

Member State may, at the request of one of the lines concerned and after hearing all of them, take the necessary steps to settle the dispute.

3. Each Member State shall ensure that all vessel-operating shipping lines established on its territory under the Treaty establishing the European Economic Community are treated in the same way as lines which have their management head office on its territory and the effective control of which is exercised there.

Article 3

1. Where a liner conference operates a pool or a berthing, sailing and/or any other form of cargo allocation agreement in accordance with Article 2 of the Code of Conduct, the volume of cargo to which the group of national shipping lines of each Member State participating in that trade or the shipping lines of the Member States participating in that trade as third-country shipping lines are entitled under the Code shall be redistributed, unless a decision is taken to the contrary by all the lines which are members of the conference and parties to the present redistribution rules. This redistribution of cargo shares shall be carried out on the basis of a unanimous decision by those shipping lines which are members of the conference and participate in the redistribution, with a view to all these lines carrying a fair share of the conference trade.

2. The share finally allocated to each participant shall be determined by the application of commercial principles, taking account in particular of:

- (a) the volume of cargo carried by the conference and generated by the Member States whose trade is served by it;
- (b) past performance of the shipping lines in the trade covered by the pool;
- (c) the volume of cargo carried by the conference and shipped through the ports of the Member States;
- (d) the needs of the shippers whose cargoes are carried by the conference.

3. If no agreement is reached on the redistribution of cargoes referred to in paragraph

den enkelte medlemsstat efter anmodning fra et af de pågældende rederier og efter at have hørt dem alle træffe de nødvendige foranstaltninger til bilæggelse af uoverensstemmelsen.

3. Enhver medlemsstat påser, at alle rederier, der driver skibsfart, og som er etableret inden for dens område i henhold til traktaten om oprettelse af Det europæiske økonomiske Fællesskab, er genstand for den samme behandling som rederier, der har deres hovedsæde og faktisk kontrolleres inden for dens område.

Artikel 3

1. Benytter en linjekonference en puljeordning eller en aftale om anløb, besejling og/eller enhver anden form for fordeling af trafikken som omhandlet i artikel 2 i kodeks, foretages der en omfordeling af den mængde last, der i henhold til kodeks tilfalder de grupper af nationale rederier fra hver medlemsstat, som deltager i denne fart eller de medlemsstatsrederier, der deltager i den pågældende fart som tredjelandsrederier, medmindre andet aftales af samtlige rederier, som er medlemmer af konferencen, og som omfattes af disse omfordelingsregler. Denne omfordeling af transportandelene foretages med det formål, at sikre samtlige rederier en rimelig andel af konferencens trafik på grundlag af en enstemmig beslutning, der træffes af de rederier, som er medlemmer af konferencen, og som deltager i denne omfordeling.

2. Den andel, der sluttelig tildeles den enkelte deltager, fastsættes på grundlag af kommercielle principper, navnlig under hensyntagen til:

- a) den mængde last, der transporteres af konferencen, og som hidrører fra de medlemsstater, hvis trafik udføres af konferencen;
- b) rederiernes hidtidige andel i den trafik, som udgør puljen;
- c) den mængde last, som transporteres af konferencen og afskibes fra medlemsstaternes havne;
- b) behovet hos de afskibere, hvis last transporteres af konferencen.

3. Såfremt der ikke opnås enighed om omfordelingen af den i stk. 1 omhandlede last,