

English edition

## Legislation

---

Contents

I *Acts whose publication is obligatory*

.....

---

II *Acts whose publication is not obligatory*

**Council**

89/675/EEC:

- ★ **Council Decision of 18 December 1989 on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 16 June 1989 to 15 June 1991 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau** ..... 1

Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 16 June 1989 to 15 June 1991 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau 3

Protocol establishing for the period 16 June 1989 to 15 June 1991 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau 4

89/676/EEC:

- ★ **Council Directive of 21 December 1989 amending Directive 75/106/EEC on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids** ..... 18

89/677/EEC:

- ★ Council Directive of 21 December 1989 amending for the eighth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ..... 19

89/678/EEC:

- ★ Council Directive of 21 December 1989 amending Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ..... 24

89/679/EEC:

- ★ Council Directive of 21 December 1989 amending for the fifth time Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products ..... 25

89/680/EEC:

- ★ Council Directive of 21 December 1989 amending Directive 77/536/EEC on the approximation of the laws of the Member States relating to the roll-over protection structures of wheeled agricultural or forestry tractors ..... 26

89/681/EEC:

- ★ Council Directive of 21 December 1989 amending Directive 87/402/EEC on roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors ..... 27

89/682/EEC:

- ★ Council Directive of 21 December 1989 amending Directive 86/298/EEC on rear-mounted roll-over protection structures of narrow-track wheeled agricultural and forestry tractors ..... 29

89/683/EEC:

- ★ Council Decision of 21 December 1989 authorizing the French Republic to apply a measure derogating from Article 2 of the Sixth Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes ..... 31

89/684/EEC:

- ★ Council Directive of 21 December 1989 on vocational training for certain drivers of vehicles carrying dangerous goods by road ..... 33

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 18 December 1989

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 16 June 1989 to 15 June 1991 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

(89/675/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau signed in Bissau on 27 February 1980 <sup>(1)</sup>, as last amended by the Agreement signed in Brussels on 29 June 1987 <sup>(2)</sup>,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Guinea-Bissau conducted negotiations to determine the amendments or additions to be made to the Agreement on fishing off the coast of Guinea-Bissau at the end of the period of application of the Protocol referred to in Article 9 of the Agreement;

Whereas, as a result of these negotiations, a new Protocol was initialled on 9 June 1989;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of Guinea-Bissau for the period 16 June 1989 to 15 June 1991;

Whereas, under Article 155 (2) (b) of the Act of Accession, it is for the Council to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas the case in point calls for the said procedures to be determined;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the Protocol in question be approved as soon as possible; whereas, for this reason, the two Parties initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocol in force; whereas this Agreement should be approved pending a final decision taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 16 June 1989 to 15 June 1991 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Guinea-Bissau is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

<sup>(1)</sup> OJ No L 226, 29. 8. 1980, p. 33.

<sup>(2)</sup> OJ No L 113, 30. 4. 1987, p. 1.

*Article 2*

With a view to taking into consideration the interests of the Canary Islands, the Agreement referred to in Article 1 and, in so far as is necessary for its application, the provisions of the common fisheries policy relating to the conservation and management of fishery resources shall also apply to vessels which sail under the flag of Spain, which are recorded on a permanent basis in the registers of the relevant authorities at local level ('registros de base') in the Canary Islands, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands <sup>(1)</sup>.

*Article 3*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 18 December 1989.

*For the Council*  
*The President*  
J. MELLICK

---

<sup>(1)</sup> OJ No L 114, 2. 5. 1988, p. 1.

**AGREEMENT**

**in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period 16 June 1989 to 15 June 1991 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau**

*A. Letter from the Government of Guinea-Bissau*

Sir,

With reference to the Protocol initialled on 9 June 1989 establishing fishing rights and financial compensation for the period 16 June 1989 to 15 June 1991, I have the honour to inform you that the Government of Guinea-Bissau is ready to apply this Protocol on a provisional basis, with effect from 16 June 1989, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Economic Community is disposed to do the same. The period of validity of licences valid at 15 June 1989 is extended to 1 August 1989.

This is on the understanding that a first instalment equal to half of the financial compensation specified in Article 2 of the Protocol is paid by 30 October 1989.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

*For the  
Government of the Republic of Guinea-Bissau*

*B. Letter from the Community*

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 9 June 1989 establishing fishing rights and financial compensation for the period 16 June 1989 to 15 June 1991, I have the honour to inform you that the Government of Guinea-Bissau is ready to apply this Protocol on a provisional basis, with effect from 16 June 1989, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Economic Community is disposed to do the same. The period of validity of licences valid at 15 June 1989 is extended to 1 August 1989.

This is on the understanding that a first instalment equal to half of the financial compensation specified in Article 2 of the Protocol is paid by 30 October 1989.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.'

I have the honour to confirm the European Economic Community's agreement to this provisional application of the Protocol.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of  
the Council of the European Communities*

## PROTOCOL

establishing for the period 16 June 1989 to 15 June 1991 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

THE PARTIES TO THIS PROTOCOL,

*Article 4*

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau signed in Bissau on 27 February 1980, as last amended by the Agreement signed in Brussels on 29 June 1987,

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 550 000 towards the financing of a Guinea-Bissau scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Guinea-Bissau and the functioning of the marine biology laboratory.

HAS AGREED AS FOLLOWS:

This sum shall be made available to the Government of the Republic of Guinea-Bissau and paid into the account indicated by the Guinea-Bissau authorities.

### *Article 1*

For a period of two years from 16 June 1989, the fishing rights granted under Article 4 of the Agreement shall be as follows:

*Article 5*

1. (a) freezer shrimp trawlers: 10 000 GRT a month, annual average;
- (b) freezer fin fish and cephalopod trawlers: 5 000 GRT a month, annual average;
2. freezer tuna seiners: 45 vessels;
3. pole-and-line tuna vessels: 15 vessels;
4. surface longliners: 35 vessels.

The two Parties agree that improving the skills of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Guinea-Bissau to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries. The awards may also be used in any country linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 550 000. At the request of the Guinea-Bissau authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or the organization of seminars on fishing in Guinea-Bissau, or to strengthen the administrative infrastructure of the Office of the Secretary of State for Fisheries. The sum shall be payable as and when it is used.

### *Article 2*

1. The financial compensation referred to in Article 9 of the Agreement shall be, for the period referred to in Article 1, ECU 10 830 000, payable in two equal annual instalments.

2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Guinea-Bissau.

3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Guinea-Bissau.

*Article 6*

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

### *Article 3*

At the request of the Community, the fishing rights referred to in Article 1 (1) (a) and (b) may be increased by successive instalments of 1 000 GRT a month, calculated on an annual average basis. In this case, the financial compensation referred to in Article 2 shall be increased proportionately.

*Article 7*

The Annex to the Agreement between the European Economic Community and the Government of the Republic

of Guinea-Bissau on fishing off the coast of Guinea-Bissau is hereby repealed and replaced by the Annex to this Protocol.

It shall be applicable from 16 June 1989.

*Article 8*

This Protocol shall enter into force on the first day of the month following that on which it is signed.

*Article 9*

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

## ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN  
GUINEA-BISSAU'S FISHING ZONE

## A. Licence application and issuing formalities

The procedure for applications for, and issue of, the licences enabling Community vessels to fish in Guinea-Bissau's fishing zone shall be as follows:

The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries of the Republic of Guinea-Bissau, via the Commission Delegation in Guinea-Bissau, an application for each vessel that is to be used for fishing under the Agreement, at least 30 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Republic of Guinea-Bissau, specimens of which are attached hereto (Annex 1).

Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into the account referred to in Article 2 of the Protocol.

Licences for tuna seiners, pole-and-line tuna vessels and surface longliners shall be issued by the Guinea-Bissau authorities within the 30-day time limit laid down above to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Guinea-Bissau.

Freezer trawlers must be present in the port of Bissau when the licence is handed over. The Delegation of the Commission of the European Communities shall be notified of each licence issued.

Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Economic Community, and where *force majeure* is proven, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Secretary of State for Fisheries of the Republic of Guinea-Bissau via the authorities of the Commission of the European Communities.

By way of derogation from Article 4 (3) of the Agreement, licences shall be valid for quarterly, half-yearly or annual periods.

The licence must be held on board at all times.

## 1. Provisions applicable to trawlers

- (a) For the duration of this Protocol the fees for annual licences shall be as follows:
  - ECU 100 per GRT per year for fin fish trawlers;
  - ECU 116 per GRT per year for cephalopod trawlers;
  - ECU 160 per GRT per year for shrimp trawlers.
- (b) For the duration of this Protocol the fees for half-yearly licences shall be as follows:
  - ECU 57,5 per GRT per half-year for fin fish trawlers;
  - ECU 66,5 per GRT per half-year for cephalopod trawlers;
  - ECU 92 per GRT per half-year for shrimp trawlers.
- (c) The fees for quarterly licenses shall be as follows:
  - ECU 30 per GRT per quarter for fin fish trawlers;
  - ECU 35 per GRT per quarter for cephalopod trawlers;
  - ECU 48 per GRT per quarter for shrimp trawlers.

However, vessels which land only 25 kg of fish per GRT per quarter, in accordance with the provisions of Part C of this Annex, shall be obliged to pay an additional fee of ECU 6 per GRT per quarter.

## 2. Provisions applicable to tuna vessels and surface longliners

- (a) The fees shall be ECU 20 per tonne caught within Guinea-Bissau's fishing zone.



- (b) Licences shall be issued following payment to the Office of the Secretary of State for Fisheries of a lump sum of ECU 1 500 a year for each tuna seiner and ECU 300 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees for:

- 75 tonnes of tuna caught per year in the case of seiners,
- 15 tonnes caught per year in the case of pole-and-line tuna vessels and surface longliners.

The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data (Orstom and IEO — Spanish Institute of Oceanography). The statement shall be forwarded simultaneously to the Office of the Secretary of State for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Office of the Secretary of State for Fisheries of Guinea-Bissau by 31 May of the following year at the latest, in accordance with the procedure for payment set out in Article 2 of the Protocol.

However, if the amount of the final statement is lower than the abovementioned amount, the resulting balance shall not be reimbursable.

#### B. Statement of catch

For all Community vessels authorized to fish in Guinea-Bissau's waters under the Agreement a statement of their catch must be provided to the Office of the Secretary of State for Fisheries, with a copy to the Commission Delegation in Guinea-Bissau, in accordance with the procedures set out below:

- for trawlers a statement of catch shall be made out according to the specimen annexed hereto (Annex 2). The statements of catch shall be drawn up each month and presented at least once each quarter,
- for tuna seiners, pole-and-line tuna vessels and surface longliners a fishing log shall be kept, in accordance with Annex 3, for each fishing period spent in Guinea-Bissau's fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in the Guinea-Bissau fishing zone, to the Office of the Secretary of State for Fisheries via the Delegation of the Commission of the European Communities in Guinea-Bissau,
- forms must be completed legibly and be signed by the master of the vessel.

Should this provision not be adhered to, the Government of Guinea-Bissau reserves the right to suspend the licence of the offending vessel until the formality has been complied with.

#### C. Landing of catch

Trawlers authorized to fish in the Guinea-Bissau fishing zone shall, in order to make a contribution towards supplying the local population with fish caught in the Guinea-Bissau fishing zone, be obliged to land the following quantities free of charge, on the basis of the list set out in the Appendix to Annex 1: 50 kg of fish per GRT per quarter, of which 25 kg per GRT per quarter is optional.

Landings may be made individually or collectively, mention being made of the vessels concerned. Any failure to comply with the obligation to land catches shall render the offender liable to the following penalties applied by the Guinea-Bissau authorities:

- fine of ECU 1 500 per tonne not landed, and
- withdrawal and non-renewal of the licence of the vessel concerned or another vessel fitted out by the same shipowner.

#### D. By-catches

1. Fin fish trawlers may not hold on board crustaceans representing more than 10 % of their total catch in the Guinea-Bissau fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 5 % or fish representing more than 10 % of their total catch in the Guinea-Bissau fishing zone.

2. Pole-and-line tuna vessels shall, moreover, be authorized to fish for live bait in order to carry out their fishing activities in the Guinea-Bissau fishing zone.

#### E. Signing-on of seamen

Owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Guinea-Bissau nationals, subject to the conditions and limits set out below:

1. each trawler owner shall undertake to employ:
  - two seamen/fishermen on vessels of up to 300 GRT,
  - three seamen/fishermen on vessels of between 300 GRT and 400 GRT,
  - four seamen/fishermen on vessels of more than 400 GRT.
2. Owners of tuna vessels and surface longliners shall undertake to employ Guinea-Bissau nationals, subject to the conditions and limits set out below:
  - for the fleet of tuna seiners, eight Guinea-Bissau seamen shall be signed on permanently in the Guinea-Bissau fishing zone,
  - for the fleet of pole-and-line tuna vessels, eight Guinea-Bissau seamen shall be signed on for the tuna fishing season in the Guinea-Bissau fishing zone, all of them to be assigned to different vessels,
  - for the fleet of surface longliners, eight Guinea-Bissau seamen shall be signed on for the fishing season in the Guinea-Bissau fishing zone, all of them to be assigned to different vessels.
3. The wages of these seamen/fishermen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Office of the Secretary of State for Fisheries; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).

Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay a lump sum equivalent to the wages of seamen not signed on.

This sum will be used for the training of seamen/fishermen in Guinea-Bissau and is to be paid into an account specified by the Guinea-Bissau authorities.

#### F. Taking on board of observers

1. The observer's task shall be to check on fishing activities in the Guinea-Bissau fishing zone. He shall be offered every facility needed to carry out his duties, including access to premises and documents. He must not remain on board any longer than is necessary for the accomplishment of his duties. The master of the vessel shall facilitate the work of the observer, who shall be accorded the conditions enjoyed by officers of the vessel. The salary and the social contributions of the observer shall be borne by the Government of Guinea-Bissau.

Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a vessel with an observer on board leave the Guinea-Bissau fishing zone, all measures must be taken to ensure the observer's return to Guinea-Bissau as soon as possible at the expense of the shipowner.

2. Each trawler shall take on board an observer designated by the Office of the Secretary of State for Fisheries.
3. Tuna vessels and surface longliners shall take an observer on board at the request of the Office of the Secretary of State for Fisheries.

In that case, the port of embarkation shall be determined by mutual agreement between the Office of the Secretary of State for Fisheries and the shipowners or their representatives at a meeting to be arranged between the two parties.

#### G. Inspection and monitoring

Any Community vessel fishing in Guinea-Bissau's fishing zone shall allow on board any official of Guinea-Bissau responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. The official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

#### H. Fishing zones

The freezer trawlers referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond 12 nautical miles from the base lines.

**I. Meshes authorized**

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- (a) 60 mm for fin fish vessels;
- (b) 40 mm for cephalopod vessels;
- (c) 40 mm for shrimp vessels (this mesh shall be applicable from 1 August 1989);
- (d) 16 mm for fishing for live bait.

Outrigger fishing shall be authorized.

**J. Entering and leaving the zone**

All Community vessels fishing under the Agreement in the Guinea-Bissau zone shall communicate to the radio station of the Office of the Secretary of State for Fisheries the date and time and their position when entering and leaving the Guinea-Bissau fishing zone.

The call sign, frequency and working hours of the station shall be communicated to the shipowners by the Office of the Secretary of State for Fisheries at the time the licence is issued.

In cases where this radio communication cannot be used, vessels may use alternative means, such as telex (No 266 SEP BI) or telegram.

**K. Procedure in case of boarding**

The authorities of the Commission of the European Communities in Guinea-Bissau shall be notified within 48 hours of any boarding within the Guinea-Bissau fishing zone of a fishing vessel flying the flag of a Member State of the Community and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

Should the case be brought before a competent judicial body, the Guinea-Bissau authorities may fix a bank security at the request of the Community or the shipowner.

In that case, the Guinea-Bissau authorities shall undertake to release the vessel within 24 hours following the lodging of the bank security.

The bank security shall be released by the competent authority once the master of the vessel concerned has been acquitted by the judicial decision.

Should one of the parties consider it necessary, it may request urgent consultations under Article 10 of the Agreement.

*Annex 1*

**APPLICATION FORM  
FOR A  
FISHING LICENCE**

For official use only	Remarks
Nationality: .....	.....
Licence No: .....	.....
Date of signing: .....	.....
Date of issue: .....	.....

APPLICANT

Name of firm: .....

Trade register No: .....

First name and surname of applicant: .....

Date and place of birth: .....

Occupation: .....

Address: .....

No of employees: .....

Name and address of co-signatory: .....

VESSEL

Type of vessel: ..... Registration No: .....

New name: ..... Former name: .....

Date and place of construction: .....

Original nationality: .....

Length: ..... Beam: ..... Hold: .....

Gross tonnage: ..... Net tonnage: .....

Type of building materials: .....

Make of main engine: ..... Type: ..... Rating: .....

Propeller: Fixed  Variable  Ducted

Transit speed: .....

Call sign: ..... Call frequency: .....

List of sounding, navigating and transmission instruments:

Radar  Sonar  Netsonde   
VHF  SSB  Netsonde satellite navigations  Other .....

No of seamen: .....

CONSERVATION

Packed in ice  Ice + refrigeration   
 Freezing in brine  Dry  Refrigerated sea water

Total refrigerating power: .....

Freezing capacity in tonnes/24 hours: .....

Hold capacity: .....

TYPE OF FISHING

A. Demersal

Inshore demersal  Deep-sea demersal

Type of trawl:  
 Cephalopods  Shrimps  Fish

Length of trawl: ..... Headline: .....

Mesh size in the body: .....

Mesh size in the wings: .....

Speed of trawling: .....

B. Deep-sea pelagic (tuna)

Pole and line  No of poles and lines

Seine  Length of net: ..... Depth of net: .....

No of tanks: ..... Capacity in tonnes: .....

C. Longlines and pots

Surface  Bottom

Length of lines: ..... No of hooks: .....

No of lines: .....

No of pots: .....

SHORE INSTALLATIONS

Address and permit No: .....

Name of firm: .....

Activities: .....

Domestic wholesale fish trade

Export

Type and No of wholesale trader's card: .....

Description of processing and conservation plant:

.....  
.....  
.....  
.....  
.....

No of employees: .....

NB: Indicate affirmative answers by a tick in the appropriate box.

**Technical remarks**

**Authorization of the Office of the Secretary of State**



## Appendix to Annex 1



REPÚBLICA DA GUINÉ-BISSAU

SECRETARIA DE ESTADO DAS PESCAS

BISSAU

VISTO

.....  
 (Director da Pesca Industrial)

## DECLARAÇÃO

..... Armador/Representante do N/M  
 (Nome e n.º de Registo) .....,  
 com autorização de Pesca n.º ..... válida de ..... a  
 ..... compromete-se a descarregar no porto de Bissau a favor do  
 Ministério das Pescas ..... toneladas de peixe diverso, de preferência, das seguintes espécies:  
 (garoupas (*Epinephelus* spp.; *Serranus* spp.) sinapas (*Sparus* spp.), bicas (*Pagellus bellottii*, *Lethrinus atlanticus*,  
*Lutjanus* spp.), bicuda (*Sphyræna* spp.), barbo (*Galeoides decadactylus*), barbinho (*Pentanemus quinquarum*),  
 corvinas (*Pseudotolithus* spp.; *Argyrosomus* spp.), cor-cor (*Pomadasys* spp.), sareia (*Caranx* spp., *Chloroscom-  
 brus* sp., *Decapterus* spp.), bagres (*Arius* spp.)) como complemento da licença de pesca que foi concedida ao navio  
 acima referenciado.

Mais se declara que nos 15 dias antes de expirada a licença notificará o Ministério das Pescas, através da Direcção da Pesca Industrial, a data do desembarque do pescado.

Bissau, ..... de ..... de 19 .....

O ARMADOR / REPRESENTANTE

.....  
 (Assinatura e carimbo)



# ICCAT LOGBOOK for TUNA FISHERY

Annex 3

Vessel name		Gross tons		month		day		year		port															
Flag country		Capacity (M. T.)		Boat LEFT		19																			
Registration No.		Captain		Boat RETURNED																					
Company or Owner		No. of crew		Number of days at sea		days		Number of fishing days or number of sets made		Trip number															
Address		Reporting date		Reported by						Page <b>19</b> of <b>19</b> pages															
Date	Area		Effort (Number of Hooks used)	Surf. Water Temp. (°C)	E or W	Longitude	Latitude	N or S	C A T C H E S										Bait used						
	Day	Month							Bluefin tuna Thunnus thynnus or macrocephalus	Yellowfin tuna Thunnus albacares	Bigeye tuna Thunnus obesus	Albacore Thunnus alalunga	Swordfish Xiphias gladius	Striped marlin White marlin Tropurus audax or albidus	Black marlin Makaira indica	Sailfish Istiophorus albicans or platypterus	Skipjack Katsenonus pelamis	Miscellaneous fishes		Daily total (in weight Kg. only)					
									No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.			
01																									
02																									
03																									
04																									
05																									
06																									
07																									
08																									
09																									
10																									
11																									
12																									
13																									
14																									
15																									
16																									
17																									
18																									
19																									
20																									
21																									
22																									
23																									
24																									
25																									
26																									
27																									
28																									
29																									
30																									
31																									
		Landing weight (In Kg.)																							

Remarks

- Use one sheet per month, and one line per day.
- At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mola 17, Madrid 1, Spain.
- "Day" refers to the day you set the line.
- Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.
- The bottom line ("landing weight") should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
- All information reported herein will be kept strictly confidential.

## COUNCIL DIRECTIVE

of 21 December 1989

amending Directive 75/106/EEC on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids

(89/676/EEC)

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 <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Directive 75/106/EEC <sup>(4)</sup>, as last amended by Directive 88/316/EEC <sup>(5)</sup>, provides for total harmonization of the range of nominal quantities of certain products in the wine sector;

Whereas, in view of developments within the Community in the vatting, bottling and labelling of wine, it is necessary to modify this range;

Whereas, in order to permit the use of returnable bottles of volumes not covered by the said Directive, it is necessary to include special rules therein,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 75/106/EEC is hereby amended as follows:

1. the second subparagraph of Article 1 is replaced by the following:

'This Directive shall not apply to prepackages containing the products listed in Annex III:

- point 1 (a), which are vatted, bottled and labelled in volumes not exceeding 0,25 litre and are intended for professional use,
- points 2 (a) and 4, which are intended either for consumption on board aircraft, ships and trains or for sale in duty-free shops.'

2. in Article 5 (3):

- (a) point (a) is deleted;
- (b) the indents in point (c) are replaced by the following:
  - 0,68 litre, 0,70 litre and 0,98 litre in Spain, until 31 December 1992,
  - 0,46 litre and 0,70 litre in Greece, until 31 December 1992.'

3. Annex III, column I (1) (a) is hereby amended as follows:

- (a) the following is added: '0,187 (l)-4-8';
- (b) '0,187 (for consumption on board aircraft and ships only)', at the end of the range of volumes, is deleted.
- (c) the following footnote is added:

'(1) Value relating only to consumption on board aircraft, ships and trains and to sales in duty-free shops.'

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions needed to comply with this Directive on 1 July 1990. They shall forthwith inform the Commission thereof.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1989.

*For the Council*  
The President  
E. CRESSON

<sup>(1)</sup> OJ No C 31, 7. 2. 1989, p. 6.

<sup>(2)</sup> OJ No C 158, 26. 6. 1989, p. 215, and OJ No C 291, 20. 11. 1989, p. 44.

<sup>(3)</sup> OJ No C 139, 5. 6. 1989, p. 8.

<sup>(4)</sup> OJ No L 42, 15. 2. 1975, p. 1.

<sup>(5)</sup> OJ No L 143, 10. 6. 1988, p. 26.

## COUNCIL DIRECTIVE

of 21 December 1989

amending for the eighth time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations

(89/677/EEC)

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 <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas measures for the progressive establishment of the internal market over the period up to 31 December 1992 have to be adopted; whereas the internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is guaranteed;

Whereas, despite the ban on the marketing of certain ornamental objects intended to produce effects of light and comprising glass receptacles containing dangerous liquids as defined by Directive 67/548/EEC <sup>(4)</sup>, as last amended by Directive 86/431/EEC <sup>(5)</sup>, objects presenting the same hazards are still being marketed for use in games for one or more participants, sometimes with an ornamental function;

Whereas there should be a review of the content (0,01 % by weight — 100 ppm) of PCB/PCT in preparations, including waste oils; whereas, in Council Directive 87/101/EEC of 22 December 1986 amending Directive 75/439/EEC on the disposal of waste oils <sup>(6)</sup>, this content was set at 0,005 % by weight;

Whereas benzene (CAS No 71-34-2) is a toxic substance likely to affect the central nervous and hematopoietic systems and to cause cancer and in particular leukaemia; whereas this substance is classified as carcinogen category I in Directive 67/548/EEC; whereas ILO (International

Labour Organization) Convention 136 and ILO Recommendation 144 lay down provisions on protection against hazards arising from benzene;

Whereas the following substances: 2-naphthylamine (CAS No 91-59-8), 4-nitrodiphenyl (CAS No 92-93-3), 4-aminodiphenyl (CAS No 92-67-1) and benzidine (CAS No 92-87-5) may cause cancer and in particular cancer of the urinary system; whereas these substances are classified as carcinogens category I in Directive 67/548/EEC; whereas although, within the Community, they are now produced only in minimal, supervised quantities intended exclusively for research, they may nevertheless be present in the form of impurities in other substances or preparations;

Whereas, apart from the specific measures applying solely to workplaces, the laying down of a maximum concentration limit and a limit on the use of these substances as such or as constituents of preparations would help to present the incidence of cancer at work and protect consumers;

Whereas lead compounds in general, and in particular lead salts that are readily soluble in the stomach, are dangerous to health; whereas compounds of this type are still occasionally used as pigment for certain decorative paints; whereas their use in such cases should be regulated; whereas ILO Convention 13 regulates the use of white lead in painting;

Whereas certain anti-fouling preparations applied as protective coatings to boat hulls and/or underwater equipment have harmful effects on living aquatic organisms as a result of the use of certain chemical compounds and in particular arsenic, mercury and tin compounds; whereas, in order better to protect the environment, the use of such compounds in preparations of this type should be regulated;

Whereas not only di- $\mu$ -oxo-di-n-butylstanniohydroxyborane (C<sub>8</sub>H<sub>19</sub>BO<sub>3</sub>Sn, CAS No 75113-37-0) but also its decomposition/degradation products are substances that are dangerous to man and to the environment, and in particular the aquatic environment; whereas the use of those substances should be regulated;

Whereas limitations on use or marketing already adopted by certain Member States in respect of the substances referred to above or of preparations containing them have a direct incidence on the establishment and functioning of the

<sup>(1)</sup> OJ No C 43, 16. 2. 1988, p. 9.

<sup>(2)</sup> OJ No C 96, 17. 4. 1989, p. 190, and OJ No C 256, 9. 10. 1989, p. 70.

<sup>(3)</sup> OJ No C 175, 4. 7. 1988, p. 10, and OJ No C 337, 31. 12. 1987, p. 7.

<sup>(4)</sup> OJ No 196, 16. 8. 1967, p. 1.

<sup>(5)</sup> OJ No L 247, 1. 9. 1986, p. 1.

<sup>(6)</sup> OJ No L 42, 12. 2. 1987, p. 43.

internal market; whereas it is therefore necessary to approximate the legislative provisions of the Member States in this field, and consequently to amend Annex I to Directive 76/769/EEC (1), as last amended by Directive 85/610/EEC (2);

Whereas present Community legislation concerning the possible adoption by Member States of more stringent restrictions on the use of the substances and preparations in question at the workplace is unaffected by this Directive,

(1) OJ No L 262, 27. 9. 1976, p. 201.

(2) OJ No L 375, 31. 12. 1985, p. 1.

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

Annex I to Directive 76/769/EEC is hereby amended as follows:

1. in point 1 of the left-hand column, '0,01%' appearing in the third indent is replaced by '0,005%';

2. point 3 is replaced by the following:

3. Liquid substances or preparations, which are regarded as dangerous according to the definitions in Article 2 (2) and the criteria in Annex VI, Part II.D to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (1), as last amended by Directive 86/431/EEC (2).

May not be used in:

- ornamental objects intended to produce light or colour effects by means of different phases, for example in ornamental lamps and ashtrays,
- tricks, jokes,
- games for one or more participants, or any object intended to be used as such, even with ornamental aspects.

(1) OJ No 196, 16. 8. 1967, p. 1.

(2) OJ No L 247, 1. 9. 1986, p. 1.;

3. the following is added to point 5 (benzene) in the right-hand column:

'May not be used in concentrations equal to, or greater than, 0,1% by mass in substances or preparations placed on the market.

However, this provision shall not apply to:

- (a) motor fuels which are covered by Directive 85/210/EEC;
- (b) substances and preparations for use in industrial processes not allowing for the emission of benzene in quantities in excess of those laid down in existing legislation;
- (c) waste covered by Directives 75/442/EEC (1) and 78/319/EEC (2).

(1) OJ No L 194, 25. 7. 1975, p. 39.

(2) OJ No L 84, 31. 3. 1978, p. 43.;

4. the following points are added:

13. 2-naphthylamine  
CAS No 91-59-8  
and its salts

May not be used in concentrations equal to or greater than 0,1% by weight in substances and preparations placed on the market.

- |   |  |
|---|--|
| <p>14. Benzidine<br/>CAS No 92-87-5<br/>and its salts</p>   | <p>However, this provision shall not apply to waste containing one or more of these substances and covered by Directives 75/442/EEC and 78/319/EEC.</p>  |
| <p>15. 4-nitrobiphenyl<br/>CAS No 92-93-3</p>   |  |
| <p>16. 4-aminobiphenyl<br/>CAS No 92-67-1<br/>and its salts</p>   | <p>Such substances and preparations may not be sold to the general public. Without prejudice to the application of other Community provisions on the classification, packaging and labelling of dangerous substances and preparations, the packaging of such preparations shall be legible and indelibly marked as follows:</p> <p>“Restricted to professional users.”</p>   |
| <p>17. Lead carbons:</p> <ul style="list-style-type: none"> <li>— neutral anhydrous carbonate<br/>Pb CO<sub>3</sub><br/>CAS No 598-63-0</li> <li>— lead hydrocarbonate<br/>2 Pb CO<sub>3</sub> Pb(OH)<sub>2</sub><br/>CAS No 1319-46-6</li> </ul> | <p>May not be used as substances and constituents of preparations intended for use as paints, except for the restoration and maintenance of works of art and historic buildings and their interiors, where Member States wish to authorize this on their territory, in accordance with the provisions of ILO Convention 13 on the use of white lead in paint.</p>  |
| <p>18. Lead sulphates<br/>PbSO<sub>4</sub> (1:1)<br/>CAS No 7446-14-2<br/>Pb<sub>x</sub>SO<sub>4</sub><br/>CAS No 15739-80-7</p>  | <p>May not be used as substances and constituents of preparations intended for use as paints, except for the restoration and maintenance of works of art and historic buildings and their interiors, where Member States wish to authorize this on their territory, in accordance with the provisions of ILO Convention 13 on the use of sulphates of lead in paint.</p>   |
| <p>19. Mercury compound</p>   | <p>May not be used as substances and constituents of preparations intended for use:</p> <ul style="list-style-type: none"> <li>(a) to prevent the fouling by micro-organisms, plants or animals of: <ul style="list-style-type: none"> <li>— the hulls of boats,</li> <li>— cages, floats, nets and any other appliances or equipment used for fish or shellfish farming,</li> <li>— any totally or partly submerged appliances or equipment;</li> </ul> </li> <li>(b) in the preservation of wood;</li> <li>(c) in the impregnation of heavy-duty industrial textiles and yarn intended for their manufacture;</li> </ul> |

## 20. Arsenic compounds

(d) in the treatment of industrial waters, irrespective of their use.

1. May not be used as substances and constituents of preparations intended for use:

(a) to prevent the fouling by micro-organisms, plants or animals of:

- the hulls of boats,
- cages, floats, nets and any other appliances or equipment used for fish or shellfish farming,
- any totally or partly submerged appliances or equipment;

(b) in the preservation of wood.

In this case, the ban does not apply to solutions of inorganic salts of the CCA (copper — chromium — arsenic) type employed in industrial installations using vacuum or pressure to impregnate wood.

In addition, Member States may authorize on their territory the use of preparations of the DFA (dinitrophenol — fluoride — arsenic) type for the retreatment *in situ* of wooden poles already in place and supporting overhead cables. Such preparations must be employed by professionals using vacuum or pressure.

2. May not be used as substances and constituents of preparations intended for use in the treatment of industrial waters, irrespective of their use.

## 21. Organostannic compounds

1. May not be used as substances and constituents of preparations intended for use to prevent the fouling by micro-organisms, plants or animals of:

- (a) the hulls of boats of an overall length, as defined by ISO 8666, of less than 25 metres;
- (b) cages, floats, nets and any other appliances or equipment used for fish or shellfish farming;
- (c) any totally or partly submerged appliances or equipment.



Such substances and preparations

- may be placed on the market only in packagings of a capacity equal to or greater than 20 litres,
- may not be sold to the general public but only to professional users.

Without prejudice to the application of other Community provisions on the classification, packaging and labelling of dangerous substances and preparations, the packaging of such preparations shall be legible and indelibly marked as follows:

“Not to be used on boats of an overall length of less than 25 metres or on any appliances or equipment used in fish or shellfish farming.”

“Restricted to professional users.”

2. May not be used as substances and constituents of preparations intended for use in the treatment of industrial waters, irrespective of their use.

22. di- $\mu$ -oxo-di-n-butylstanniohydroxyborane  
( $C_8H_{19}BO_3Sn_2$ ,  
CAS No 75113-37-0)  
(DBB)

Shall be prohibited in a concentration equal to or greater than 0,1% in substances and constituents of preparations placed on the market. However, this provision shall not apply to this substance (DBB) or preparations containing it if these are intended solely for conversion into finished products, among which this substance will no longer feature in a concentration equal to or greater than 0,1%.

#### Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 18 months after the date of its adoption. They shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission not later than 18 months after the adoption of this Directive the text of the provisions of national law which they adopt in the field covered by this Directive.

#### Article 3

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1989.

For the Council  
The President  
E. CRESSON

## COUNCIL DIRECTIVE

of 21 December 1989

amending Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations

(89/678/EEC)

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 <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas the public and the environment are constantly exposed to new risks resulting from the use of chemical products; whereas when damage is detected and in particular when cases which have serious consequences for human health are observed, immediate action is required for the prohibition or limiting of the marketing or use of certain dangerous substances and preparations at Community level;

Whereas, in its present wording, Directive 76/769/EEC <sup>(4)</sup> does not stipulate that adaptations to technical progress of the Annexes may be decided upon by the Commission, assisted by a committee, and accordingly each adaptation must be the subject of a Council decision;

Whereas technical progress makes it necessary to adapt the provisions contained in the Annex to Directive 76/769/EEC promptly; whereas, to make it easier to implement the required measures, it is necessary to institute a procedure providing for close collaboration between the Member States and the Commission; whereas provision should be made to provide for such a procedure within a committee and for such amendments to be adopted in accordance with the procedure laid down in Article 21 of Council Directive 67/548/EEC of 27 June 1967 on the approximation of the

laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances <sup>(5)</sup>, as last amended by Directive 88/490/EEC <sup>(6)</sup>,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The following Article is hereby inserted in Directive 76/769/EEC:

*'Article 2a*

Amendments required to adapt the Annexes to technical progress, with regard to the substances and preparations already covered by the Directive, shall be adopted in accordance with the procedure laid down in Article 21 of Directive 67/548/EEC <sup>(1)</sup>, as last amended by Decision 88/490/EEC <sup>(2)</sup>.

<sup>(1)</sup> OJ No 196, 16. 8. 1967, p. 1.

<sup>(2)</sup> OJ No L 259, 19. 9. 1988, p. 1.'

*Article 2*

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1989.

*For the Council*  
The President  
E. CRESSON

<sup>(1)</sup> OJ No C 117, 4. 5. 1988, p. 14.

<sup>(2)</sup> OJ No C 262, 10. 10. 1988, p. 84, and  
OJ No C 291, 20. 11. 1989, p. 55.

<sup>(3)</sup> OJ No C 377, 12. 12. 1988, p. 7.

<sup>(4)</sup> OJ No L 262, 27. 9. 1976, p. 201.

<sup>(5)</sup> OJ No 196, 16. 8. 1967, p. 1.

<sup>(6)</sup> OJ No L 259, 19. 9. 1988, p. 1.

## COUNCIL DIRECTIVE

of 21 December 1989

amending for the fifth time Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products

(89/679/EEC)

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 <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Directive 76/768/EEC <sup>(4)</sup>, as last amended by Directive 88/667/EEC <sup>(5)</sup>, establishes, for the purposes of adapting technical requirements laid down by the Directive to technical progress, a procedure for close cooperation between Member States and the Commission within a committee on the adaptation to technical progress of the directives on the removal of technical barriers to trade in the cosmetics products sector;

Whereas, in the case of Annexes III to VII, the procedure involving that committee applies until 31 December 1988; whereas the period during which the procedure applies should be extended indefinitely,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The second subparagraph of Article 8 (2) of Directive 76/768/EEC shall be deleted.

*Article 2*

This Directive is addressed to the Member States..

Done at Brussels, 21 December 1989.

*For the Council*

*The President*

E. CRESSON

<sup>(1)</sup> OJ No C 214, 16. 8. 1988, p. 16.

<sup>(2)</sup> OJ No C 47, 27. 2. 1989, p. 81, and OJ No C 256, 9. 10. 1989, p. 68.

<sup>(3)</sup> OJ No C 56, 6. 3. 1989, p. 1.

<sup>(4)</sup> OJ No L 262, 27. 9. 1976, p. 169.

<sup>(5)</sup> OJ No L 382, 21. 12. 1988, p. 46.

## COUNCIL DIRECTIVE

of 21 December 1989

amending Directive 77/536/EEC on the approximation of the laws of the Member States relating to the roll-over protection structures of wheeled agricultural or forestry tractors

(89/680/EEC)

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 <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas it is necessary to adopt measures 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 Article 9 of Directive 77/536/EEC <sup>(4)</sup>, as last amended by Directive 87/354/EEC <sup>(5)</sup>, limits the scope of the said Directive to wheeled agricultural or forestry tractors with a mass of between 1,5 and 4,5 tonnes; whereas an increase of 1,5 tonnes in the maximum mass as laid down at present would not entail any major disadvantages from the standpoint of safety on the roads and safety at work on the land;

Whereas the roll-over protection structures of tractors with a mass of between 4,5 and 6 tonnes can be treated in the same way as those of tractors with a mass of between 1,5 and 4,5 tonnes and hence can be accorded the benefit of the same rules,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

In the first line of the fourth indent of Article 9 of Directive 77/536/EEC, 'mass between 1,5 and 4,5 tonnes' is replaced by 'mass between 1,5 and 6 tonnes'.

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 12 months from 3 January 1990. They shall forthwith inform the Commission thereof.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1989.

*For the Council*  
*The President*  
E. CRESSON

<sup>(1)</sup> OJ No C 324, 17. 12. 1988, p. 14.

<sup>(2)</sup> OJ No C 120, 16. 5. 1989, p. 17, and  
OJ No C 256, 9. 10. 1989, p. 75.

<sup>(3)</sup> OJ No C 102, 24. 4. 1989, p. 8.

<sup>(4)</sup> OJ No L 220, 29. 8. 1977, p. 1.

<sup>(5)</sup> OJ No L 192, 11. 7. 1987, p. 43.

## COUNCIL DIRECTIVE

of 21 December 1989

amending Directive 87/402/EEC on roll-over protection structures mounted in front of the driver's seat on narrow-track wheeled agricultural and forestry tractors

(89/681/EEC)

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,

*Article 1*

Directive 87/402/EEC is hereby amended as follows:

Having regard to the proposal from the Commission <sup>(1)</sup>,

1. in Annex IV-A, point 1.6 is replaced by the following:

In cooperation with the European Parliament <sup>(2)</sup>,

'1.6. Additional tests

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

1.6.1. If cracks or tears which cannot be considered negligible appear during an impact test, a second, similar test, but with a height of fall of:

$$H' = \frac{H}{10} \times \frac{12 + 4a}{1 + 2a}$$

Whereas it is necessary to adopt measures 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;

shall be performed immediately after the impact tests causing these tears or cracks to appear, "a" being the ratio of the permanent deformation to the elastic deformation ( $a = D_p/D_e$ ) as measured at the point of impact.

Whereas Article 12 of Directive 87/402/EEC <sup>(4)</sup> lays down that the said Directive shall be supplemented by provisions introducing additional impact tests into the dynamic test procedure;

The additional permanent deformation due to the second impact must not exceed 30 % of the permanent deformation due to the first impact.

Whereas, since provision is already made for an additional test in the case of the static test procedure, it is necessary also in that of the dynamic test procedure to provide for an additional test — which more accurately reflects the situation in the event of tractor roll-over — in order that these two test procedures may be rendered equivalent and the present imbalance between them eliminated;

In order to be able to carry out the additional test, it is necessary to measure the elastic deformation during all of the impact tests.

Whereas, in respect of the reliability of the parameters and calculations, the results of the practical experiments carried out on rear-mounted structures may be transposed to the same type of structure, but mounted on the front,

1.6.2. If, during a crushing test, significant cracks or tears appear, a second, similar, crushing test, but with a force equal to 1,2  $F_v$ , shall be performed immediately after the crushing test which caused these tears or cracks to appear;

2. in Annex VI, the following point is added:

'7.3. Indication and results of any additional dynamic test'.

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 12 months from

<sup>(1)</sup> OJ No C 305, 30. 11. 1988, p. 7.

<sup>(2)</sup> OJ No C 120, 16. 5. 1989, p. 70, and OJ No C 256, 9. 10. 1989, p. 76.

<sup>(3)</sup> OJ No C 102, 24. 4. 1989, p. 6.

<sup>(4)</sup> OJ No L 220, 8. 8. 1987, p. 1.

3 January 1990. They shall forthwith inform the Commission thereof.

Done at Brussels, 21 December 1989.

*Article 3*

This Directive is addressed to the Member States.

*For the Council*

*The President*

E. CRESSON

## COUNCIL DIRECTIVE

of 21 December 1989

amending Directive 86/298/EEC on rear-mounted roll-over protection structures of narrow-track wheeled agricultural and forestry tractors

(89/682/EEC)

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 <sup>(1)</sup>,

In cooperation with the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas it is necessary to adopt measures 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 Article 13 of Directive 86/298/EEC <sup>(4)</sup> lays down that the provisions at present in force shall be supplemented by provisions introducing additional impact tests into the dynamic test procedure;

Whereas, since provision is already made for an additional test in the case of the static test procedure, it is necessary also in that of the dynamic test procedure to provide for an additional test which more accurately reflects the situation in the event of tractor roll-over in order that these two test procedures may be rendered equivalent and the present imbalance between them eliminated;

Whereas the purely theoretical parameters and calculations on which the additional dynamic impact test was initially based have been the subject of practical experiments that leave no doubt as to their reliability;

Whereas it is also necessary to amend the scope of Directive 86/298/EEC so as to clarify the wording of the second indent of Article 1 concerning the tyres fitted to the front and rear axles, and thus eliminate any possibility of differing interpretations,

*Article 1*

Directive 86/298/EEC is hereby amended as follows:

1. the second indent of Article 1 is replaced by the following:

— fixed or adjustable minimum track width of less than 1 150 mm for the axles fitted with the widest tyres; since the axle fitted with the widest tyres is assumed to be adjusted to a maximum track width of 1 150 mm, the other axle must be capable of being adjusted in such a way that the outer edges of the narrowest tyres do not project beyond the outer edges of the tyres on the axle with the widest tyres. Where both axles are equipped with wheels and tyres of the same size, the fixed or adjustable track width of both axles must be less than 1 150 mm;

2. in Annex II, point 3.1.1 is replaced by the following:

'3.1.1. After each partial test in the dynamic test procedure, it shall be free from tears or cracks as described in point 3.1 of Annex III (A).

If, during the dynamic test, significant tears or cracks appear, an additional impact test or crushing test as defined in point 1.6 of Annex III (A) must be performed immediately after the test which caused these tears or cracks to appear.'

3. in Annex III (A), point 1.6 is replaced by the following:

'1.6. Additional tests

1.6.1. If cracks or tears which cannot be considered negligible appear during an impact test, a second, similar test, but with a height of fall of:

$$H' = \frac{H}{10} \times \frac{12 + 4a}{1 + 2a}$$

shall be performed immediately after the impact test causing these tears or cracks to appear, "a" being the ratio of the permanent deformation to the elastic deformation ( $a = D_p/D_e$ ) as measured at the point of impact.

<sup>(1)</sup> OJ No C 311, 6. 12. 1988, p. 9.

<sup>(2)</sup> OJ No C 120, 16. 5. 1989, p. 70, and OJ No C 256, 9. 10. 1989, p. 77.

<sup>(3)</sup> OJ No C 102, 24. 4. 1989, p. 5.

<sup>(4)</sup> OJ No L 186, 8. 7. 1986, p. 26.

The additional permanent deformation due to the second impact must not exceed 30% of the permanent deformation due to the first impact.

In order to be able to carry out the additional test, it is necessary to measure the elastic deformation during all of the impact tests.

- 1.6.2. If, during a crushing test, significant tears or cracks appear, a second, similar crushing test, but with a force equal to  $1,2 F_v$ , shall be performed immediately after the crushing test which caused these tears and cracks to appear.';

4. in Annex VI, the following point is inserted:

- '7.3. Indication and results of any additional dynamic test.'

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 12 months from 3 January 1990. They shall forthwith inform the Commission thereof.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1989.

*For the Council*  
*The President*  
E. CRESSON



## COUNCIL DECISION

of 21 December 1989

authorizing the French Republic to apply a measure derogating from Article 2 of the Sixth Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes

(89/683/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment <sup>(1)</sup>, as last amended by Directive 89/465/EEC <sup>(2)</sup>, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 27 (1) of the aforementioned Directive, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce special measures for derogation from that Directive in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance;

Whereas the Eighteenth Council Directive 89/465/EEC repeals, as from 1 January 1990, the transitional derogation provided for in Article 28 (3) (b) of the Sixth Directive 77/388/EEC, read in conjunction with point 20 of Annex F thereto, which permits Member States to continue to exempt supplies of recuperable material and fresh industrial waste; whereas the arrangements for taxing such supplies pose problems in France because some waste recovery operators have been accustomed in the past to issuing false invoices designed to transfer an entitlement to tax deduction with the taxes invoiced not being repaid to the Treasury; whereas, by registered letter to the Commission dated 29 September 1989, the French Republic requested authorization to introduce a special measure derogating from Article 2 of the Sixth Directive 77/388/EEC;

Whereas that special measure consists of:

- exempting transactions carried out by taxable persons whose annual turnover in respect of such products is below a given amount and restricting taxation to transactions carried out by firms which, by their very

structure, show themselves to be reliable and of good repute in tax matters; whereas the authorities are to check these conditions under an authorization procedure which may involve the provision of a guarantee,

- suspending payment of the tax relating to non-exempt supplies of fresh industrial waste and recuperable material where these consist of non-ferrous metals and their alloys, such supplies, however, being considered taxable transactions, for the application of deductions,
- exempting imports;

Whereas this measure constitutes a derogation from Articles 2 and 10 (2) of the Sixth Directive 77/388/EEC, according to which:

- all supplies of goods effected for consideration within the territory of a country by a taxable person acting as such and all imports of goods are subject to value added tax,
- the chargeable event shall occur and the tax shall become chargeable when the goods are delivered;

Whereas the request for authorization can be accepted under certain conditions;

Whereas the derogation will be temporary, in accordance with the request for authorization made by the Republic of France, which will permit an assessment of the effects of the authorization granted by this Decision after a certain period of application;

Whereas the Commission will submit a report to the Council, before 1 January 1993, on the application of this authorization, accompanied, where appropriate, by a proposal for a Decision to extend the said authorization; whereas the Council will decide before that date on the extension of the authorization;

Whereas this derogation will not have a negative effect on the European Communities' own resources accruing from value added tax;

Whereas the other Member States were informed of the French Republic's request on 27 October 1989,

<sup>(1)</sup> OJ No L 145, 13. 6. 1977, p. 1.

<sup>(2)</sup> OJ No L 226, 3. 8. 1989, p. 21.

HAS ADOPTED THIS DECISION:

*Article 1*

By way of derogation from Article 2 of the Sixth Directive 77/388/EEC, the French Republic is hereby authorized, until 31 December 1992 and in respect of fresh industrial waste and recuperable material, to exempt from value added tax (hereinafter referred to as 'VAT'):

- on the one hand, supplies made by:
  - undertakings whose annual turnover is less than FF 500 000,
  - undertakings which do not have a permanent establishment or which, although they have a permanent establishment, have achieved in the previous year a turnover figure in respect of such products of less than FF 6 million, unless they are authorized to subject such transactions to VAT,
- on the other hand, imports.

*Article 2*

By way of derogation from Article 10 (2) of the Sixth Directive 77/388/EEC, the French Republic is hereby authorized to introduce in respect of supplies to taxable persons of fresh industrial waste and recuperable material in the form of non-ferrous metals and their alloys, where these supplies are not exempt from VAT on the basis of Article 1,

arrangements suspending payment of the tax relating to these transactions.

The taxable persons receiving these supplies shall pay the tax on them where these products are intended neither for the export as such nor for the manufacture or resale as such of products liable to VAT.

*Article 3*

In the light of a report from the Commission on the application of the authorization referred to in Articles 1 and 2, accompanied, where appropriate, by a proposal for a Decision extending the said authorization, the Council, acting on the basis of that proposal, shall decide, before 1 January 1993, whether the said authorization is to be extended.

*Article 4*

This Decision is addressed to the French Republic.

Done at Brussels, 21 December 1989.

*For the Council*  
*The President*  
E. CRESSON

## COUNCIL DIRECTIVE

of 21 December 1989

on vocational training for certain drivers of vehicles carrying dangerous goods by road

(89/684/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas, over the years, both national and international services carrying dangerous goods by road have been growing, adding to the risk of accidents;

Whereas it is in the public interest to reduce as far as possible the risk of such accidents with their potential for causing perhaps irreversible damage to the environment and seriously injuring the vehicle crew or anyone else coming into contact with the goods;

Whereas the origin of many accidents involving vehicles carrying dangerous goods, and in particular the seriousness of such accidents, can be traced to an insufficient knowledge of the risks inherent in the carriage of such goods on the part of the vehicle crews and every effort must therefore be made to improve the professional qualifications of such crews;

Whereas the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), to which nearly all the Member States are Contracting Parties, stipulates that international carriage by road of dangerous goods in tanks, batteries or receptacles or tank containers with a total capacity of more than 3 000 litres per transport unit must be carried out by drivers who have been specially trained; whereas a recent amendment to the ADR states that, as from 1 January 1996, such training must have been given in respect of the carriage of goods on vehicles of a maximum permissible weight exceeding 3,5 tonnes, provided the quantities of packaged goods exceed the minimum laid down in marginal 10011 of the ADR; whereas it is desirable not only that such measures should be implemented throughout the Community but also that they should be strengthened and their scope extended to national traffic;

Whereas the obligation to guarantee satisfactory vocational training for all those engaged in the carriage of dangerous goods calls for, in view of the introduction of the single transport market, all necessary measures to be taken to ensure better risk prevention not only for international but also national services carrying such goods;

Whereas with a view, *inter alia*, to promoting Community-wide harmonized systems for training drivers of vehicles carrying dangerous goods, standardized training programmes should be introduced for such drivers, using modern methods generally geared to active learning by the participants;

Whereas provision should be made for the issue of a certificate corresponding to certain minimum vocational training requirements; whereas the certificate thus issued must be recognized throughout the Community;

Whereas Portugal has implemented a programme for training drivers of vehicles carrying dangerous goods, which runs until 31 December 1995; whereas Portugal is unable for organizational reasons to reduce this period and that State should accordingly be granted an additional period of one year for the training of certain of these drivers,

HAS ADOPTED THIS DIRECTIVE:

*Article 1***Objective**

The objective of this Directive is to require drivers who, by way of national or international road transport, carry dangerous goods using:

- vehicles with a maximum permissible weight exceeding 3,5 tonnes and carrying such goods in quantities higher than the thresholds laid down in marginal 10011 of the ADR. However, in the case of explosive substances and articles, vehicles shall be taken into account whatever their maximum permissible weight may be,
- tank vehicles or transport units comprising tanks or tank containers with a capacity exceeding 3 000 litres and/or a maximum permissible weight exceeding 3,5 tonnes, where such vehicles or such transport units carry dangerous goods or carry out a road transport operation

<sup>(1)</sup> OJ No C 322, 15. 12. 1988, p. 11.

<sup>(2)</sup> OJ No C 47, 27. 2. 1989, p. 182.

<sup>(3)</sup> OJ No C 56, 6. 3. 1989, p. 27.

when the dangerous goods have been unloaded but the tanks have not been cleaned and/or degasified,

to hold a vocational-training certificate issued by the authority or body designated for this purpose by each Member State and conforming that they have successfully completed appropriate training in the carriage of dangerous goods by road.

This Directive shall not apply to vehicles belonging to, or coming under, the responsibility of a Member State's armed forces.

### Article 2

#### Definitions

For the purposes of this Directive:

1. 'ADR' shall mean the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), concluded in Geneva on 30 September 1957, as amended on the date on which this Directive is adopted;
2. 'carriage by road' shall mean any journey made on roads open to the public by a vehicle used for the carriage of dangerous goods;
3. 'driver' shall mean any person who is given responsibility for driving the vehicle, even for a short period;
4. 'tank vehicle', 'transport unit', 'tank' shall be those referred to in marginal 10014 of the ADR;
5. 'dangerous goods' shall mean the substances and articles referred to in the ADR;
6. 'vocational training' certificate shall mean the certificate provided for in Appendix B.6 to the ADR;
7. 'provisional vocational training certificate' shall mean the certificate provided for in Appendix B.6 to the ADR with the legend 'Application of Article 4 (2) of Directive 89/684/EEC and valid only for carriage performed within the Member State which issued this certificate.'

### Article 3

Member States may, after agreement with the Commission, exempt from all or part of this Directive, and for a renewable period of two years, drivers of vehicles exclusively engaged in the national carriage of goods posing little danger or pollution hazard because of their special characteristics or of the small quantities carried.

Reasons must be given for all decisions taken by the competent authorities in the Member States under the previous paragraph, and such decisions must be communicated to the Commission, which shall notify the other Member States thereof.

### Article 4

#### Vocational training

1. The training which the drivers referred to in Article 1 require in order to obtain a vocational training certificate shall be given in the form of a theoretical course accompanied by practical exercises and approved by the competent authority.

The essential objectives of this training shall be to make those concerned aware of the risks inherent in the carriage of dangerous goods and impart the basic knowledge needed to minimize the chance of an incident occurring and, if one does occur, to take the measures necessary to safeguard themselves and the environment and to limit the effects.

This training must cover at least the subjects listed in the Annex.

To obtain a vocational training certificate, candidates must pass an examination approved by the competent authority, which shall ensure that examiners are independent.

2. Member States may grant the provisional vocational training certificate to drivers who request it for the first time within the six months preceding the dates when this Directive is implemented without having followed the course and having sat the examination laid down in paragraph 1, on condition that such drivers provide proof that they have been engaged in the occupation of drivers of vehicles carrying dangerous goods for the five years preceding the date of implementation of this Directive.

Seasonal lay-offs, holidays and breaks between employment of up to six months in any 12-month period or totalling up to 18 months in the period as a whole shall be allowed.

The certificate referred to in the first subparagraph shall be valid only for the carriage of goods within the Member State which issued it. Its validity shall expire on 31 December 1996.

3. A Member State may require drivers engaged in the carriage of dangerous goods in vehicles registered in that Member State to undergo more extensive vocational training than provided for in the Annex. This may take the form of training already available in the Member State or of training which the Member State decides to introduce.

4. Certificates issued by Member States before the implementation date of this Directive on the basis of existing national provisions which the Commission has confirmed correspond at least to the requirements of this Directive shall be recognized as training certificates within the meaning of this Directive until the end of their period of validity, but not for a period exceeding five years.

*Article 5*

1. The vocational training certificate referred to in Article 1 shall be valid for five years.
2. The validity of the certificate may be extended for periods of five years where the holder:
  - (a) has, in the year before his certificate expires, completed a refresher course approved by the competent authority and has passed a test approved by that competent authority; or
  - (b) can prove to the competent authority or body that he has been engaged in the occupation without interruption since his certificate was issued or last renewed. Seasonal lay-offs, holidays and breaks between employment of up to six months in any 12-month period shall be allowed.
3. A Member State may provide for a shorter period of validity for the vocational training certificates of drivers who carry dangerous goods in vehicles registered in that Member State.

*Article 6*

Without prejudice to Article 4 (2), all Community Member States shall recognize the vocational training certificates referred to in Article 1 issued by any other Member State.

*Article 7*

1. The procedure provided for in paragraph 2 shall apply to the amendment of this Directive for the purposes of:
  - taking account of future amendments to the ADR,
  - adapting it to scientific and technical progress in the fields covered by this Directive.
2. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

*Article 8***Implementation**

Drivers of vehicles carrying dangerous goods must be in possession of a vocational training certificate:

- (a) as from 1 July 1992
  - for the carriage of dangerous goods in tanks, using tank vehicles or transport units comprising tanks or tank containers with a capacity exceeding 3 000 litres,
  - for the carriage of explosive substances;
- (b) as from 1 January 1995 for all other types of carriage of dangerous goods as referred to in Article 1.  
However, for drivers of vehicles registered in Portugal, 1 January 1995 shall be replaced by 1 January 1996.

A Member State may, for drivers engaged in the carriage of dangerous goods on vehicles registered in that Member State, fix deadlines prior to those laid down in the first paragraph.

*Article 9*

1. After consulting the Commission, Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive.
2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.
3. The Commission shall submit to the Council before 1 September 1990 a report on the application of this Directive by each Member State, if necessary accompanied by proposals for amendments.

*Article 10*

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1989.

*For the Council*  
The President  
E. CRESSON

## ANNEX

## LIST OF SUBJECTS COVERED BY ARTICLE 4

The knowledge required in order to qualify for a vocational training certificate must cover at least the following subjects:

- (a) general requirements concerning the transport of dangerous goods;
- (b) main types of hazard;
- (c) preventive and safety measures appropriate to the various types of hazard;
- (d) what to do after an accident (first aid, road safety, basic knowledge about the use of protective equipment, etc.);
- (e) labelling and marking to indicate danger;
- (f) what a vehicle driver should and should not do during the carriage of dangerous goods;
- (g) the purpose and method of operation of technical equipment on vehicles used for the carriage of dangerous goods;
- (h) prohibitions on mixed loading in the same vehicle or container;
- (i) precautions to be taken during loading and unloading of dangerous goods;

for drivers of vehicles carrying goods in packages, the knowledge required in order to qualify for a training certificate must also cover:

- (j) handling and stowage of packages;

for drivers of vehicles carrying goods in tanks, the knowledge required in order to qualify for a training certificate must also cover:

- (k) the behaviour of vehicles carrying tanks and tank-containers on road, including movement of load.
-