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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 717/91
of 21 March 1991
concerning the Single Administrative Document

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas Council Regulation (EEC) No 678/85 of 18 February 1985 simplifying formalities in trade in goods within the Community ⁽⁴⁾ provides that the formalities connected with such trade are to be completed using a Single Administrative Document; whereas the specimen form of that document was drawn up by Council Regulation (EEC) No 679/85 ⁽⁵⁾, as last amended by Commission Regulation (EEC) No 1062/87 ⁽⁶⁾; whereas Regulation (EEC) No 1900/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 1059/86 ⁽⁸⁾, stipulated that export and import declarations must be made on a document corresponding to the specimen form drawn up in accordance with Regulation (EEC) No 679/85;

Whereas Article 8a of the Treaty provides for the progressive establishment, over a period expiring on 31 December 1992, of the internal market, which comprises an area without internal frontiers in which the free movement of goods, in particular, is ensured;

Whereas the effect of implementing that provision is to eliminate all checks and all formalities in respect of Community goods moving within the Community and,

hence, to make the provisions laid down in Regulation (EEC) No 678/85, in principle, redundant; whereas, however, the Single Administrative Document should still be used, where necessary, during the transitional period of the accession of Spain and Portugal to the Community in connection with trade between the Community as constituted on 31 December 1985 and Spain or Portugal and between the two last-mentioned Member States in goods still liable to certain customs duties and charges having equivalent effect or which remain subject to other measures laid down by the Act of Accession;

Whereas trade in intra-Community goods not in free circulation within the Community as well as imports and exports continue to be subject to the principle of use of the Single Administrative Document;

Whereas it is important to ensure uniform implementation of this Regulation and, for this purpose, to provide for a Community procedure that will allow the adoption by appropriate time limits of a certain number of implementing provisions; whereas it is necessary for close and effective cooperation between the Member States and the Commission to be organized for this purpose within a committee;

Whereas it would appear advisable to take the opportunity of amending the legislation concerning the Single Administrative Document to repeal Regulations (EEC) No 678/85 and (EEC) No 679/85 and (EEC) No 1900/85, whilst retaining certain provisions of Regulations (EEC) No 678/85 and (EEC) No 1900/85,

HAS ADOPTED THIS REGULATION:

Article 1

1. Where, in Community legislation, reference is made to an export or import declaration or a declaration placing goods under another customs procedure, including the Community transit procedure, such declaration shall be

⁽¹⁾ OJ No C 214, 29. 8. 1990, p. 11.

⁽²⁾ OJ No C 19, 28. 1. 1991 and

Decision of 20 February 1991 (not yet published in the Official Journal).

⁽³⁾ OJ No C 60, 8. 3. 1991, p. 1.

⁽⁴⁾ OJ No L 79, 21. 3. 1985, p. 1.

⁽⁵⁾ OJ No L 79, 21. 3. 1985, p. 7.

⁽⁶⁾ OJ No L 107, 22. 4. 1987, p. 1.

⁽⁷⁾ OJ No L 179, 11. 7. 1985, p. 4.

⁽⁸⁾ OJ No L 97, 12. 4. 1986, p. 7.

made on a Single Administrative Document form corresponding to the specimen drawn up in accordance with the procedure laid down in Articles 7 and 8.

2. The Single Administrative Document form shall, where necessary, also be used during the transitional period laid down in the Act of Accession of Spain and Portugal in connection with trade between the Community as constituted on 31 December 1985 and Spain or Portugal and between those two last-mentioned Member States in goods still liable to certain customs duties and charges having equivalent effect or which remain subject to other measures laid down by the Act of Accession.

3. The form may also be used where a Community provision expressly provides for such use.

Article 2

Apart from the document referred to in Article 1, Member States may not require any administrative documents other than those which are :

- expressly created by Community Acts or provided for by such Acts,
- required under the terms of international conventions compatible with the Treaty,
- required from operators to enable them to qualify, at their request, for an advantage or a specific facility,
- required, with due regard for the provisions of the Treaty, for the implementation of specific regulations which cannot be implemented solely by the use of the document referred to in Article 1.

Article 3

1. The declarations must be accompanied, within the limits laid down in Article 2, by the documents necessary to place the goods in question under the procedure requested.

2. The lodging with a customs office of a declaration signed by the declarant or his representative shall indicate that the person concerned is declaring the goods in question for the procedure applied for and, without prejudice to the possible application of penal provisions, shall render such person liable, under the provisions in force in the Member States, for :

- the accuracy of the information given in the declaration,
- the authenticity of the documents attached, and
- the observance of all the obligations inherent in placing the goods in question under the procedure concerned.

Article 4

The findings of the competent authorities of a Member State made in the course of the application of this Regulation may be invoked by the competent authorities of the other Member States. In such cases, they shall have the

same conclusive force as the findings of the competent authorities of each of those Member States.

Article 5

This Regulation shall not preclude the use of specific forms which :

- apply under international agreements ;
- are provided for within the framework of simplified or specific procedures, whether or not computerized.

Article 6

1. A Single Administrative Document Committee (hereinafter referred to as 'the Committee') is hereby set up, composed of representatives of the Member States and chaired by a representative of the Commission.

2. The Committee shall draw up its own rules of procedure.

Article 7

The Committee shall have power to examine any question relating to the implementation of this Regulation, submitted to it by its Chairman either on his own initiative or at the request of a representative of a Member State.

Article 8

1. The provisions necessary for applying this Regulation shall be adopted in accordance with the procedure laid down in paragraphs 2 and 3.

2. 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.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) 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.

(c) If, on the expiry of a three-month period from the date of referral, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 9

1. Regulations (EEC) No 678/85, (EEC) No 679/85 and (EEC) No 1900/85 are hereby repealed.

2. Any reference made to the Regulations hereby repealed shall be deemed to be a reference to this Regulation.

Article 10

Each Member State shall inform the Commission of the measures it takes to apply this Regulation.

The Commission shall communicate this information to the other Member States.

Article 11

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

It shall apply from 1 January 1993.

2. Before 1 October 1992, the Council shall review this Regulation on the basis of a progress report from the Commission on the harmonization of provisions on the achievement of the internal market which are necessary for the correct application of this Regulation. The report shall be accompanied by proposals, should there be any, on which the Council shall decide by a qualified majority.

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

Done at Brussels, 21 March 1991.

For the Council

The President

G. WOHLFART

COUNCIL REGULATION (EEC) No 718/91

of 21 March 1991

amending Regulation (EEC) No 3/84 introducing arrangements for movement within the Community of goods sent from one Member State for temporary use in one or more other Member States

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas Regulation (EEC) No 3/84 ⁽⁴⁾, as last amended by Regulation (EEC) No 1292/89 ⁽⁵⁾, became applicable on 1 July 1985 for an initial experimental period of three years;

Whereas application of the arrangements governing the movement of goods within the Community was extended by Regulation (EEC) No 1292/89; whereas the amendments made to those arrangements by that Regulation ensured alignment between the Seventeenth Council Directive 85/362/EEC of 16 July 1985 on the harmonization of the laws of the Member States relating to turnover taxes — Exemption from value added tax on the temporary importation of goods other than means of transport ⁽⁶⁾ and Regulation (EEC) No 3/84;

Whereas, in its present form, Regulation (EEC) No 3/84 does not allow works of art not accompanied by their authors or agents, or carpets that constitute commercial samples, to benefit from the arrangements; whereas this is not only a retrograde step compared with the situation prior to 1 July 1989 but it also fails to ensure parallelism with Directive 85/362/EEC; whereas it is essential to stipulate that the said Regulation is applicable in both cases;

Whereas Article 8a of the Treaty provides for the progressive establishment over a period expiring on 31

December 1992 of the internal market comprising an area without internal frontiers in which, in particular, the free movement of goods is ensured;

Whereas the effect of implementing that provision will be to make the arrangements governing the temporary movement of goods within the Community redundant;

Whereas amendment of Regulation (EEC) No 3/84 is in the interests of Community nationals; whereas it should therefore become applicable as quickly as possible,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3/84 is hereby amended as follows:

1. In Article 1 (1a):

— subparagraph (b) replaced by the following:

'(b) made-up articles of fur, precious stones, carpets excluding commercial samples put up as such, and articles of jewellery;'

— subparagraph (e) deleted.

2. The second paragraph of Article 16 replaced by the following:

'This Regulation repealed as from the date of application of Regulation (EEC) No 2726/90 ^(*).

^(*) OJ No L 262, 26. 9. 1990, p. 1.'

3. In Article 16, the following paragraph added:

'The Commission shall, in accordance with the procedure laid down in Article 15, adopt the necessary transitional provisions.'

Article 2

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

⁽¹⁾ OJ No C 204, 15. 8. 1990, p. 15.

⁽²⁾ OJ No C 324, 24. 12. 1990 and Decision of 20 February 1991 (not yet published in the Official Journal).

⁽³⁾ OJ No C 41, 18. 2. 1991, p. 56.

⁽⁴⁾ OJ No L 2, 4. 1. 1984, p. 1.

⁽⁵⁾ OJ No L 130, 12. 5. 1989, p. 1.

⁽⁶⁾ OJ No L 192, 24. 7. 1985, p. 20.

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

Done at Brussels, 21 March 1991.

For the Council

The President

G. WOHLFART

COUNCIL REGULATION (EEC) No 719/91

of 21 March 1991

on the use in the Community of TIR carnets and ATA carnets as transit documents

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

CHAPTER I

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

TIR Convention

In cooperation with the European Parliament ⁽²⁾,

Article 1

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

Where, in accordance with the provisions in force, goods are transported from one point in the Community to another under the procedure for the international transport of goods under cover of TIR carnets (TIR Convention), the Community shall, for the purposes of the rules governing the use of the TIR carnet for such transport, be considered to form a single territory, as defined by Council Regulation (EEC) No 2151/84 of 23 July 1984 on the customs territory of the Community ⁽⁴⁾, as last amended by Regulation (EEC) No 4151/88 ⁽⁵⁾.

Whereas, pursuant to the rules on Community transit, goods may be carried within the Community under cover of TIR carnets (Customs Convention on the International Transport of Goods under cover of TIR carnets (TIR Convention), done at Geneva on 14 November 1975) or under cover of ATA carnets (Customs Convention on the ATA carnet for the temporary admission of goods (ATA Convention), done at Brussels on 6 December 1961) within the limits laid down by those rules;

Article 2

Whereas, pursuant to Article 48 of the TIR Convention, Contracting Parties which form a customs or economic union may enact special provisions in respect of transport operations commencing or terminating in, or passing through, their territories, provided that such provisions do not attenuate the facilities provided for by that Convention; whereas, pursuant to Article 14 of the ATA Convention, the territories of Contracting Parties which form a customs or economic union may be taken to be a single territory;

Within the meaning of Article 1 (h) of the TIR Convention, 'customs office en route' shall mean any customs office through which a road vehicle, combination of vehicles or container, as defined in the TIR Convention, is imported into or exported from the customs territory of the Community in the course of a TIR operation.

Article 3

Whereas designating the Community as a single territory for the purposes of the rules governing the use of TIR or ATA carnets would entail the abolition of all formalities and checks for crossing the Community's internal frontiers provided for in those rules and would mark a further step towards progressive elimination of these frontiers; whereas, to this end, the necessary measures should be adopted and provision made for them to be implemented before the scheduled date for completion of the internal market;

Where, in the course of transport from one point in the Community to another, goods pass through the territory of a third country, the checks and formalities associated with the TIR procedure shall be carried out at the points where the goods leave the customs territory of the Community temporarily and where they re-enter that territory.

Article 4

Whereas the incorporation of this reform in the operation of the TIR and ATA procedures requires the adoption of implementing provisions; whereas, to that end, close cooperation between the Member States and the Commission must be established within a Committee,

For the purposes of applying Article 8 (4) of the TIR Convention, where a consignment enters the customs territory of the Community or transport thereof commences at a customs office of departure situated in the customs territory of the Community, the guaranteeing association shall become or shall be responsible to the authorities of each Member State, the territory of which the TIR consignment enters up to the point at which it leaves the customs territory of the Community or up to the customs office of destination in that territory.

⁽¹⁾ OJ No C 142, 12. 6. 1990, p. 6.

⁽²⁾ OJ No C 324, 24. 12. 1990 and Decision of 20 February 1991 (not yet published in the Official Journal).

⁽³⁾ OJ No C 41, 18. 2. 1991, p. 36.

⁽⁴⁾ OJ No L 197, 27. 7. 1984, p. 1.

⁽⁵⁾ OJ No L 367, 31. 12. 1988, p. 1.

Article 5

1. When goods are transported under cover of TIR carnets within the customs territory of the Community, they shall be deemed non-Community goods, unless their Community status is duly established.
2. The rules for establishing the Community status of the goods referred to in paragraph 1 shall be determined in accordance with the procedure laid down in Article 12.

CHAPTER II

ATA Convention

Article 6

Where in accordance with the provisions in force, the transit of goods is carried out under cover of ATA carnets (ATA Convention), the territories of the Member States of the Community shall, for the purposes of such transit, be considered to form a single territory within the meaning of Article 1.

Article 7

For the purposes of using ATA carnets as transit documents, 'transit' shall mean the transport of goods from a customs office situated in the customs territory of the Community to another customs office situated within the same territory.

Article 8

Where, in the course of transport from one point in the Community to another, goods pass through the territory of a third country, the checks and formalities associated with the ATA procedure shall be carried out at the points where the goods leave the customs territory of the Community temporarily and where they re-enter that territory.

Article 9

1. When goods are transported under cover of ATA carnets within the customs territory of the Community, they shall be deemed non-Community goods, unless their Community status is duly established.
2. The rules for establishing the Community status of the goods referred to in paragraph 1 shall be determined in accordance with the procedure laid down in Article 12.

CHAPTER III

Common provisions

Article 10

1. This Article shall apply without prejudice to the specific provisions of the TIR and the ATA Conventions concerning the liability of the guaranteeing associations when a TIR or an ATA carnet is being used.

2. Where it is found that, in the course of or in connection with a transport operation carried out under cover of a TIR carnet or a transit operation carried out under cover of an ATA carnet, an offence or irregularity has been committed in a particular Member State, the recovery of duties and other charges which may be payable shall be effected by that Member State in accordance with Community or national provisions, without prejudice to the institution of criminal proceedings.

3. Where it is not possible to determine in which territory the offence or irregularity was committed, such offence or irregularity shall be deemed to have been committed in the Member State where it was noted unless, within a period to be determined, proof is furnished to the satisfaction of the competent authorities, of the regularity of the operation or of the place where the offence or irregularity has actually been committed.

If, in the absence of such proof, the said offence or irregularity remains deemed to have been committed in the Member State in which it was noted, the duties and other charges relating to the goods in dispute shall be levied by that Member State in accordance with Community or national provisions.

If, subsequently, the Member State where the said offence or irregularity was actually committed is determined, the duties and other charges (apart from those levied, pursuant to the second subparagraph, as own resources of the Community) to which the goods are liable in that Member State shall be reimbursed to it by the Member State which had originally recovered them. In that case, any overpayment shall be returned to the person who had originally paid the charges.

Where the amount of the duties and other charges originally levied and reimbursed by the Member State which had recovered them is smaller than that of the duties and other charges due in the Member State where the offence or irregularity was actually committed, that Member State shall levy the difference in accordance with Community or national provisions.

Member States shall take the necessary measures to deal with any offence or irregularity and to impose effective penalties.

Article 11

1. Findings made by the competent authorities of a Member State in applying this Regulation shall have the same force in other Member States as those made by the competent authorities of each of those Member States.
2. Where necessary, the competent authorities of the Member States shall communicate to one another all findings, documents, reports, records of proceedings and information relating to TIR or ATA consignments and to any irregularities and offences noted.

Article 12

1. The Committee on Community Transit, provided for in Article 42 of Council Regulation (EEC) No 2726/90 of 17 September 1990 on Community transit⁽¹⁾, may examine any matter concerning the application of this Regulation or raised by its Chairman either on his own initiative or at the request of the representative of a Member State.

2. The provisions necessary for the implementation of this Regulation shall be adopted in accordance with the

procedure laid down in Article 44 (2) and (3) of Regulation (EEC) No 2726/90.

CHAPTER IV

Final provisions*Article 13*

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

It shall apply from 1 January 1992.

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

Done at Brussels, 21 March 1991.

For the Council

The President

G. WOHLFART

⁽¹⁾ OJ No L 262, 26. 9. 1990, p. 1.

**COUNCIL REGULATION (EEC) No 720/91
of 21 March 1991**

**amending Regulation (EEC) No 2763/83 on arrangements permitting goods to be
processed under customs control before being put into free circulation**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 2763/83⁽¹⁾, as last amended by Regulation (EEC) No 2369/89⁽²⁾, was based on Article 235 of the Treaty; whereas developments in Community law, and in particular the case law of the Court of Justice of the European Communities, indicate that the subject matter covered by Regulation (EEC) No 2763/83 comes under Article 113 of the Treaty, as the most recent amendment of that Regulation already demonstrates;

Whereas Article 2 (2) of Regulation (EEC) No 2763/83 provides for the list of goods intended to undergo processing to be definitively amended by the Council acting unanimously; whereas it is therefore appropriate to adapt the decision-making process laid down by this provision to take account of Article 113 of the Treaty; whereas it is also appropriate, to facilitate the management of the arrangements, that the Council should delegate to the Commission the responsibility for establishing the list of goods qualifying for the arrangements and that the Commission should also be able to adopt any provisions necessary for applying the arrangements; whereas close and effective cooperation between the Member States and the Commission in this area should be organized within the Committee for Customs Procedures with Economic Impact,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2763/83 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

'Article 2

Goods on the list established according to the procedure laid down by Article 15 may qualify for the arrangements.'

2. Article 15 shall be replaced by the following:

'Article 15

The provisions necessary for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 31 (2) and (3) of Regulation (EEC) No 1999/85^(*).

(*) OJ No L 188, 20. 7. 1985, p. 1.'

3. The Annex shall be repealed.

Article 2

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

Points 1 and 3 of Article 1 shall be applicable from the date of entry into force of the Regulation laying down the list referred to in the said point 1.

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

Done at Brussels, 21 March 1991.

For the Council

The President

G. WOHLFART

⁽¹⁾ OJ No L 272, 5. 10. 1983, p. 1.

⁽²⁾ OJ No L 225, 3. 8. 1989, p. 5.

COUNCIL REGULATION (EEC) No 721/91
of 21 March 1991

on the conclusion of Protocol 2 establishing, for the period 1 April 1990 to 31 March 1991, the crawfish fishing opportunities and corresponding financial compensation provided for in the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

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

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas, pursuant to the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco ⁽³⁾, signed in Rabat on 26 May 1988, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of Protocol 2, annexed thereto;

Whereas, as a result of these negotiations, a new Protocol 2 establishing, for the period 1 April 1990 to 31 March 1991, the crawfish fishing opportunities and corresponding financial compensation provided for in the abovementioned Agreement was initialled on 20 March 1990;

Whereas, under Article 155 (2) (b) of the Act of Accession, it is for the Council to determine the appropriate procedures to take into consideration all or part of the interests of the Canary Islands and of Ceuta and Melilla 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 it is in the Community's interest to conclude the said Protocol,

Article 1

Protocol 2 establishing, for the period 1 April 1990 to 31 March 1991, the crawfish fishing opportunities and corresponding financial compensation provided for in the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

With a view to taking into consideration the interests of the Canary Islands and of Ceuta and Melilla, the Agreement referred to in Article 1 and, insofar 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 and in Ceuta and Melilla, 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 ⁽⁴⁾, as last amended by Regulation (EEC) No 3902/89 ⁽⁵⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

⁽¹⁾ OJ No C 228, 13. 9. 1990, p. 3.

⁽²⁾ Opinion delivered on 12 March 1991 (not yet published in the Official Journal).

⁽³⁾ OJ No L 181, 12. 7. 1988, p. 3.

⁽⁴⁾ OJ No L 114, 2. 5. 1988, p. 1.

⁽⁵⁾ OJ No L 375, 23. 12. 1989, p. 5.

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

Done at Brussels, 21 March 1991.

For the Council

The President

G. WOHLFART

PROTOCOL 2

establishing, for the period 1 April 1990 to 31 March 1991, the crawfish fishing opportunities and corresponding financial compensation provided for in the agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco, signed in Rabat on 26 May 1988,

HAVE AGREED AS FOLLOWS:

Article 1

From 1 April 1990 to 31 March 1991 five crawfish fishing licences using only pots shall be granted each month for a total gross registered tonnage not exceeding an average 600 in the southern zone. Unused gross registered tonnage in the course of one three-month period may be offset during the following three-month periods.

Vessels holding a crawfish fishing licence may retain only pots on board.

Article 2

At the request of Morocco and with a view to increasing knowledge of crawfish stocks, vessels authorized under this Protocol shall undertake to take on board a scientific observer designated by the Moroccan Ministry of Maritime Fishing and the Merchant Navy.

The observer's conditions on board shall be those provided for in the Annex to the Agreement.

Article 3

In accordance with Moroccan Regulations, vessels authorized under this Protocol shall not fish for crawfish in the

period from 1 July to 30 September of each year, corresponding to the peak reproduction period of these species.

Article 4

The financial compensation for the period provided for in Article 1 shall be set at ECU 300 000, payable to the account of the Ministry for Maritime Fishing and the Merchant Navy at the General Treasury.

Article 5

Before expiry of this Protocol, the Contracting Parties shall meet in the framework of the Joint Committee referred to in Article 10 of the Agreement in order to establish the fishing opportunities and the corresponding Community compensation for the following year.

Article 6

Protocol 2 annexed to the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco for the period from 1 March 1988 to 28 February 1990 is hereby replaced by this Protocol.

Article 7

This Protocol shall enter into force on the date on which it is signed.

It shall be provisionally applicable from 1 April 1990.

COMMISSION REGULATION (EEC) No 722/91

of 25 March 1991

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 533/91⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 22 March 1991;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 533/91 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 1991.

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

Done at Brussels, 25 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 59, 6. 3. 1991, p. 1.

ANNEX

to the Commission Regulation of 25 March 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	132,09 ⁽¹⁾ ⁽³⁾
0712 90 19	132,09 ⁽¹⁾ ⁽³⁾
1001 10 10	195,73 ⁽¹⁾ ⁽³⁾
1001 10 90	195,73 ⁽¹⁾ ⁽³⁾
1001 90 91	175,40
1001 90 99	175,40
1002 00 00	154,92 ⁽⁴⁾
1003 00 10	150,06
1003 00 90	150,06
1004 00 10	143,09
1004 00 90	143,09
1005 10 90	132,09 ⁽³⁾ ⁽⁵⁾
1005 90 00	132,09 ⁽³⁾ ⁽⁵⁾
1007 00 90	143,46 ⁽⁴⁾
1008 10 00	53,91
1008 20 00	137,55 ⁽⁴⁾
1008 30 00	63,45 ⁽⁷⁾
1008 90 10	⁽⁷⁾
1008 90 90	63,45
1101 00 00	259,92 ⁽⁸⁾
1102 10 00	231,25 ⁽⁸⁾
1103 11 10	316,89 ⁽⁸⁾
1103 11 90	279,26 ⁽⁸⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

⁽⁸⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 723/91

of 25 March 1991

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3577/90⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2205/90⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3845/90⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 22 March 1991;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 1991.

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

Done at Brussels, 25 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 25 March 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	7,36	7,36	7,01
0712 90 19	0	7,36	7,36	7,01
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	7,36	7,36	7,01
1005 90 00	0	7,36	7,36	7,01
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 724/91

of 25 March 1991

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Having regard to the Treaty establishing the European Economic Community,

Whereas Article 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽¹⁾, as last amended by Regulation (EEC) No 1906/87⁽²⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽³⁾, as last amended by Regulation (EEC) No 3577/90⁽⁴⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy;

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽⁵⁾, as last amended by Regulation (EEC) No 1806/89⁽⁶⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas Article 2 of Council Regulation (EEC) No 2746/75⁽⁷⁾, and Article 2 of Council Regulation (EEC) No 1431/76⁽⁸⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.⁽⁸⁾ OJ No L 182, 3. 7. 1987, p. 49.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas, if the refund system is to operate normally, refunds should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over

a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/79 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 1991.

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

Done at Brussels, 25 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 25 March 1991 fixing the export refunds on products
processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 100	178,85	1104 22 30 100	165,36
1102 20 10 300	153,30	1104 22 30 900	—
1102 20 10 900	—	1104 22 50 000	—
1102 20 90 100	153,30	1104 23 10 100	191,63
1102 20 90 900	—	1104 23 10 300	146,91
1102 30 00 000	—	1104 23 10 900	—
1102 90 10 100	150,00	1104 29 11 000	—
1102 90 10 900	102,00	1104 29 15 000	—
1102 90 30 100	175,08	1104 29 19 000	—
1102 90 30 900	—	1104 29 91 000	120,00
1103 12 00 100	175,08	1104 29 95 000	107,16
1103 12 00 900	—	1104 30 10 000	30,00
1103 13 11 100	229,95	1104 30 90 000	31,94
1103 13 11 300	178,85	1107 10 11 000	213,60
1103 13 11 500	153,30	1107 10 91 000	178,00
1103 13 11 900	—	1108 11 00 100	240,00
1103 13 19 100	229,95	1108 11 00 900	—
1103 13 19 300	178,85	1108 12 00 100	204,40
1103 13 19 500	153,30	1108 12 00 900	—
1103 13 19 900	—	1108 13 00 100	204,40
1103 13 90 100	153,30	1108 13 00 900	—
1103 13 90 900	—	1108 14 00 100	—
1103 14 00 000	—	1108 14 00 900	—
1103 19 10 000	107,16	1108 19 10 100	245,05
1103 19 30 100	155,00	1108 19 10 900	—
1103 19 30 900	—	1108 19 90 100	—
1103 21 00 000	122,40	1108 19 90 900	—
1103 29 20 000	102,00	1109 00 00 100	0,00
1103 29 30 000	—	1109 00 00 900	—
1103 29 40 000	130,31	1702 30 51 000	267,00
1104 11 90 100	150,00	1702 30 59 000	204,40
1104 11 90 900	—	1702 30 91 000	267,00
1104 12 90 100	194,54	1702 30 99 000	204,40
1104 12 90 300	155,63	1702 40 90 000	204,40
1104 12 90 900	—	1702 90 50 100	267,00
1104 19 10 000	122,40	1702 90 50 900	204,40
1104 19 50 110	204,40	1702 90 75 000	279,77
1104 19 50 130	166,08	1702 90 79 000	194,18
1104 19 50 150	—	2106 90 55 000	204,40
1104 19 50 190	—	2302 10 10 000	27,82
1104 19 50 900	—	2302 10 90 100	27,82
1104 19 91 000	—	2302 10 90 900	—
1104 21 10 100	150,00	2302 20 10 000	27,82
1104 21 10 900	—	2302 20 90 100	27,82
1104 21 30 100	150,00	2302 20 90 900	—
1104 21 30 900	—	2302 30 10 000	27,82
1104 21 50 100	200,00	2302 30 90 000	27,82
1104 21 50 300	160,00	2302 40 10 000	27,82
1104 21 50 900	—	2302 40 90 000	27,82
1104 22 10 100	155,63	2303 10 11 100	102,20
1104 22 10 900	—	2303 10 11 900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 725/91

of 25 March 1991

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs ⁽⁴⁾, as last amended by Regulation (EEC) No 944/87 ⁽⁵⁾, provides that, when export refunds on cereal-based compound

feedingstuffs are being fixed, only certain products used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs ⁽⁶⁾, as last amended by Regulation (EEC) No 1349/87 ⁽⁷⁾, provides that calculation of the export refund must be based on the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month; whereas that calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of the quantity of cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice ⁽⁸⁾, as last amended by Regulation (EEC) No 3049/89 ⁽⁹⁾, should be used;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 127, 16. 5. 1987, p. 14.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 292, 11. 10. 1989, p. 10.

Whereas, if the refund system is to operate normally, refunds should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 1991.

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

Done at Brussels, 25 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 25 March 1991 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)

Product code	Destination (1)	Amount of refund
2309 10 11 050	—	—
2309 10 11 110	01	6,32
	09	—
2309 10 11 190	01	5,45
	09	—
2309 10 11 210	01	12,65
	09	—
2309 10 11 290	01	10,89
	09	—
2309 10 11 310	01	25,30
	09	—
2309 10 11 390	01	21,78
	09	—
2309 10 11 900	—	—
2309 10 13 050	—	—
2309 10 13 110	01	6,32
	09	—
2309 10 13 190	01	5,45
	09	—
2309 10 13 210	01	12,65
	09	—
2309 10 13 290	01	10,89
	09	—
2309 10 13 310	01	25,30
	09	—
2309 10 13 390	01	21,78
	09	—
2309 10 13 900	—	—
2309 10 31 050	—	—
2309 10 31 110	01	6,32
	09	—
2309 10 31 190	01	5,45
	09	—
2309 10 31 210	01	12,65
	09	—
2309 10 31 290	01	10,89
	09	—
2309 10 31 310	01	25,30
	09	—
2309 10 31 390	01	21,78
	09	—
2309 10 31 410	01	37,94
	09	—
2309 10 31 490	01	32,67
	09	—
2309 10 31 510	01	50,59
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 10 31 590	01	43,56
	09	—
2309 10 31 610	01	63,24
	09	—
2309 10 31 690	01	54,45
	09	—
2309 10 31 900	—	—
2309 10 33 050	—	—
2309 10 33 110	01	6,32
	09	—
2309 10 33 190	01	5,45
	09	—
2309 10 33 210	01	12,65
	09	—
2309 10 33 290	01	10,89
	09	—
2309 10 33 310	01	25,30
	09	—
2309 10 33 390	01	21,78
	09	—
2309 10 33 410	01	37,94
	09	—
2309 10 33 490	01	32,67
	09	—
2309 10 33 510	01	50,59
	09	—
2309 10 33 590	01	43,56
	09	—
2309 10 33 610	01	63,24
	09	—
2309 10 33 690	01	54,45
	09	—
2309 10 33 900	—	—
2309 10 51 050	—	—
2309 10 51 110	01	6,32
	09	—
2309 10 51 190	01	5,45
	09	—
2309 10 51 210	01	12,65
	09	—
2309 10 51 290	01	10,89
	09	—
2309 10 51 310	01	25,30
	09	—
2309 10 51 390	01	21,78
	09	—
2309 10 51 410	01	37,94
	09	—
2309 10 51 490	01	32,67
	09	—
2309 10 51 510	01	50,59
	09	—
2309 10 51 590	01	43,56
	09	—
2309 10 51 610	01	63,24
	09	—

(ECU/tonne)		
Product code	Destination (°)	Amount of refund
2309 10 51 690	01	54,45
	09	—
2309 10 51 710	01	75,89
	09	—
2309 10 51 790	01	65,34
	09	—
2309 10 51 810	01	82,79
	09	—
2309 10 51 890	01	71,28
	09	—
2309 10 51 900	—	—
2309 10 53 050	—	—
2309 10 53 110	01	6,32
	09	—
2309 10 53 190	01	5,45
	09	—
2309 10 53 210	01	12,65
	09	—
2309 10 53 290	01	10,89
	09	—
2309 10 53 310	01	25,30
	09	—
2309 10 53 390	01	21,78
	09	—
2309 10 53 410	01	37,94
	09	—
2309 10 53 490	01	32,67
	09	—
2309 10 53 510	01	50,59
	09	—
2309 10 53 590	01	43,56
	09	—
2309 10 53 610	01	63,24
	09	—
2309 10 53 690	01	54,45
	09	—
2309 10 53 710	01	75,89
	09	—
2309 10 53 790	01	65,34
	09	—
2309 10 53 810	01	82,79
	09	—
2309 10 53 890	01	71,28
	09	—
2309 10 53 900	—	—
2309 90 31 050	—	—
2309 90 31 110	01	6,32
	09	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refund
2309 90 31 190	01	5,45
	09	—
2309 90 31 210	01	12,65
	09	—
2309 90 31 290	01	10,89
	09	—
2309 90 31 310	01	25,30
	09	—
2309 90 31 390	01	21,78
	09	—
2309 90 31 900	—	—
2309 90 33 050	—	—
2309 90 33 110	01	6,32
	09	—
2309 90 33 190	01	5,45
	09	—
2309 90 33 210	01	12,65
	09	—
2309 90 33 290	01	10,89
	09	—
2309 90 33 310	01	25,30
	09	—
2309 90 33 390	01	21,78
	09	—
2309 90 33 900	—	—
2309 90 41 050	—	—
2309 90 41 110	01	6,32
	09	—
2309 90 41 190	01	5,45
	09	—
2309 90 41 210	01	12,65
	09	—
2309 90 41 290	01	10,89
	09	—
2309 90 41 310	01	25,30
	09	—
2309 90 41 390	01	21,78
	09	—
2309 90 41 410	01	37,94
	09	—
2309 90 41 490	01	32,67
	09	—
2309 90 41 510	01	50,59
	09	—
2309 90 41 590	01	43,56
	09	—
2309 90 41 610	01	63,24
	09	—
2309 90 41 690	01	54,45
	09	—
2309 90 41 900	—	—
2309 90 43 050	—	—
2309 90 43 110	01	6,32
	09	—
2309 90 43 190	01	5,45
	09	—

(ECU / tonne)		
Product code	Destination (1)	Amount of refund
2309 90 43 210	01	12,65
	09	—
2309 90 43 290	01	10,89
	09	—
2309 90 43 310	01	25,30
	09	—
2309 90 43 390	01	21,78
	09	—
2309 90 43 410	01	37,94
	09	—
2309 90 43 490	01	32,67
	09	—
2309 90 43 510	01	50,59
	09	—
2309 90 43 590	01	43,56
	09	—
2309 90 43 610	01	63,24
	09	—
2309 90 43 690	01	54,45
	09	—
2309 90 43 900	—	—
2309 90 51 050	—	—
2309 90 51 110	01	6,32
	09	—
2309 90 51 190	01	5,45
	09	—
2309 90 51 210	01	12,65
	09	—
2309 90 51 290	01	10,89
	09	—
2309 90 51 310	01	25,30
	09	—
2309 90 51 390	01	21,78
	09	—
2309 90 51 410	01	37,94
	09	—
2309 90 51 490	01	32,67
	09	—
2309 90 51 510	01	50,59
	09	—
2309 90 51 590	01	43,56
	09	—
2309 90 51 610	01	63,24
	09	—
2309 90 51 690	01	54,45
	09	—
2309 90 51 710	01	75,89
	09	—
2309 90 51 790	01	65,34
	09	—
2309 90 51 810	01	82,79
	09	—

(ECU/tonne)

Product code	Destination ⁽¹⁾	Amount of refund
2309 90 51 890	01	71,28
	09	—
2309 90 51 900	—	—
2309 90 53 050	—	—
2309 90 53 110	01	6,32
	09	—
2309 90 53 190	01	5,45
	09	—
2309 90 53 210	01	12,65
	09	—
2309 90 53 290	01	10,89
	09	—
2309 90 53 310	01	25,30
	09	—
2309 90 53 390	01	21,78
	09	—
2309 90 53 410	01	37,94
	09	—
2309 90 53 490	01	32,67
	09	—
2309 90 53 510	01	50,59
	09	—
2309 90 53 590	01	43,56
	09	—
2309 90 53 610	01	63,24
	09	—
2309 90 53 690	01	54,45
	09	—
2309 90 53 710	01	75,89
	09	—
2309 90 53 790	01	65,34
	09	—
2309 90 53 810	01	82,79
	09	—
2309 90 53 890	01	71,28
	09	—
2309 90 53 900	—	—

⁽¹⁾ The destinations are as follows:

- 01 Zones A, B, C, D and E as specified in Annex II to Regulation (EEC) No 1124/77 and Greenland,
- 09 Other destinations.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 726/91

of 25 March 1991

fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 464/91⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 3608/90⁽³⁾, as last amended by Regulation (EEC) No 716/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3608/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 22 March 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 1991.

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

Done at Brussels, 25 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 77, 23. 3. 1991, p. 48.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 25 March 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	39,03 ⁽¹⁾
1701 11 90	39,03 ⁽¹⁾
1701 12 10	39,03 ⁽¹⁾
1701 12 90	39,03 ⁽¹⁾
1701 91 00	43,13
1701 99 10	43,13
1701 99 90	43,13 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 727/91

of 25 March 1991

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 464/91 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 489/91 ⁽³⁾, as amended by Regulation (EEC) No 532/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 489/91 to the information known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁶⁾,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 489/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 March 1991.

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

Done at Brussels, 25 March 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 55, 1. 3. 1991, p. 41.

⁽⁴⁾ OJ No L 58, 5. 3. 1991, p. 25.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 25 March 1991 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4313	—
1702 20 90	0,4313	—
1702 30 10	—	54,61
1702 40 10	—	54,61
1702 60 10	—	54,61
1702 60 90	0,4313	—
1702 90 30	—	54,61
1702 90 60	0,4313	—
1702 90 71	0,4313	—
1702 90 90	0,4313	—
2106 90 30	—	54,61
2106 90 59	0,4313	—

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 18 March 1991

amending Directive 75/442/EEC on waste

(91/156/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103s thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

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

Whereas Directive 75/442/EEC ⁽⁴⁾ established a set of Community rules on waste disposal; whereas these must be amended to take account of experience gained in the implementation of this Directive by the Member States; whereas the amendments take as a base a high level of environmental protection;

Whereas the Council undertook to amend Directive 75/442/EEC in its resolution of 7 May 1990 on waste policy ⁽⁵⁾;

Whereas common terminology and a definition of waste are needed in order to improve the efficiency of waste management in the Community;

Whereas, in order to achieve a high level of environmental protection, the Member States must, in addition to taking action to ensure the responsible removal and recovery of waste, take measures to restrict the production of waste particularly by promoting clean technologies and products which can be recycled and re-used, taking into consideration existing or potential market opportunities for recovered waste;

Whereas, moreover, any disparity between Member States' laws on waste disposal and recovery can affect the quality of the environment and interfere with the functioning of the internal market;

Whereas it is desirable to encourage the recycling of waste and re-use of waste as raw materials; whereas it may be necessary to adopt specific rules for re-usable waste;

Whereas it is important for the Community as a whole to become self-sufficient in waste disposal and it is desirable for Member States individually to aim at such self-sufficiency;

Whereas, in order to achieve the abovementioned objectives, waste management plans should be drawn up in the Member States;

Whereas movements of waste should be reduced and whereas Member States may take the necessary measures to that end in their management plans;

⁽¹⁾ OJ No C 295, 19. 11. 1988, p. 3 and OJ No C 326, 30. 12. 1989, p. 6.

⁽²⁾ OJ No C 158, 26. 6. 1989, p. 232 and opinion delivered on 22 February 1991 (not yet published in the Official Journal).

⁽³⁾ OJ No C 56, 6. 3. 1989, p. 2.

⁽⁴⁾ OJ No L 194, 25. 7. 1975, p. 47.

⁽⁵⁾ OJ No C 122, 18. 5. 1990, p. 2.

Whereas, to ensure a high level of protection and effective control, it is necessary to provide for authorization and inspection of undertakings which carry out waste disposal and recovery;

Whereas, subject to certain conditions, and provided that they comply with environmental protection requirements, some establishments which process their waste themselves or carry out waste recovery may be exempted from permit requirements; whereas such establishments should be subject to registration;

Whereas, in order that waste can be monitored from its production to its final disposal, other undertakings involved with waste, such as waste collectors, carriers and brokers should also be subject to authorization or registration and appropriate inspection;

Whereas a committee should be set up to assist the Commission in implementing this Directive and adapting it to scientific and technical progress,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 75/442/EEC is hereby amended as follows:

1. Articles 1 to 12 are replaced by the following:

'Article 1

For the purposes of this Directive:

- (a) "waste" shall mean any substance or object in the categories set out in Annex I which the holder discards or intends or is required to discard.

The Commission, acting in accordance with the procedure laid down in Article 18, will draw up, not later than 1 April 1993, a list of wastes belonging to the categories listed in Annex I. This list will be periodically reviewed and, if necessary, revised by the same procedure;

- (b) "producer" shall mean anyone whose activities produce waste ("original producer") and/or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;

- (c) "holder" shall mean the producer of the waste or the natural or legal person who is in possession of it;

- (d) "management" shall mean the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites;

- (e) "disposal" shall mean any of the operations provided for in Annex II, A;

- (f) "recovery" shall mean any of the operations provided for in Annex II, B;

- (g) "collection" shall mean the gathering, sorting and/or mixing of waste for the purpose of transport.

Article 2

1. The following shall be excluded from the scope of this Directive:

- (a) gaseous effluents emitted into the atmosphere;
- (b) where they are already covered by other legislation:
 - (i) radioactive waste;
 - (ii) waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries;
 - (iii) animal carcasses and the following agricultural waste: faecal matter and other natural, non-dangerous substances used in farming;
 - (iv) waste waters, with the exception of waste in liquid form;
 - (v) decommissioned explosives.

2. Specific rules for particular instances or supplementing those of this Directive on the management of particular categories of waste may be laid down by means of individual Directives.

Article 3

1. Member States shall take appropriate measures to encourage:

- (a) firstly, the prevention or reduction of waste production and its harmfulness, in particular by:
 - the development of clean technologies more sparing in their use of natural resources,
 - the technical development and marketing of products designed so as to make no contribution or to make the smallest possible contribution, by the nature of their manufacture, use or final disposal, to increasing the amount or harmfulness of waste and pollution hazards,
 - the development of appropriate techniques for the final disposal of dangerous substances contained in waste destined for recovery;

(b) secondly:

- (i) the recovery of waste by means of recycling, re-use or reclamation or any other process with a view to extracting secondary raw materials, or
- (ii) the use of waste as a source of energy.

2. Except where Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards

and regulations (*) applies, Member States shall inform the Commission of any measures they intend to take to achieve the aims set out in paragraph 1. The Commission shall inform the other Member States and the committee referred to in Article 18 of such measures.

(*) OJ No L 109, 26. 4. 1983, p. 8.

Article 4

Member States shall take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular:

- without risk to water, air, soil and plants and animals,
- without causing a nuisance through noise or odours,
- without adversely affecting the countryside or places of special interest.

Member States shall also take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste.

Article 5

1. Member States shall take appropriate measures, in cooperation with other Member States where this is necessary or advisable, to establish an integrated and adequate network of disposal installations, taking account of the best available technology not involving excessive costs. The network must enable the Community as a whole to become self-sufficient in waste disposal and the Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialized installations for certain types of waste.

2. The network must also enable waste to be disposed of in one of the nearest appropriate installations, by means of the most appropriate methods and technologies in order to ensure a high level of protection for the environment and public health.

Article 6

Member States shall establish or designate the competent authority or authorities to be responsible for the implementation of this Directive.

Article 7

1. In order to attain the objectives referred to in Article 3, 4 and 5, the competent authority or authorities referred to in Article 6 shall be required to draw

up as soon as possible one or more waste management plans. Such plans shall relate in particular to:

- the type, quantity and origin of waste to be recovered or disposed of,
- general technical requirements,
- any special arrangements for particular wastes,
- suitable disposal sites or installations.

Such plans may, for example, cover:

- the natural or legal persons empowered to carry out the management of waste,
- the estimated costs of the recovery and disposal operations,
- appropriate measures to encourage rationalization of the collection, sorting and treatment of waste.

2. Member States shall collaborate as appropriate with the other Member States concerned and the Commission to draw up such plans. They shall notify the Commission thereof.

3. Member States may take the measures necessary to prevent movements of waste which are not in accordance with their waste management plans. They shall inform the Commission and the Member States of any such measures.

Article 8

Member States shall take the necessary measures to ensure that any holder of waste:

- has it handled by a private or public waste collector or by an undertaking which carries out the operations listed in Annex II A or B, or
- recovers or disposes of it himself in accordance with the provisions of this Directive.

Article 9

1. For the purposes of implementing Articles 4, 5 and 7, any establishment or undertaking which carries out the operations specified in Annex II A must obtain a permit from the competent authority referred to in Article 6.

Such permit shall cover:

- the types and quantities of waste,
- the technical requirements,
- the security precautions to be taken,
- the disposal site,
- the treatment method.

2. Permits may be granted for a specified period, they may be renewable, they may be subject to conditions and obligations, or, notably, if the intended method of disposal is unacceptable from the point of view of environmental protection, they may be refused.

Article 10

For the purposes of implementing Article 4, any establishment or undertaking which carries out the operations referred to in Annex II B must obtain a permit.

Article 11

1. Without prejudice to Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste^(*), as last amended by the Act of Accession of Spain and Portugal, the following may be exempted from the permit requirement imposed in Article 9 or Article 10:

- (a) establishments or undertakings carrying out their own waste disposal at the place of production;
- and
- (b) establishments or undertakings that carry out waste recovery.

This exemption may apply only:

- if the competent authorities have adopted general rules for each type of activity laying down the types and quantities of waste and the conditions under which the activity in question may be exempted from the permit requirements,
- and
- if the types or quantities of waste and methods of disposal or recovery are such that the conditions imposed in Article 4 are complied with.

2. The establishments or undertakings referred to in paragraph 1 shall be registered with the competent authorities.

3. Member States shall inform the Commission of the general rules adopted pursuant to paragraph 1.

^(*) OJ No L 84, 31. 3. 1978, p. 43.

Article 12

Establishments or undertakings which collect or transport waste on a professional basis or which arrange for the disposal or recovery of waste on behalf of others (dealers or brokers), where not subject to authorization, shall be registered with the competent authorities.

Article 13

Establishments or undertakings which carry out the operations referred to in Articles 9 to 12 shall be subject to appropriate periodic inspections by the competent authorities.

Article 14

All establishments or undertakings referred to in Articles 9 and 10 shall:

- keep a record of the quantity, nature, origin, and, where relevant, the destination, frequency of collection, mode of transport and treatment method in respect of the waste referred to in Annex I and the operations referred to in Annex II A or B,
- make this information available, on request, to the competent authorities referred to in Article 6.

Member States may also require producers to comply with the provisions of this Article.

Article 15

In accordance with the "polluter pays" principle, the cost of disposing of waste must be borne by:

- the holder who has waste handled by a waste collector or by an undertaking as referred to in Article 9,
- and/or
- the previous holders or the producer of the product from which the waste came.

Article 16

1. Every three years, and for the first time on 1 April 1995, Member States shall send the Commission a report on the measures taken to implement this Directive. This report shall be based on a questionnaire, drawn up in accordance with the procedure referred to in Article 18, which the Commission shall send to the Member States six months before the above date.

2. On the basis of the reports referred to in paragraph 1, the Commission shall publish a consolidated report every three years, and for the first time on 1 April 1996.

Article 17

The amendments necessary for adapting the Annexes to this Directive to scientific and technical progress shall be adopted in accordance with the procedure laid down in Article 18.

Article 18

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 EEC 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.

2. Articles 13, 14 and 15 become Articles 19, 20 and 21.

3. The following Annexes are added:

ANNEX I

CATEGORIES OF WASTE

- Q1 Production or consumption residues not otherwise specified below
- Q2 Off-specification products
- Q3 Products whose date for appropriate use has expired
- Q4 Materials spilled, lost or having undergone other mishap, including any materials, equipment, etc., contaminated as a result of the mishap
- Q5 Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations, packing materials, containers, etc.)
- Q6 Unusable parts (e.g. reject batteries, exhausted catalysts, etc.)
- Q7 Substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts, etc.)
- Q8 Residues of industrial processes (e.g. slags, still bottoms, etc.)
- Q9 Residues from pollution abatement processes (e.g. scrubber sludges, baghouse dusts, spent filters, etc.)

- Q10 Machining/finishing residues (e.g. lathe turnings, mill scales, etc.)
- Q11 Residues from raw materials extraction and processing (e.g. mining residues, oil field slops, etc.)
- Q12 Adulterated materials (e.g. oils contaminated with PCBs, etc.)
- Q13 Any materials, substances or products whose use has been banned by law
- Q14 Products for which the holder has no further use (e.g. agricultural, household, office, commercial and shop discards, etc.)
- Q15 Contaminated materials, substances or products resulting from remedial action with respect to land
- Q16 Any materials, substances or products which are not contained in the above categories.

ANNEX IIA

DISPOSAL OPERATIONS

NB: This Annex is intended to list disposal operations such as they occur in practice. In accordance with Article 4, waste must be disposed of without endangering human health and without the use of processes or methods likely to harm the environment.

- D1 Tipping above or underground (e.g. landfill, etc.)
- D2 Land treatment (e.g. biodegradation of liquid or sludge discards in soils, etc.)
- D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D4 Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
- D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release of solid waste into a water body except seas/oceans
- D7 Release into seas/oceans including seabed insertion
- D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are disposed of by means of any of the operations in this Annex

- D9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are disposed of by means of any of the operations in this Annex (e.g. evaporation, drying, calcination, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (e.g. emplacement of containers in a mine, etc.)
- D13 Blending or mixture prior to submission to any of the operations in this Annex
- D14 Repackaging prior to submission to any of the operations in this Annex
- D15 Storage pending any of the operations in this Annex, excluding temporary storage, pending collection, on the site where it is produced.
- R8 Oil re-refining or other re-uses of oil
- R9 Use principally as a fuel or other means to generate energy
- R10 Spreading on land resulting in benefit to agriculture or ecological improvement, including composting and other biological transformation processes, except in the case of waste excluded under Article 2 (1) (b) (iii)
- R11 Use of wastes obtained from any of the operations numbered R1 — R10
- R12 Exchange of wastes for submission to any of the operations numbered R1 — R11
- R13 Storage of materials intended for submission to any operation in this Annex, excluding temporary storage, pending collection, on the site where it is produced.

ANNEX II B

OPERATIONS WHICH MAY LEAD TO RECOVERY

NB: This Annex is intended to list recovery operations as they are carried out in practice. In accordance with Article 4, waste must be recovered without endangering human health and without the use of processes or methods likely to harm the environment.

- R1 Solvent reclamation/regeneration
- R2 Recycling/reclamation of organic substances which are not used as solvents
- R3 Recycling/reclamation of metals and metal compounds
- R4 Recycling/reclamation of other inorganic materials
- R5 Regeneration of acids or bases
- R6 Recovery of components used for pollution abatement
- R7 Recovery of components from catalysts

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 April 1993. They shall forthwith inform the Commission thereof.

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

2. Member States shall communicate to the Commission the texts 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, 18 March 1991.

For the Council

The President

A. BODRY

COUNCIL DIRECTIVE
of 18 March 1991
on batteries and accumulators containing certain dangerous substances

(91/157/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 ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

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

Whereas any disparity between the laws or administrative measures adopted by the Member States on the disposal of batteries and accumulators could create barriers to trade and distort competition in the Community and may thereby have a direct impact on the establishment and functioning of the internal market; whereas it therefore appears necessary to approximate the laws in the field;

Whereas Article 2 (2) of Council Directive 75/442/EEC of 15 July 1975 on waste ⁽⁴⁾, as amended by Directive 91/156/EEC ⁽⁵⁾, provides that specific rules for particular instances or supplementing those of the said Directive in order to regulate the management of particular categories of waste shall be laid down by means of individual Directives;

Whereas the objectives and principles of the Community's environment policy, as set out in the European Community action programmes on the environment on the basis of the principles enshrined in Article 130r (1) and (2) of the EEC Treaty, aim in particular at preventing, reducing and as far as possible eliminating pollution and ensuring sound management of raw materials resources, on the basis also of the 'polluter pays' principle;

Whereas, in order to achieve these objectives, the marketing of certain batteries and accumulators should be prohibited, in view of the amount of dangerous substances they contain;

Whereas, to ensure that spent batteries and accumulators are recovered and disposed of in a controlled manner, Member States must take measures to ensure that they are marked and collected separately;

Whereas collection and recycling of spent batteries and accumulators can help avoid unnecessary use of raw materials;

Whereas appliances containing non-removable batteries or accumulators may represent an environmental hazard when they are disposed of; whereas Member States should therefore take appropriate measures;

Whereas programmes should be set up in the Member States to achieve the various objectives set out above; whereas the Commission should be informed of these programmes and of the specific measures taken;

Whereas recourse to economic instruments such as the setting up of a deposit system may encourage the separate collection and recycling of spent batteries and accumulators;

Whereas provision should be made for consumer information in this field;

Whereas provision should be made for appropriate procedures to implement the provisions of this Directive, particularly the making system, and to ensure that the Directive can be easily adapted to scientific and technical progress; whereas the committee referred to in Article 18 of Directive 75/442/EEC should be instructed to assist the Commission in these tasks,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The aim of this Directive is to approximate the laws of the Member States on the recovery and controlled disposal of those spent batteries and accumulators containing dangerous substances in accordance with Annex I.

Article 2

For the purposes of this Directive:

- (a) 'battery or accumulator' means a source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary (non-rechargeable) batteries or secondary (rechargeable) cells, as listed in Annex I;

⁽¹⁾ OJ No C 6, 7. 1. 1989, p. 3 and

OJ No C 11, 17. 1. 1990, p. 6.

⁽²⁾ OJ No C 158, 26. 6. 1989, p. 209 and

OJ No C 19, 28. 1. 1991.

⁽³⁾ OJ No C 194, 31. 7. 1989, p. 21.

⁽⁴⁾ OJ No L 194, 25. 7. 1975, p. 47.

⁽⁵⁾ See page 32 of this Official Journal.

- (b) 'spent battery or accumulator' means a battery or accumulator which is not re-usable and is intended for recovery or disposal;
- (c) 'disposal' means any operation, provided that it is applicable to batteries and accumulators, included in Annex II A to Directive 75/442/EEC;
- (d) 'recovery' means any operation, provided that it is applicable to batteries and accumulators, included in Annex II B to Directive 75/442/EEC;
- (e) 'collection' means the gathering, sorting and/or grouping together of spent batteries and accumulators;
- (f) 'deposit system' means a system under which the buyer, upon purchase of batteries or accumulators, pays the seller a sum of money which is refunded when the spent batteries or accumulators are returned.

Article 3

1. Member States shall prohibit, as from 1 January 1993, the marketing of:

- alkaline manganese batteries for prolonged use in extreme conditions (e.g. temperatures below 0° C or above 50° C, exposed to shocks) containing more than 0,05 % of mercury by weight,
- all other alkaline manganese batteries containing more than 0,025 % of mercury by weight.

Alkaline manganese button cells and batteries composed of button cells shall be exempted from this prohibition.

2. Paragraph 1 shall be inserted in Annex I to Council Directive 76/769/EEC of 27 July 1976 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⁽¹⁾, as last amended by Directive 85/610/EEC⁽²⁾.

Article 4

1. In the context of the programmes referred to in Article 6, Member States shall take appropriate steps to ensure that spent batteries and accumulators are collected separately with a view to their recovery or disposal.

2. To this end, Member States shall ensure that batteries and accumulators and, where appropriate, appliances into which they are incorporated are marked in the appropriate manner.

The marking must include indications as to the following points:

- separate collection,
- where appropriate, recycling,
- the heavy-metal content.

3. The Commission shall draw up, in accordance with the procedure referred to in Article 10, the detailed arrangements for the marking system. These arrangements shall be published in the *Official Journal of the European Communities*.

Article 5

Member States shall take measures to ensure that batteries and accumulators cannot be incorporated into appliances unless they can be readily removed, when spent, by the consumer.

These measures shall enter into force on 1 January 1994.

This Article shall not apply to the categories of appliance included in Annex II.

Article 6

Member States shall draw up programmes in order to achieve the following objectives:

- reduction of the heavy-metal content of batteries and accumulators,
- promotion of marketing of batteries and accumulators containing smaller quantities of dangerous substances and/or less polluting substances,
- gradual reduction, in household waste, of spent batteries and accumulators covered by Annex I,
- promotion of research aimed at reducing the dangerous-substance content and favouring the use of less-polluting substitute substances in batteries and accumulators, and research into methods of recycling,
- separate disposal of spent batteries and accumulators covered by Annex I.

The first programmes shall cover a four-year period starting on 18 March 1993. They shall be communicated to the Commission by 17 September 1992 at the latest.

The programmes shall be reviewed and updated regularly, at least every four years, in the light in particular of technical progress and of the economic and environmental situation. Amended programmes shall be communicated to the Commission in good time.

Article 7

1. Member States shall ensure the efficient organization of separate collection and, where appropriate, the setting up of a deposit system. Furthermore, Member States may introduce measures such as economic instruments in order to encourage recycling. These measures must be

⁽¹⁾ OJ No L 262, 27. 9. 1976, p. 201.

⁽²⁾ OJ No L 375, 31. 12. 1985, p. 1.

introduced after consultation with the parties concerned, be based on valid ecological and economic criteria and avoid distortions of competition.

2. When notifying the programmes to which Article 6 refers, Member States shall inform the Commission of the measures they have taken pursuant to paragraph 1.

Article 8

In the context of the programmes referred to in Article 6, Member States shall take the necessary steps to ensure that consumers are fully informed of:

- (a) the dangers of uncontrolled disposal of spent batteries and accumulators;
- (b) the marking of batteries, accumulators and appliances with permanently incorporated batteries and accumulators;
- (c) the method of removing batteries and accumulators which are permanently incorporated into appliances.

Article 9

Member States may not impede, prohibit or restrict the marketing of batteries and accumulators covered by this Directive and conforming to the provisions laid down herein.

Article 10

The Commission shall adapt Articles 3, 4 and 5 and Annexes I and II to technical progress in accordance with the procedure laid down in Article 18 of Directive 75/442/EEC.

Article 11

1. Member States shall take the measures necessary to comply with this Directive before 18 September 1992. They shall forthwith inform the Commission thereof.

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

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 18 March 1991.

For the Council

The President

A. BODRY

*ANNEX I***BATTERIES AND ACCUMULATORS COVERED BY THE DIRECTIVE**

1. Batteries and accumulators put on the market as from the date laid down in Article 11 (1) and containing :
 - more than 25 mg mercury per cell, except alkaline manganese batteries,
 - more than 0,025 % cadmium by weight,
 - more than 0,4 % lead by weight.
2. Alkaline manganese batteries containing more than 0,025 % mercury by weight placed on the market as from the date laid down in Article 11 (1).

*ANNEX II***LIST OF CATEGORIES OF APPLIANCE EXCLUDED FROM THE SCOPE OF ARTICLE 5**

1. Those appliances whose batteries are soldered, welded or otherwise permanently attached to terminals to ensure continuity of power supply in demanding industrial usage and to preserve the memory and data functions of information technology and business equipment, where use of the batteries and accumulators referred to in Annex I is technically necessary.
2. Reference cells in scientific and professional equipment, and batteries and accumulators placed in medical devices designed to maintain vital functions and in heart pacemakers, where uninterrupted functioning is essential and the batteries and accumulators can be removed only by qualified personnel.
3. Portable appliances, where replacement of the batteries by unqualified personnel could present safety hazards to the user or could affect the operation of the appliance, and professional equipment intended for use in highly sensitive surroundings, for example in the presence of volatile substances.

Those appliances the batteries and accumulators of which cannot be readily replaced by the user, in accordance with this Annex, shall be accompanied by instructions informing the user of the content of environmentally hazardous batteries and accumulators and showing how they can be removed safely.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1864/90 of 29 June 1990 amending Regulation (EEC) No 1470/68 on the drawing and reduction of samples and on methods of analysis in respect of oil seeds*(Official Journal of the European Communities No L 170 of 3 July 1990)*

On page 29, under point 4.6.1 of new Annex VIII in the Annex :

for: 'Eluant A : (HPLC quality)',

read: 'Eluant A : water (HPLC quality)'.

On page 31, under point 6.4 'Extraction of glucosinolates' of new Annex VIII in the Annex :

for: 'Continue heating in the bath at 75 °C for min',

read: 'Continue heating in the bath at 75 °C for 10 min'.

On page 32, under point 6.8.3 'Examination of chromatograms' of new Annex VIII in the Annex :

for: '1. Desulphoglucolberin',

...

13. Desulphogluconasturtlin',

read: '1. Desulphoglucoiberin',

...

13. Desulphogluconasturtiin'.

On page 33, in the fifth, 16th and 18th lines of point 7.2 'Response factors' of new Annex VIII in the Annex :

<i>for:</i>	'Desulphoglucolberin	1,07
	Desulphogluconasturtlin	0,95
	Desulphogluconapoleiferin	1,00',

<i>read:</i>	'Desulphoglucoiberin	1,07
	Desulphogluconasturtiin	0,95
	Desulphogluconapoleiferin	1,00'.

On page 34, the first entry of the third column 'Rapeseed B' in Table 1 of new Annex VIII in the Annex :

for: '1'

read: '11'.
