

Official Journal

of the European Communities

ISSN 0378-6986

C 130

Volume 37

12 May 1994

English edition

Information and Notices

<u>Notice No</u>	Contents	Page
	<i>I Information</i>	
	Commission	
94/C 130/01	Ecu	1
94/C 130/02	Average prices and representative prices for table wines at the various marketing centres	2
94/C 130/03	Commission notice pursuant to Article 12 (2) of Council Regulation (EEC) No 1017/68, Article 12 (2) of Council Regulation (EEC) No 4056/86 and Article 5 (2) of Council Regulation (EEC) No 3975/87 concerning certain agreements for the transport of new motor vehicles by rail, road, sea, inland waterway and air and for the provision of ancillary services ⁽¹⁾	3
94/C 130/04	Commission communication pursuant to Article 9 (1) of Council Regulation (EEC) No 3832/90 of 20 December 1990, applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries, extended for 1994 by Regulation (EC) No 3668/93	5
94/C 130/05	Explanatory note concerning new clauses in the prospectuses of loans and bonds of the European Communities	6
	<i>II Preparatory Acts</i>	
	Commission	
94/C 130/06	Proposal for a Council Regulation (EC) on the consolidation of the existing Community legislation on the definition of the ecu following the entry into force of the Treaty on European Union	7

<u>Notice No</u>	Contents (continued)	Page
94/C 130/07	Proposal for a Council Directive amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment ⁽¹⁾	8
<hr/>		
III <i>Notices</i>		
Commission		
94/C 130/08	Drawing up of a reserve list for Scientific/Technical Staff	14
<hr/>		
Corrigenda		
94/C 130/09	Corrigendum to list of establishments in Australia approved for the purpose of importing fresh meat into the Community (OJ No C 67, 4. 3. 1994)	15

⁽¹⁾ Text with EEA relevance

I

(Information)

COMMISSION

Ecu (*)

11 May 1994

(94/C 130/01)

Currency amount for one unit:

Belgian and Luxembourg franc	39,7584	United States dollar	1,14942
Danish krone	7,55800	Canadian dollar	1,58275
German mark	1,93160	Japanese yen	120,057
Greek drachma	284,906	Swiss franc	1,64941
Spanish peseta	159,114	Norwegian krone	8,37523
French franc	6,62065	Swedish krona	8,95776
Irish pound	0,791229	Finnish markka	6,27467
Italian lira	1847,78	Austrian schilling	13,5838
Dutch guilder	2,16826	Icelandic krona	82,1374
Portuguese escudo	199,482	Australian dollar	1,59310
Pound sterling	0,773394	New Zealand dollar	1,97664
		South African rand	4,18647

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) and an automatic fax answering service (No 296 10 97) providing daily data concerning calculation of the conversion rates applicable for the purposes of the common agricultural policy.

(*) Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

Average prices and representative prices for table wines at the various marketing centres

(94/C 130/02)

(Established on 10 May 1994 for the application of Article 30 (1) of Regulation (EEC) No 822/87)

Type of wine and the various marketing centres	ECU per % vol/hl	Type of wine and the various marketing centres	ECU per % vol/hl
R I		A I	
Heraklion	No quotation	Athens	No quotation (*)
Patras	No quotation	Heraklion	No quotation
Requena	No quotation	Patras	No quotation
Reus	No quotation	Alcázar de San Juan	2,068
Villafranca del Bierzo	No quotation (*)	Almendralejo	No quotation
Bastia	No quotation	Medina del Campo	No quotation (*)
Béziers	3,128	Ribadavia	No quotation
Montpellier	3,094	Villafranca del Penedés	No quotation
Narbonne	3,132	Villar del Arzobispo	No quotation (*)
Nîmes	3,120	Villarobledo	No quotation (*)
Perpignan	3,009	Bordeaux	No quotation
Asti	No quotation	Nantes	No quotation
Florence	No quotation	Bari	No quotation
Lecce	No quotation	Cagliari	No quotation (*)
Pescara	No quotation	Chieti	1,758
Reggio Emilia	No quotation	Ravenna (Lugo, Faenze)	2,154
Treviso	2,154	Trapani (Alcamo)	No quotation
Verona (for local wines)	2,550	Treviso	2,154
Representative price	2,982	Representative price	2,050
R II			
Heraklion	No quotation		
Patras	No quotation		
Calatayud	No quotation		
Falset	No quotation		
Jumilla	No quotation		
Navalcarnero	No quotation (*)		
Requena	No quotation		
Toro	No quotation		
Villena	No quotation		
Bastia	No quotation	A II	
Brignoles	No quotation	Rheinpfalz (Oberhaardt)	40,485
Bari	No quotation	Rheinhessen (Hügelland)	40,689
Barletta	No quotation	The wine-growing region of the Luxembourg Moselle	No quotation (*)
Cagliari	No quotation (*)	Representative price	40,613
Lecce	No quotation		
Taranto	No quotation		
Representative price	No quotation		
	ECU/hl	A III	
		Mosel-Rheingau	No quotation
R III		The wine-growing region of the Luxembourg Moselle	No quotation
Rheinpfalz-Rheinhessen (Hügelland)	56,355	Representative price	No quotation

(*) Quotation not taken into account in accordance with Article 10 of Regulation (EEC) No 2682/77.

Commission notice pursuant to Article 12 (2) of Council Regulation (EEC) No 1017/68 ⁽¹⁾, Article 12 (2) of Council Regulation (EEC) No 4056/86 ⁽²⁾ and Article 5 (2) of Council Regulation (EEC) No 3975/87 ⁽³⁾ concerning certain agreements for the transport of new motor vehicles by rail, road, sea, inland waterway and air and for the provision of ancillary services

(94/C 130/03)

(Text with EEA relevance)

I. Application

1. On 22 September 1993 the Commission was notified of two agreements between British Railways Board (BR), Société Nationale des Chemins de Fer Belges (SNCB), NV Ferry-Boats (Ferry-Boats), NV Cobelfret (Cobelfret) and NV Auto Car Europe (ACE). The parties have asked the Commission to find that the agreements do not contravene the provisions of Article 85 (1) of the EC Treaty; alternatively, should that article be found to be infringed, the parties apply for an exemption from the ban on restrictive agreements.

II. The parties

2. BR and the SNCB are railway undertakings providing transport services.

3. Ferry-Boats is a public limited liability company established under Belgian law which provides handling services in the transport of components for the motor vehicle industry. Ferry-Boats is a subsidiary of SNCB. BR has a minority shareholding.

4. Cobelfret is a public limited liability company established under Belgian law which acts as an agent and as an operator for the international transport of vehicles by sea, with distribution activities out of the main European ports. Such distribution is carried out by road.

5. ACE is a public limited liability company established under Belgian law set up by BR, SNCB, Ferry-Boats and Cobelfret, which have holdings in its capital of 33,3 %, 25 %, 8,3 % and 33,3 % respectively.

III. Summary of the agreements

6. ACE was set up by BR, SNCB, Ferry-Boats and Cobelfret on 18 February 1993.

7. The basic objective of ACE is the transport of new cars and other products of the motor vehicle industry from the factory to dealers, by rail, road, water and air, and the provision of services ancillary to transport.

ACE's activities will be performed throughout Europe, including non-Community countries, but it will concentrate on transport between Great Britain and the continent. In pursuing these objectives, ACE will make use of all modes of transport. As regards traffic between Great Britain and the continent in particular, ACE will be able to make use either of rail transport through the Channel Tunnel or sea transport.

8. ACE aims to provide integrated transport throughout Europe direct to motor vehicle manufacturers and to supply all related operations, including:

- the development and operation of storage facilities,
- terminal handling,
- pre-delivery inspection, checking and treatment of the products,
- checking for any damage,
- distribution of the products transported,
- setting up and management of a fleet of road and rail vehicles and maritime vessels,
- the development and operation of a computerized system for the control and follow-up of transport and handling.

9. The agreement provides that ACE will use its shareholders' transport facilities, in accordance with normal commercial conditions, and, if necessary, by purchasing services from other undertakings. It is also stipulated that any services which could potentially be provided by the shareholders to ACE will also be sold, in a non-discriminatory manner, by the shareholders to any other interested party. ACE will not itself own any assets, but will conclude subcontracting agreements so as to enable it to meet its customers' requirements.

10. ACE will have the following available for the transport of new motor vehicles:

- 200 31-metre wagons,
- 60 66-metre British-gauge wagons, equivalent to 132 31-metre wagons, i.e. a total of 332 wagons out of a

⁽¹⁾ OJ No L 175, 23. 7. 1968, p. 1.

⁽²⁾ OJ No L 378, 31. 12. 1986, p. 4.

⁽³⁾ OJ No L 374, 31. 12. 1987, p. 1.

total number of wagons in Europe estimated by the parties at around 17 100 wagons.

11. The articles of association and the shareholders' agreement concluded between BR, SNCB, Ferry-Boats, Cobelfret and their subsidiary ACE impose certain obligations on the shareholders, including:

- exercising the powers which they hold within the company in such a way as to ensure that the company complies with the commitments which the agreement imposes on it,
- endeavouring to promote the objects and objectives of ACE,
- the agreement provides that ACE will use its shareholders' services and resources as far as at all possible. Such services and resources must be supplied to it on normal contractual terms and conditions, as if they were provided to third parties,
- furthermore, each of the shareholders remains free to provide its services to other customers or other operators, but they have undertaken not to compete directly with ACE in business which it has acquired or is preparing to acquire, or to capture such market shares through active promotion of integrated transport services similar to the ones it provides.

IV. Arguments put forward by the parties on the applicability of Article 5 of Regulation (EEC) No 1017/68

The parties consider that the agreements meet the exemption criteria laid down in Article 5 of Regulation (EEC) No 1017/68 for the following reasons:

The agreements contribute towards improving the quality and reliability of transport services through the use of interchangeable modes of transport and through a comprehensive supply of transport that will promote more rapid and more efficient transport of goods. They will ensure greater stability in the transport sector and meet its requirements better by using different modes of transport through the intermediary of a single administrative body responsible for meeting all the requirements specified by the manufacturers, using the resources and services of third parties. The agreements further technical progress, since the setting up and management of ACE will stimulate demand for other services (storage, damage inspection), which will lead to developments and improvements in the technical aspects of transport and ancillary services. The agreements also further economic progress through the introduction of economies of scale (grouping together know-how, equipment and investment) to the benefit of final consumers.

The agreement relating to ACE will in addition bring about technical improvements and technical cooperation, since its object is the organization and performance of successive, complementary or combined transport operations designed to facilitate the transport of new motor vehicles.

Lastly, the parties consider that the agreements do not make it possible for the undertakings in question to eliminate competition in respect of a substantial part of the market for the international transport of new motor vehicles, since:

- ACE will have only a very small market share,
- market entry for new competitors will not be prevented by the setting up of ACE,
- competition between railway undertakings and road transport undertakings will be increased,
- competition between road transport undertakings on the relevant market will not be affected.

V.

This notice is published in accordance with the provisions of Article 12 (2) of Regulation (EEC) No 1017/68, Article 12 (2) of Regulation (EEC) No 4056/86 and Article 5 (2) of Regulation (EEC) No 3975/87.

The notification was made by the parties on the basis of Regulation (EEC) No 1017/68. However, the activity in question covers rail, sea and air transport as well as the provision of ancillary services that do not come under the heading of transport. Consequently, at this stage of the proceedings, the Commission considers that Council Regulations (EEC) No 1017/68, No 4056/86, No 3975/87 and No 17/62⁽¹⁾ may also apply.

The Commission invites interested third parties to send their comments within 30 days of the date of publication of this notice to the following address, quoting reference IV/34.860-ACE:

Commission of the European Communities,
DG IV, Directorate D,
200 rue de la Loi,
B-1049 Brussels.

⁽¹⁾ OJ No L 13, 21. 2. 1962, p. 204/62.

Commission communication pursuant to Article 9 (1) of Council Regulation (EEC) No 3832/90 of 20 December 1990, applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries, extended for 1994 by Regulation (EC) No 3668/93

(94/C 130/04)

Pursuant to the provisions of Council Regulation (EEC) No 3832/90 ⁽¹⁾, extended for 1994 by Regulation (EC) No 3668/93 ⁽²⁾, the Commission gives notice that the following fixed duty-free amounts, applicable from 1 January to 30 June 1994, have been exhausted:

Order No	Category	Origin	Fixed duty-free amount	Date of exhaustion
40.0080	8	Malaysia	958 500 pieces	20. 4. 1994
40.0260	26	Philippines	197 500 pieces	20. 4. 1994

Imports beyond these amounts are liable to payment of the normal duties of the Common Customs Tariff.

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

Explanatory note concerning new clauses in the prospectuses of loans and bonds of the European Communities

(94/C 130/05)

1. With the entry into force of the Treaty on European Union and the start of stage two of EMU, a new legal framework for loans and bonds of the European Communities is established and requires some changes to their terms and conditions.

2. The Treaty includes several rules concerning the composition of the ecu and its transformation into a single currency. According to Article 109g, the currency composition of the ecu is frozen until the start of stage three of EMU. Article 109g and Article 109l (4) state that, at the starting date of stage three, the ecu will become a currency in its own right and that this measure shall by itself not modify the external value of the ecu, and consequently the conversion of the ecu in its composition as a basket of component currencies into the ecu as a currency in its own right will take place at the unitary rate 1:1. The same Article 109l (4) makes clear that the ecu will substitute the national currencies and that monetary signs in ecus will be rapidly introduced. As a consequence, at the due time and in accordance with the procedures described in the Treaty, the currencies of the Member States participating in stage three will be replaced by the ecu.

3. As a consequence of the provisions contained in the Treaty on European Union, the Commission of the European Communities decided to modify some clauses in the terms and conditions of EC bonds and loans.

4. A new clause, 'monetary union', is inserted in bonds and loans which are denominated in currencies of the Member States. The clause states that the contractual

parties acknowledge the fact that the currency of the contract could one day be replaced by the new single currency in application of the Treaty on European Union. As a consequence, the repayment of capital and payment of interest could well be legally effected in ecus. The implication of this clause is that, in this case, the replacement of the currency of the contract cannot be considered either as a breach of the contract or as an unexpected event giving rise to a modification of its terms and conditions.

5. The clauses defining the value of the ecu in bonds and contracts denominated in the European currency unit are slightly modified. Reference is made to Article 109g of the Treaty establishing the European Community, which provides for the freezing of the currency composition of the ecu as well as the irrevocable fixing of the value of the ecu against the currencies participating in stage three of EMU, at the starting date of this stage. In respect of the clauses used by the Communities before the ratification of the Treaty on European Union, a new paragraph is inserted to ensure that, in any case, the nominal continuity of obligations to pay a sum of ecus is guaranteed throughout the process leading to full monetary union.

6. The abovementioned changes in prospectuses for bonds and loans are a first step towards the progressive change and adaptation of legal documents produced by Community institutions to the new situation resulting from the start of stage two of EMU. Further modifications and adjustments in the future cannot be excluded.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation (EC) on the consolidation of the existing Community legislation on the definition of the ecu following the entry into force of the Treaty on European Union

(94/C 130/06)

COM(94) 140 final

(Submitted by the Commission on 21 April 1994)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Monetary Committee,

Having regard to the opinion of the European Monetary Institute,

Whereas the definition of the currency composition of the ecu is contained in a wide variety of Community instruments and whereas consolidation by way of a regulation of the rules governing the said definition would be expedient for the transparency of Community law;

Whereas the following instruments, which concern the unit of account of the European Communities, are in force:

- Commission Decision No 3289/75/ECSC of 18 December 1975 on the definition and conversion of the unit of account to be used in decisions, recommendations, opinions and communications for the purposes of the Treaty establishing the European Coal and Steel Community, as amended by Decision No 3334/80/ECSC,
- Council Regulation (EEC) No 3180/78 of 18 December 1978 changing the value of the unit of account used by the European Monetary Cooperation Fund, as amended by Regulations (EEC) No 2626/84 and (EEC) No 1971/89,
- Council Regulation (EEC) No 3181/78 of 18 December 1978 relating to the European Monetary System, as amended by Regulation (EEC) No 3066/85,
- European Investment Bank: Decision of the Board of Governors of 30 December 1977 amending the

Statute of the European Investment Bank to take account of the adoption of a new definition of the Bank's unit of account,

- Council Regulation (EEC, Euratom) No 3308/80 of 16 December 1980 on the replacement of the European unit of account by the ecu in Community legal instruments,
- European Investment Bank: Decision of the Board of Governors of 13 May 1981 amending the Statute of the European Investment Bank with respect to adoption of the ecu as the Bank's unit of account,
- Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy,
- Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates;

Whereas Article 109g of the Treaty establishing the European Community provides for the composition of the ecu basket in terms of the amounts of the currencies of the Member States to be frozen during the second stage of economic and monetary union and until the entry into force of the third stage of economic and monetary union, which will entail the irrevocable fixing of the value of the ecu in relation to the currencies participating in the third stage and the transformation of the ecu at a unitary conversion rate into the currency in its own right issued by the European Central Bank;

Whereas Article 1 of Regulation (EEC) No 3180/78, as amended by Regulations (EEC) No 2626/84 and (EEC) No 1971/89, defines the ecu as the sum of amounts of the currencies of the Member States that may be re-examined and, if necessary, revised;

Whereas the present definition of the composition of the ecu basket in terms of the currencies of the Member States was published in the *Official Journal of the*

European Communities No C 241 of 21 September 1989, in a Commission communication and not in a Council regulation;

Whereas the currency composition of the ecu basket has been frozen since the entry into force of the Treaty on European Union,

HAS ADOPTED THIS REGULATION:

Article 1

Definition of the ecu

The composition of the ecu basket in terms of the currencies of the Member States shall be the following:

DM	0,6242	Lfrs	0,130
FF	1,332	Pta	6,885
£	0,08784	Dkr	0,1976
Lit	151,8	Irl	0,008552

Fl	0,2198	Dr	1,440
Bfrs	3,301	Esc	1,393

Article 2

Adaptation of the rules of Community law applicable

1. Council Regulation (EEC) No 3180/78, as amended by Regulations (EEC) No 2624/84 and (EEC) No 1971/89, is hereby repealed.

2. In all the Community instruments applicable at the time of the entry into force of this Regulation, the definition of the ecu shall be that contained in Article 1 of this Regulation.

Article 3

This Regulation shall enter into force on ...

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

Proposal for a Council Directive amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment

(94/C 130/07)

(Text with EEA relevance)

COM(93) 575 final — 94/0078 (SYN)

(Submitted by the Commission on 21 April 1994)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s (1) thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the main purpose of the environmental assessment procedure under Council Directive 85/337/EEC ⁽¹⁾ is to provide the competent authorities with relevant information to enable them to make a decision on a specific project in full knowledge of the facts regarding the project's probable impact on the

environment; whereas the assessment procedure is therefore a fundamental instrument of environmental policy as defined in Article 130r of the Treaty;

Whereas a sufficient degree of environmental protection must be ensured at Community level by laying down a general assessment framework and criteria for defining those projects which must be submitted for an environmental assessment; whereas, however, in accordance with the subsidiarity principle, the Member States are in the best position to apply those criteria in specific instances;

Whereas the report on the implementation of Directive 85/337/EEC, as adopted by the Commission on 2 April 1993, shows that there are problems in applying the Directive; whereas certain provisions of the Directive should therefore be clarified so that the assessment procedure may produce greater benefits, but without altering the actual scope of the Member States' obligations pursuant to the Directive;

⁽¹⁾ OJ No L 175, 5. 7. 1985, p. 40.

Whereas it would, nevertheless, appear necessary to introduce provisions designed to improve the rules on the assessment procedure;

Whereas additions should be made to the list of projects which have significant effects on the environment and which must on that account be made subject to systematic assessment;

Whereas it should also be made clear that such assessment is compulsory for the projects listed in Annex II to the Directive which may have a significant effect on the specific environmental protection objectives laid down by mutual agreement at Community level; whereas in all other cases, however, it falls to the Member States to determine whether assessment is necessary in accordance with the selection criteria set out in this Directive;

Whereas some of these measures bring the provisions of the Directive into line with the Convention on environmental impact assessment in a transboundary context (Espoo Convention), which the Community signed at the same time as the Member States on 25 February 1991,

HAD ADOPTED THIS DIRECTIVE:

Article 1

Directive 85/337/EEC is hereby amended as follows:

1. in Article 1 (2), the following definition is inserted after the first definition:

‘“modifications to projects” means:

any restructuring of a project which affects it substantially or any substantial change in the conditions of execution or operation of a project;’

2. Article 4 is replaced by the following:

‘Article 4

1. Subject to Article 2 (3), projects listed in Annex I shall be assessed in accordance with Articles 5 to 10.

2. Subject to Article 2 (3), projects listed in Annex II shall be assessed in accordance with Articles 5 to 10 where they are liable to have a significant effect on the special protection areas designated by Member States pursuant to Community law.

3. In all other cases, projects listed in Annex II shall be examined by the competent authority to determine, on the basis of thresholds set, where appropriate, by Member States and of the selection criteria laid down in Annex IIa, whether their probable environmental impact necessitates assessment in accordance with Articles 5 to 10.

Member States shall ensure that decisions taken by the competent authority are published.’;

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

‘1. In the case of projects which, pursuant to Article 4, must undergo environmental impact assessment in accordance with Articles 5 to 10, Member States shall adopt the necessary measures to ensure that the competent authority defines, in agreement with the authorities referred to in Article 6 and in consultation with the developer, the information specified in Annex III which the developer is required to provide, in an appropriate form, in so far as:

- (a) the information is relevant to a given stage of the development consent procedure and to the specific characteristics of a particular project or type of project, or those of the environmental features liable to be affected;
- (b) a developer may reasonably be required to gather this information having regard, *inter alia*, to current knowledge and methods of assessment.’;

4. Article 5 (2) is deleted;

5. Article 5 (3) is replaced by the following:

‘3. Member States shall ensure that any authorities holding relevant information, regard being had in particular to Article 3, shall make this information available to the developer.’;

6. Article 6 (1) is replaced by the following:

‘1. Member States shall take the measures necessary to ensure that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities are given an opportunity to express their opinion on the information supplied by the developer and on the request for development consent. To this end, Member States shall designate the authorities to be consulted, either in general terms or on a case-by-case basis, when the request for development consent is made. The information gathered pursuant to Article 5 shall be forwarded to those authorities. Detailed arrangements for consultation shall be laid down by the Member States.’;

7. in Article 6 (2), ‘before the project is initiated’ is replaced by ‘before development consent is granted’;

8. Article 7 is replaced by the following:

‘Article 7

1. Where a Member State considers that a project referred to in Article 4 is liable to have significant adverse effects on the environment of another

Member State, or where a Member State whose environment is liable to be significantly affected so requests, the Member State on whose territory the project is located shall communicate to the other Member State, at the latest when it informs its own nationals, the information specified in Annex IV.

2. The Member States concerned shall enter into consultations, setting a reasonable timetable for:

- (i) the main alternative solutions to the project which have been examined;
- (ii) the measures which may be taken to avoid, reduce and, if possible, offset the adverse transboundary effects;
- (iii) possible forms of mutual assistance to lessen any major harmful transboundary impact caused by the proposed project;
- (iv) the measures which may be taken to ensure the monitoring of the transboundary effects of the project at the expense of the Member State in which the project is proposed.

3. The authorities of the Member State whose environment is liable to be significantly affected shall hold consultations with the authorities concerned and with the public, in accordance with the provisions of Article 6 and shall, within the time limit provided for in paragraph 2, communicate their opinion on the project to the authorities of the Member State on whose territory the project is located.

However, failure by the authorities of the Member State whose environment is liable to be affected to deliver the opinion mentioned in paragraph 1 within the time limit and in the form specified above, those authorities having been properly informed pursuant to paragraph 2, shall not provide grounds which may be invoked in support of a challenge to the validity of the competent authorities' decision regarding the project.';

9. Article 8 is replaced by the following:

'Article 8

The opinions and the information gathered pursuant to Articles 5, 6 and 7 must be taken into consideration in the development consent procedure.';

10. Article 9 is replaced by the following:

'Article 9

When a decision has been taken, the competent authority or authorities shall publish it and, where appropriate, inform the other Member State which has been consulted pursuant to Article 7, thereof, indicating:

- the content of the decision and any conditions attached thereto,
- the reasons and considerations on which its decision to refuse to grant development consent, or to grant development consent despite receiving unfavourable opinions pursuant to Articles 6 and 7, is based,
- a description, where necessary, of the measures to avoid, reduce and, if possible, offset the major adverse effects.';

11. Article 11 (2) is hereby deleted;

12. Article 13 is hereby deleted;

13. the Annexes are amended as shown in the Annex hereto.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 1996 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these 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. If a request for development consent has been submitted to a competent authority before 1 July 1996, the provisions of Directive 85/337/EEC prior to these amendments shall continue to apply.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 4

This Directive is addressed to the Member States.

ANNEX

1. Point 3 in Annex I is replaced by the following:
 - '3. (a) Installations for the reprocessing of irradiated nuclear fuel.
 - (b) Installations designed solely for the permanent storage or final disposal of radioactive waste and centralized temporary storage installations for radioactive waste or irradiated nuclear fuel.'
2. Point 6 in Annex I is replaced by the following:
 - '6. Integrated chemical installations: installations located in a geographical area in which several units for the industrial production of chemical products, not necessarily belonging to the same company, are juxtaposed and are functionally linked to one another.'
3. Point 8 in Annex I is replaced by the following:
 - '8. (a) Inland waterways which permit the passage of vessels of over 1 350 tonnes.
 - (b) Trading ports and port installations, including offshore installations, and ports and installations for inland-waterway traffic which permit the passage of vessels of over 1 350 tonnes.'
4. Point 1 in Annex II is replaced by the following:
 - '1. **Agriculture**
 - (a) Projects for the restructuring of rural land holdings.
 - (b) Irrigation and land drainage projects.
 - (c) Afforestation, reafforestation, deforestation.
 - (d) Intensive stockfarming.
 - (e) Production of exotic species of flora and fauna.
 - (f) Intensive fish or shellfish farming.'
5. Letter (h) under point 3 in Annex II is deleted.
6. Point 10 in Annex II is replaced by the following:
 - '10. **Infrastructure projects**
 - (a) Industrial estate development projects.
 - (b) Urban development projects, including the construction of shopping centres and car parks.
 - (c) Doubling, electrification and adjustment to standard gauge of railway lines or tracks for combined transport, construction of railway and intermodal transshipment facilities, and of intermodal terminals.
 - (d) Construction of airfields and extension of the airport capacity of airfields (projects not listed in Annex I).
 - (e) Construction and upgrading of roads (widening and alternative routes), harbours and port installations, including fishing harbours (projects not listed in Annex I).
 - (f) Inland-waterway construction, canalization and flood-relief works.
 - (g) Dams and other installations designed to hold water or store it on a long-term basis.
 - (h) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport.
 - (i) Oil and gas pipeline installations.
 - (j) Installation of long-distance aqueducts.
 - (k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works.'

7. Point 11 in Annex II is replaced by the following:

'11. Other projects

- (a) Permanent racing and test tracks for cars and motor cycles.
- (b) Installations for the disposal of industrial and domestic waste (unless included in Annex I).
- (c) Waste-water treatment plants.
- (d) Sludge-deposition sites.
- (e) Storage of scrap iron.
- (f) Test benches for engines, turbines or reactors.
- (g) Manufacture of artificial mineral fibres.
- (h) Manufacture, packing, loading or placing in cartridges of gunpowder and explosives.
- (i) Knackers' yards.'

8. The following points are added to Annex II:

'11a. Tourism and leisure

- (a) Ski-runs, bobsleigh tracks and ski-lifts and artificial snow installations.
- (b) Golf courses and associated developments.
- (c) Marinas.
- (d) Holiday villages, hotel complexes and associated developments.
- (e) Camp sites and caravan sites.
- (f) Leisure centres.

11b. Land-use projects

- (a) Changes in the use of uncultivated land, semi-natural areas and natural or semi-natural forests.
- (b) Reclamation of land from the sea.'

9. Point 12 in Annex II is replaced by the following:

'12. Modifications to projects listed in Annex I or II and projects in Annex I undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years.'

10. A new Annex IIa is inserted, as follows:

'ANNEX IIa

SELECTION CRITERIA REFERRED TO IN ARTICLE 4 (3)

1. Characteristics of the project

The characteristics of the project must be considered having regard, in particular, to:

- the size of the project (1),
- the use of natural resources,
- the production of waste,

- pollution and nuisances,
- the risk of accidents,
- the impact on the natural and historical heritage having regard to the existing functions of the areas likely to be affected (such as tourism, urban settlement, agriculture).

2. Location of the project

The environmental sensitivity of geographical areas likely to be affected by the project must be considered, having regard, in particular, to:

- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (a) wetlands;
 - (b) coastal zones;
 - (c) mountain and forest areas;
 - (d) nature reserves and parks;
 - (e) areas already classified or protected under Member States' legislation;
 - (f) areas in which the environmental quality standards laid down in Community legislation have already been exceeded;
 - (g) densely populated areas;
 - (h) landscapes of historical, cultural or archaeological significance.

(¹) The size of the project must be considered in relation to the duration, frequency and reversibility of its likely impacts.'

11. Point 2 in Annex III is replaced by the following:

'2. A description of the main alternatives which might be envisaged and an indication of the main reasons for the developer's choice, taking into account the environmental effects.'

12. A new Annex IV is added, as follows:

'ANNEX IV

INFORMATION REFERRED TO IN ARTICLE 7

1. A description of the project together with any available information on the possible transboundary impact.
 2. Information on the nature of the decision which may be taken.
 3. A reasonable time limit within which the other Member State must indicate whether it intends to take part in the assessment procedure. Notification of such intention shall be accompanied by all available relevant information on the environment in that part of the territory which might be affected.
 4. The information gathered pursuant to Article 5.
 5. An indication of the date on which a decision will be taken on the project and the time limit, calculated on a reasonable basis, within which the Member State likely to be affected must communicate its opinion to the Member State on whose territory the project is located.'
-

III

(Notices)

COMMISSION

Drawing up of a reserve list for Scientific/Technical Staff

(94/C 130/08)

The Commission of the European Communities is carrying out a selection procedure with a view to drawing up a reserve list from which to appoint staff in career A 8/A 5 for activities concerning Community scientific and technological policy and the framework programme.

(See Official Journal of the European Communities No C 130 A of 12 May 1994)

CORRIGENDA

Corrigendum to list of establishments in Australia approved for the purpose of importing fresh meat into the Community*(Official Journal of the European Communities No C 67 of 4 March 1994)*

(94/C 130/09)

On page 3, the Approval number 439 should read as follows:

Approval No	Establishment/Address	Category (*)							
		SL	CP	CS	B	S/G	P	SP	SR
439	Northern Meat Exporters Pty Ltd, Katherine, Northern Territory	x	x		x			x	