bodywork
 - 2.4.2.2. Width (k):
 - 2.4.2.3. Height (unladen) (l) (for suspension adjustable for height, indicate normal running position):
.....

- 2.4.2.4. Front overhang (m):
- 2.4.2.6. Ground clearance (as defined in 4.5.4 of Section A of Annex II):
- 2.6. Mass of the vehicle with bodywork in running order, or mass of the chassis with cab if the manufacturer does not fit the bodywork (including coolant, oils fuel, tools, spare wheel and driver) (a) (maximum and minimum mass for each version):
-
- 2.6.1. Distribution of this mass among the axles and in the case of a semi-trailer or of a trailer with central axles, the load on the coupling point (maximum and minimum mass for each version):
-
- 2.8. Technically permissible maximum laden mass stated by the manufacturer (maximum and minimum mass for each version) (y):
- 2.8.1. Distribution of this mass among the axles and in the case of a semi-trailer or a trailer with central axles, the load at the coupling point (maximum and minimum figure for each version):
-
- 2.9. Technically permissible maximum mass on each axle and, in the case of a semi-trailer or a trailer with central axle, the load on the coupling point stated by the manufacturer:
-
5. AXLES
- 5.1. Drawing of each axle, together with a statement of the materials used and (optionally) of the make and type:
6. SUSPENSION
- 6.1. Drawing of the suspension arrangements:
- 6.2. Type and design of the suspension of each axle or wheel:
- 6.2.1. Level adjustment: yes/no (*)
- 6.3. Characteristics of the springing parts of the suspension (design, characteristics of the materials and dimensions):
- 6.6. Tyres and wheels
- 6.6.1. Combination(s) of tyres and wheels
- (for tyres, give the designation of the dimensions, the minimum load capacity index, the minimum speed category symbol; for wheels, state the rim dimensions and clearances)
- 6.6.1.1. Axle No 1:
- 6.6.1.2. Axle No 2: etc.
- 6.6.3. Tyre pressures as recommended by the manufacturer:
- 9.11. External projections:
- 9.11.1. General arrangement (drawing or photographs) indicating the positions of projecting components:
- 9.11.2. Drawings or photographs of components such as door and window pillars, air-intake grilles, radiator grilles, gutters, handles, slide rails, flaps, door hinges and locks, hooks, eyes, decorative trim, badges emblems and recesses and any other external projections or parts of the exterior surface which can be regarded as critical (e.g. lighting equipment). If the parts listed above are not critical, for documentation purposes they may be replaced by photographs, accompanied if necessary by dimensional details or text:
-
- 9.11.3. Drawings of parts of the exterior surface in accordance with section 6.9.1 of Annex I to Directive 74/483/EEC:
- 9.11.4. Drawing of bumpers:
- 9.11.5. Drawing of the floor line:

(*) Delete where inapplicable.

- 9.16. Wheel covering:
- 9.16.1. Brief description of the type of vehicle with regard to its wheel covering:
.....
- 9.16.2. Detailed drawings of the wheel coverings and of their positions on the vehicle indicating the dimensions stated in Figure 1 in Annex I to Directive 78/549/EEC, taking account of the extremes of tyre/wheel combinations:
.....
- 9.17. Statutory plates and inscriptions
- 9.17.1. Photographs or drawings of the locations of the statutory plates and inscriptions and of the chassis number:
- 9.17.2. Photographs or drawings of the official part of the plates and inscriptions (with an indication of dimensions):
- 9.17.3. Photographs or drawings of the chassis number (with an indication of dimensions):
.....
- 9.17.4. Explanation of compliance with the requirements of section 3 of Annex I to Directive 76/114/EEC drawn up by the manufacturer:
.....
- 9.17.4.1. Meaning of the characters used in the second part and, if appropriate, in the third part, to comply with 3.1.1.2:
.....
- 9.17.4.2. If characters are used in the second part to comply with 3.1.1.3, indication of those characters:
.....
.....
-

ANNEX IV

MODEL

(maximum format: A4 (210 mm × 297 mm))

EEC TYPE-APPROVAL CERTIFICATE

(vehicle)

Stamp of administration

Communication concerning the

- type-approval (*)
- extension of type-approval (*)
- refusal of type-approval (*)
- withdrawal of type-approval (*)

of a type of a vehicle with regard to Directive 92/104/EEC relating to the external projections forward of the car's rear panel of motor vehicles of category N

EEC type-approval No: Extension No:

SECTION I

0. GENERAL

0.1. Make (name of undertaking):

0.2. Type and general commercial description:

0.3. Means of identification of type if marked on the vehicle (*):

0.3.1. Location of that marking:

0.4. Category of vehicle (*):

0.5. Name and address of manufacturer of basic vehicle:

Name and address of manufacturer responsible or carrying out the last stage of the vehicle's construction:

0.8. Name(s) and address(es) of assembly plant(s):

(*) Delete where inapplicable.

(*) If the means of identification of type contains characters not relevant to describe the vehicle types covered by this type-approval certificate such characters must be represented in the documentation by the symbol '?' (e.g. abc ??123??).

(*) As defined by footnote (b) of Annex I to Directive 70/156/EEC.

SECTION II

1. Additional information for a vehicle chassis cab/complete vehicle with bodywork (*)
- 1.1. Type of cab (forward or normal):
.....
- 1.2. Width of cab on the vehicle: mm
- 1.3. Height of cab on the vehicle: mm
- 1.4. Technically permissible maximum mass of the vehicle: t
- 1.5. Technically permissible maximum masses on the front axle(s):
 - 1.5.1. 1. Axle: t
 - 1.5.2. 2. Axle: t
 - 1.5.3. 3. Axle (*) t
- 1.6. Tyre/wheel-sizes:
2. Technical department responsible for carrying out the tests:
.....
3. Date of test report:
4. Number of test report:
5. Ground(s) for extending type-approval (where appropriate):
.....
6. Comments (if any):
.....
- 6.1. The vehicle type including the bodywork also complies with the requirements of Directive 74/483/EEC: yes/no (*)
7. Place:
8. Date:
9. Signature:
10. A list of documents making up the type-approval file lodged with the administrative department that has granted type-approval, which may be obtained on request is attached.

(*) Delete where inapplicable.

COUNCIL DIRECTIVE 92/115/EEC

of 17 December 1992

amending for the first time Directive 88/344/EEC on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas Article 2 (5) of Directive 88/344/EEC ⁽⁴⁾ provides that within two years of the adoption of that Directive the Commission shall, after consulting the Scientific Committee for Food, re-examine the provisions relating to the solvents in the Annex and to Methylpropan-2-ol and propose any necessary amendments;

Whereas as part of this amendment the Council should decide whether the residues of the extraction solvents in Part III of the Annex should refer to flavourings rather than foodstuffs;

Whereas, three years after the adoption of Directive 88/344/EEC, the Commission should submit any appropriate proposal to the Council for some of the solvents in Article 2 (6), regulated so far only by national legislations;

Whereas the Scientific Committee for Food reconsidered all the extraction solvents mentioned in that Directive in 1990 and in 1991 with the aim of replacing the temporary acceptable daily intakes (ADIs) established in 1981 with permanent assessments; whereas this has not always been possible, as appropriate information, although requested, has not been provided; whereas on the basis of the information received, the Scientific Committee for Food decided to confirm its acceptance or to retain the temporary status or to withdraw its previous temporary approval, depending on the substance concerned,

⁽¹⁾ OJ No C 11, 17. 1. 1992, p. 5.

⁽²⁾ OJ No C 94, 13. 4. 1992, p. 158, and OJ No C 337, 21. 12. 1992.

⁽³⁾ OJ No C 223, 31. 8. 1992, p. 23.

⁽⁴⁾ OJ No L 157, 24. 6. 1988, p. 28.

Article 1

Directive 88/344/EEC is hereby amended as follows:

1. in Article 1:

- (a) the following subparagraph shall be added to paragraph 1:

'This Directive shall apply without prejudice to the provisions adopted under more specific Community rules.'

- (b) Paragraph 2 shall be deleted;

2. in Article 2, paragraphs 5 and 6 shall be deleted;

3. the Annex shall be amended as follows:

(a) IN PART I:

- the following footnote 2 shall be added to Acetone:

'⁽²⁾ The use of Acetone in the refining of olive-pomace oil is forbidden.'

(b) IN PART II:

- the solvents methanol and Propan-2-ol shall be added for all uses with a maximum residue content of 10 mg/kg,

- footnote 1 shall be completed with the following sentence:

'The combined use of Hexane and Ethylmethylketone is forbidden.'

- footnote 2 shall be deleted. In the third column, the presence of 10 mg/kg in respect of Dichlormethane in roasted coffee, shall be replaced by the presence of '2 mg/kg',

- the following footnote 2 shall be added to Ethylmethylketone:

'⁽²⁾ The presence of n-Hexane in this solvent should not exceed 50 mg/kg. This solvent may not be used in combination with Hexane.'

(c) IN PART III:

- Cyclohexane, Isobutane, and the footnote shall be deleted,
 - the presence of 0,1 mg/kg in respect of Dichloromethane shall be replaced by the presence of 0,02 mg/kg,
 - Propan-1-ol shall be added, with a maximum residue limit of 1 mg/kg,
 - a footnote shall be added to Hexane and Ethylmethylketone on the following page:
'(1)The combined use of these two solvents is forbidden.'
- prohibit trade in products not complying with this Directive with effect from 1 January 1994.

They shall forthwith inform the Commission thereof.

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

Article 3

This Directive is addressed to the Member States.

Article 2

1. Member States shall amend their laws, regulations and administrative provisions in such a way as to:

- permit trade in products complying with this Directive at the latest by 1 July 1993,

Done at Brussels, 17 December 1992,

For the Council

The President

R. NEEDHAM

COUNCIL DIRECTIVE 92/122/EEC**of 21 December 1992****authorizing the Hellenic Republic to defer liberalization of certain capital movements pursuant to Article 6 (2) of Directive 88/361/EEC**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 69 thereof,

Having regard to the Council Directive 88/361/EEC of 24 June 1988 for the implementation of the provisions of Article 67 of the Treaty ⁽¹⁾, and in particular Article 6 (2) thereof,

Having regard to the proposal from the Commission submitted following consultation with the Monetary Committee,

Whereas pursuant to Article 6 (2) of the Directive the Hellenic Republic was authorized to continue to apply, until 31 December 1992, restrictions on the movement of capital laid down in Annex IV, Lists III and IV, of the Directive; whereas that paragraph provides for the possibility for an extension of this time limit, not exceeding three years;

Whereas the Hellenic Republic has applied a programme of economic stabilization and reform; whereas the process of budgetary consolidation has accelerated and it will be strengthened with the 1993 budget; whereas despite the adjustment effort which is underway, solid expectations of monetary and exchange rate stability have not, yet, been established; whereas the maintenance of restrictions on short-term capital, for a specified period, is necessary in order to ensure a smooth macro-economic adjustment and to support monetary and exchange rate policies after the entry of the drachma to the exchange rate mechanism of the European Monetary System (EMS); whereas the Hellenic Republic has requested an extension of the time limit set for complete liberalization of short-term capital movement until 1 January 1995; whereas it intends, however, to proceed to the liberalization, from 1 January 1993, of some of the currently applied restrictions;

Whereas the Commission has reviewed, in collaboration with the Monetary Committee, the economic and

financial developments in the Greek economy; whereas it follows from this examination that although progress has been made in the stabilization of the economy and the situation of the balance of payments has improved, the existing sizeable budgetary imbalances and the still high inflation render this improvement fragile; whereas a gradual liberalization of short-term capital movements is appropriate before a durable improvement in the stabilization of the economy can be achieved;

Whereas reforms have been introduced and liberalization measures have been taken by the Greek authorities in the financial market sector; whereas, however, the financial system is not yet sufficiently developed to face a situation of complete mobility of capital;

Whereas there are grounds, in view of the above, for extending the authorization to apply restrictions on the movement of short-term capital;

Whereas however such a derogation can in no way justify a control of capital movements under conditions contrary to Article 8a of the Treaty,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Hellenic Republic may temporarily continue to apply restrictions to the capital movements listed in the Annex, subject to the conditions and time limits laid down in that Annex.

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1992.

For the Council

The President

D. HURD

⁽¹⁾ OJ No L 178, 8. 7. 1988, p. 5.

ANNEX

The Hellenic Republic may, until 30 June 1994, continue to apply restrictions on the following capital movements:

1. operations in current and deposit accounts with financial institutions: operations of a duration of less than one year carried out by residents with foreign financial institutions;
 2. financial loans and credits of a duration of less than one year;
 3. personal capital movements: loans of a duration of less than one year;
 4. physical import and export of financial assets: means of payments.
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