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II

(Preparatory Acts)

COMMISSION

Draft decision of the representatives of the Governments of the Member States of the European Coal and Steel Community, meeting within the Council concerning the financial consequences of the expiry of the Treaty establishing the European Coal and Steel Community

(2001/C 180 E/01)

(Text with EEA relevance)

COM(2000) 519 final

(Submitted by the Commission on 6 September 2000)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL

Whereas:

- (1) Under Article 97 of the Treaty establishing the European Coal and Steel Community (ECSC), the Treaty will expire on 23 July 2002.
- (2) Certain financial operations will at that date still need to be carried out, involving both revenue and expenditure and resulting from the implementation of ECSC operating budgets for earlier years and ECSC borrowing and lending activities.
- (3) It is necessary to designate the institution responsible for winding up these operations and establishing the procedures needed to do so. It would be appropriate to entrust the Commission with the winding-up and to decide that the procedures to be followed will be those in force at 23 July 2002, in accordance with the ECSC Treaty and secondary legislation.
- (4) At its meeting of 11 September 1996, the Commission concluded that reserves should be kept to cover, after 2002, 100 % of the outstanding loans not covered by a Member State guarantee. The ex-ECSC funds administered will total approximately EUR 1.6 billion on 23 July 2002. The amount will vary depending on the financial activities still to be carried out before and after the expiry of the Treaty.
- (5) In order to distinguish ECSC assets from other Community Funds, after expiry of the Treaty, they shall be referred to as the 'ECSC in liquidation'. To the same end, once the liquidation has been completed, they will be referred to as the 'assets of the Coal and Steel Research Fund'. Finally, in order to differentiate between net revenue and the assets generating that revenue, the former shall be referred to as the 'Coal and Steel Research Fund'.
- (6) It is necessary to decide on the future use of these assets. It should be pointed out in this connection that they

derive primarily from the levy on coal and steel production set up pursuant to Article 49 of the ECSC Treaty; it therefore seems right that the assets should benefit the two economic sectors in question.

- (7) The most suitable use for the assets which would benefit the coal and steel sectors is research. It is also necessary to determine the distribution of the research appropriations between the two sectors.
- (8) The most appropriate way of doing this is to assign the assets to the European Community and to establish rules and procedures to ensure that the assets and the revenue they generate are used solely for the abovementioned purpose.
- (9) This use and this procedure are consistent with the resolution on growth and employment adopted by the European Council at its meeting in Amsterdam on 16 and 17 June 1997 and the resolutions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, of 20 July 1998 ⁽¹⁾ and 21 June 1999 ⁽²⁾.
- (10) Where debtors default during the liquidation period after 23 July 2002 and in order to guarantee the annual stability of the coal and steel research instrument, any default by an ECSC debtor should first be charged to the capital and then to the revenues funding research.
- (11) It is also necessary to define the ownership of the other ECSC assets,

HAVE DECIDED AS FOLLOWS:

Article 1

1. The Commission shall be entrusted with winding up the financial operations of the European Coal and Steel Community which are still in progress when the ECSC Treaty expires. Where an ECSC debtor defaults during the liquidation period, the resulting loss shall be charged first to the existing capital and then to the revenue of the current year.

⁽¹⁾ OJ C 247, 7.8.1998, p. 5.

⁽²⁾ OJ C 190, 7.7.1999, p. 1.

2. The liquidation shall be conducted in accordance with the rules and procedures applying to these operations, with the Community institutions enjoying the existing powers and prerogatives provided for by the ECSC Treaty and secondary legislation in force on 23 July 2002.

Article 2

1. The assets of the European Coal and Steel Community shall automatically devolve to the European Community, including all property, rights, duties, claims and actions as they exist on 23 July 2002, subject to any increase or decrease which may occur as a result of the liquidation operations mentioned in Article 1; the European Community shall pay all charges attaching to these assets. All the assets, save property which is immovable by its nature, by its intended use or by the purpose which it serves, shall be considered assets intended for research in the coal and steel sectors, referred to as the 'ECSC in liquidation'. On completion of the liquidation they shall be referred to the 'assets of the Coal and Steel Research Fund'.

2. The assets may be augmented by contributions and, in particular, contributions from future new Member States.

Article 3

1. The assets shall be managed by the Commission in such a manner as to ensure a long-term return. The management of the liquid assets should be aimed at the highest possible yield that is compatible with security.

2. The Council, acting by qualified majority as provided for under Article 205 of the EC Treaty on a proposal from the Commission after receiving the opinion of the European Parliament, shall adopt multiannual financial guidelines for management of the assets.

Article 4

1. Each year a profit-and-loss account, balance sheet and financial report shall be drawn up to show, separately from the other financial operations of the remaining Communities, the liquidation operations provided for in Article 1 and the investment transactions under Article 3.

These financial statements shall be incorporated into the financial statements drawn up by the Commission annually under Article 275 of the EC Treaty and the Financial Regulation applicable to the general budget of the European Communities.

2. The powers of Parliament, the Council and the Court of Auditors concerning control and discharge as set out in the Treaties and the Financial Regulation shall apply to the operations referred to in paragraph 1.

Article 5

1. Net revenue from the investments provided for under Article 3 shall constitute revenue in the budget of the European Communities. Within the meaning of the second indent of Article 4(3) of the Financial Regulation, this

revenue shall be earmarked for a specific purpose, namely financing research projects in the coal and steel sectors not covered by the framework programme. It shall form the Coal and Steel Research Fund and shall be managed by the Commission.

2. The amounts yielded by the Fund shall be distributed, 27,2 % being allocated to the coal sector and 72,8 % to the steel sector. Should it prove necessary, the Council, acting unanimously on a proposal from the Commission, shall modify the breakdown between coal-related research and steel-related research.

3. The technical multiannual guidelines for the research programmes shall be adopted by the Council acting by qualified majority under Article 205 of the EC Treaty on a proposal from the Commission after receiving the opinion of the European Parliament.

4. In accordance with the provisions contained in the Financial Regulation, unused revenue and appropriations deriving from this revenue still available on 31 December in any given year shall be carried over automatically to the following year. These appropriations may not be transferred to other budget items.

5. Budgetary appropriations corresponding to cancellations of commitments shall automatically lapse at the end of each financial year. Provisions for commitments released as a result of the cancellations shall be entered in the balance sheet and profit-and-loss account provided for in Article 4(1) and shall return initially to the assets of the ECSC in liquidation and subsequently, when liquidation has been completed, to the assets of the Coal and Steel Research Fund. Amounts recovered shall similarly be entered in the balance sheet and profit-and-loss account.

Article 6

1. Net revenue available to finance research projects for year $n+2$ shall be recorded in the balance sheet of the ECSC in liquidation of year n , and once liquidation has been completed, in the balance sheet of the assets of the Coal and Steel Research Fund.

2. In order to eliminate fluctuations in research funding due to movements on the financial markets, a smoothing shall be effected and a provision made for contingencies. Details of the calculations for smoothing and determining the size of the contingency reserve are contained in the Annex.

Article 7

Administrative expenditure resulting from the liquidation and from the investment and management of the Coal and Steel Research Fund, which replaces that laid down in Article 20 of the Treaty establishing a single Council and a single Commission of the European Communities of 8 April 1965, the amount of which was adjusted by the Council Decision of 21 November 1977, shall be met by the Commission from the general budget of the European Communities.

Article 8

New Member States may, during accession negotiations, acquire a share of the assets of the Coal and Steel Research Fund, and, where appropriate, the ECSC in liquidation or the Fund, once they have made the necessary contributions, due regard being had to decisions adopted in the past in similar situations.

Article 9

The Commission shall determine the amount of the assets of the ECSC in a balance sheet closed at 23 July 2002.

Article 10

This Decision shall enter into force on 24 July 2002.

ANNEX

PROCEDURES TO BE FOLLOWED TO ESTABLISH THE AMOUNT OF NET REVENUE TO BE ALLOCATED TO COAL AND STEEL RESEARCH**1. Introduction**

Net revenue which may be used to finance research projects corresponds to the annual net result of the ECSC in liquidation and subsequently, when liquidation has been completed, to the annual net result of the assets of the Coal and Steel Research Fund. The method employed consists of establishing the funding for coal and steel research for year $n+2$ when producing the balance sheet for year n , taking into account half of the increase or decrease in the net result in relation to the last level of funding adopted for coal and steel research.

2. Definition

n : reference year

R_n net result for year

P_n contingency provision for year n

D_{n+1} allocation for research for year $n+1$ (established when the balance sheet for year $n - 1$ is produced)

D_{n+2} allocation for research for year $n+2$

3. Algorithms used

The algorithms used to establish the size of the contingency provision and the allocations for research for year $n+2$, which will appear in the balance sheet for year n , are as follows:

3.1. Size of contingency provision:

$$P_n = P_{n-1} + 0,5 * (R_n - D_{n+1})$$

3.2. Allocations for research for year $n+2$ (rounded up or down to the nearest hundred thousand euros. If the calculation gives a result exactly halfway, the allocation shall be rounded up to the nearest hundred thousand euros):

$$D_{n+2} = D_{n+1} + 0,5 * (R_n - D_{n+1})$$

Where appropriate, the amount needed for rounding up (or the amount left over from rounding down) will be taken from (or returned to) the contingency provision.

Amended proposal for a Council Decision establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty of Nice, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel ⁽¹⁾

(2001/C 180 E/02)

(Text with EEA relevance)

COM(2001) 121 *final* — 2001/0061(CNS)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 8 March 2001)

⁽¹⁾ OJ C 180 E, 26.6.2001, p. 1.

INITIAL PROPOSAL

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

(1) Under Article 97 of the Treaty establishing the European Coal and Steel Community (ECSC), the Treaty will expire on 23 July 2002.

AMENDED PROPOSAL

Unchanged

Having regard to the Treaty establishing the European Community,

Having regard to the Protocol, annexed to the Treaty of Nice, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel, and in particular Article 2 thereof,

Having regard to the Commission proposal,

Having regard to the opinion of the European Parliament,

Unchanged

(2) The Protocol annexed to the Treaty of Nice, hereinafter referred to as 'the Protocol', transfers the assets of the ECSC to the European Community and allocates the net worth of these assets, as they appear in the balance sheet of the ECSC of 23 July 2002, to research in the sectors related to the coal and steel industry. This use of the assets is consistent with the resolution on growth and employment adopted by the European Council at its meeting in Amsterdam on 16 and 17 June 1997 ⁽¹⁾, and with the resolutions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, of 20 July 1998 ⁽²⁾ and 21 June 1999 ⁽³⁾.

(3) It is necessary to determine the distribution of the research appropriations between the two sectors concerned.

⁽¹⁾ Publication reference to be inserted.

⁽²⁾ OJ C 247, 7.8.1998, p. 5.

⁽³⁾ OJ C 190, 7.7.1999, p. 1.

INITIAL PROPOSAL

AMENDED PROPOSAL

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- | | |
|---|--|
| <p>(5) certain financial operations, involving both revenue and expenditure, will at that date still be outstanding, and resulting from the implementation of ECSC operating budgets for earlier years and ECSC borrowing and lending activities.</p> <p>(6) It is necessary to designate the institution responsible for winding up these operations and establishing the procedures needed to do so. It would be appropriate to entrust the Commission with the winding-up and to decide that the procedures to be followed will be those in force at 23 July 2002, in accordance with the ECSC Treaty and secondary legislation.</p> <p>(7) At its meeting of 11 September 1996, the Commission concluded that reserves should be kept to cover, after 2002, 100 % of the outstanding loans not covered by a Member State guarantee. The ex-ECSC funds administered will total approximately EUR 1.6 billion on 23 July 2002. The amount will vary depending on the financial activities still to be carried out before and after the expiry of the Treaty.</p> <p>(8) In order to distinguish ECSC assets from other Community Funds, after expiry of the Treaty, they shall be referred to as the 'ECSC in liquidation'. To the same end, once the liquidation has been completed, they will be referred to as the 'assets of the Coal and Steel Research Fund'. Finally, in order to differentiate between net revenue and the assets generating that revenue, the former shall be referred to as the 'Coal and Steel Research Fund'.</p> <p>(9) It is necessary to decide on the future use of these assets. It should be pointed out in this connection that they derive primarily from the levy on coal and steel production set up pursuant to Article 49 of the ECSC Treaty; it therefore seems right that the assets should benefit the two economic sectors in question.</p> <p>(10) The most suitable use for the assets which would benefit the coal and steel sectors is research. It is also necessary to determine the distribution of the research appropriations between the two sectors.</p> | <p>(4) It is necessary to establish the rules for implementing the Protocol, and in particular the decision-making procedures for adopting the multiannual financial guidelines for managing the assets of the Research Fund for Coal and Steel and the multiannual technical guidelines for the research programme of the Fund.</p> <p>(5) When the Treaty expires, certain financial operations, involving both revenue and expenditure, will still be outstanding, resulting from the implementation of ECSC operating budgets for earlier years and ECSC borrowing and lending activities.</p> <p>Unchanged</p> <p>(7) At its meeting of 11 September 1996, the Commission concluded that reserves should be kept to cover, after 2002, 100 % of the outstanding loans not covered by a Member State guarantee. The ex-ECSC funds administered will total approximately 1.6 billion euro on 23 July 2002. The amount will vary depending on the financial activities still to be carried out before and after the expiry of the Treaty.</p> <p>Deleted</p> |
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INITIAL PROPOSAL

AMENDED PROPOSAL

(11) The most appropriate way of doing this is to assign the assets to the European Community and to establish rules and procedures to ensure that the assets and the revenue they generate are used solely for the abovementioned purpose.

(12) This use and this procedure are consistent with the resolution on growth and employment adopted by the European Council at its meeting in Amsterdam on 16 and 17 June 1997 and the resolutions of the Council and the Representatives of the Governments of the Member States, meeting within the Council, of 20 July 1998 ⁽¹⁾ and 21 June 1999 ⁽²⁾.

(8) Where debtors default during the liquidation period after 23 July 2002 and in order to guarantee the annual stability of the coal and steel research instrument, any default by an ECSC debtor should first be charged to the capital and then to the revenues funding research.

Unchanged

It is also necessary to define the ownership of the other ECSC assets,

Deleted

(9) This Decision respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union as general principles of Community law,

HAS ADOPTED THIS DECISION:

Article 1

Unchanged

1. The Commission shall be entrusted with winding up the financial operations of the European Coal and Steel Community which are still in progress when the ECSC Treaty expires. Where an ECSC debtor defaults during the liquidation period, the resulting loss shall be charged first to the existing capital and then to the revenue of the current year.

2. The liquidation shall be conducted in accordance with the rules and procedures applying to these operations, with the Community enjoying the existing powers and prerogatives provided for by the ECSC Treaty and secondary legislation in force on 23 July 2002.

2. The liquidation shall be conducted in accordance with the rules and procedures applying to these operations, with the Community institutions enjoying the existing powers and prerogatives provided for by the ECSC Treaty and secondary legislation in force on 23 July 2002.

Article 3

Article 2

1. The assets shall be managed by the Commission in such a manner as to ensure a long-term return. The management of the liquid assets should be aimed at the highest possible yield that is compatible with security.

1. The assets shall be managed by the Commission in such a manner as to ensure a long-term return. The investment of the liquid assets should be aimed at the highest possible yield that is compatible with security.

⁽¹⁾ OJ C 247, 7.8.1998, p. 5.

⁽²⁾ OJ C 190, 7.7.1999, p. 1.

INITIAL PROPOSAL

2. The Council, acting by qualified majority as provided for under Article 205 of the EC on a proposal from the Commission after receiving the Opinion of the European Parliament, shall adopt multiannual financial guidelines for management of the assets.

Article 4

1. Each year a profit-and-loss account, balance sheet and financial report shall be drawn up to show, separately from the other financial operations of the remaining Communities, the liquidation operations provided for in Article 1 and the investment transactions under Article 3.

These financial statements shall be incorporated into the financial statements drawn up by the Commission annually under Article 275 of the EC Treaty and the Financial Regulation applicable to the general budget of the European Communities.

2. The powers of the Parliament, the Council and the Court of Auditors concerning control and discharge as set out in the Treaties and the Financial Regulation shall apply to the operations referred to in paragraph 1.

Article 5

1. Net revenue from the investments provided for under Article 3 shall constitute revenue in the budget of the European Communities. Within the meaning of the second indent of Article 4(3) of the Financial Regulation, This revenue shall be earmarked for a specific purpose, namely financing research projects in the the coal and steel sectors not covered by the framework programme. It shall form the Coal and Steel Research Fund and shall be managed by the Commission.

2. The amounts yielded by the Fund shall be distributed, 27,2 % being allocated to the coal sector and 72,8 % to the steel sector. Should it prove necessary, the Council, acting unanimously on a proposal from the Commission, shall modify the breakdown between coal-related research and steel-related research.

3. The multiannual technical guidelines for the research programmes shall be adopted by the Council acting by qualified majority under Article 205 of the EC on a proposal from the Commission after receiving the opinion of the European Parliament.

AMENDED PROPOSAL

2. The Council, acting by qualified majority as provided for under Article 205 of the EC Treaty on a proposal from the Commission after receiving the Opinion of the European Parliament, shall adopt multiannual financial guidelines for management of the assets.

Article 3

1. Each year a profit-and-loss account, balance sheet and financial report shall be drawn up to show, separately from the other financial operations of the remaining Communities, the liquidation operations provided for in Article 1 and the investment transactions under Article 2.

Unchanged

2. The powers of the European Parliament, the Council and the Court of Auditors concerning control and discharge as set out in the Treaties and the Financial Regulation applicable to the general budget of the European Communities shall apply to the operations referred to in paragraph 1.

Article 4

1. Net revenue from the investments provided for under Article 2 shall constitute revenue in the budget of the European Communities. This revenue shall be earmarked for a specific purpose, namely financing research projects in the sectors related to the coal and steel industry not covered by the programme. It shall form the Coal and Steel Research Fund and shall be managed by the Commission.

Unchanged

3. The multiannual technical guidelines for the research programmes shall be adopted by the Council acting by qualified majority under Article 205 of the EC Treaty on a proposal from the Commission after receiving the opinion of the European Parliament.

INITIAL PROPOSAL

AMENDED PROPOSAL

4. In accordance with the provisions contained in the Financial Regulation, unused revenue and appropriations deriving from this revenue still available on 31 December in any given year shall be carried over automatically to the following year. These appropriations may not be transferred to other budget items.

5. Budgetary appropriations corresponding to cancellations of commitments shall automatically lapse at the end of each financial year. Provisions for commitments released as a result of the cancellations shall be entered profit-and-loss account provided for in Article 4 (1) and shall return initially to the assets of the 'ECSC in liquidation' and subsequently, when liquidation has been completed, to the 'Assets of the Coal and Steel Research Fund'. Amounts recovered shall similarly be entered profit-and-loss account.

Article 6

1. Net revenue available to finance research projects for year n+2 shall be recorded in the balance sheet of the 'ECSC in liquidation' of year n, and once liquidation has been completed, in the balance sheet of the 'Assets of the Coal and Steel Research Fund'.

2. In order to eliminate fluctuations in research funding due to movements on the financial markets, a smoothing shall be effected and a provision made for contingencies. Details of the calculations for smoothing and determining the size of the contingency reserve are contained in the Annex.

Article 7

Administrative expenditure resulting from the liquidation and from the investment and management of the Coal and Steel Research Fund, which replaces that laid down in Article 20 of the Treaty establishing a single Council and a single Commission of the European Communities of 8 April 1965, the amount of which was adjusted by the Council Decision of 21 November 1977, shall be met by the Commission from the general budget of the European Communities.

Article 8

New Member States may, during accession negotiations, acquire a share of the 'Assets of the Coal and Steel Research Fund', and, where appropriate, the 'ECSC in liquidation' or the Fund, once they have made the necessary contributions, due regard being had to decisions adopted in the past in similar situations.

4. In accordance with the provisions contained in the Financial Regulation applicable to the general budget of the European Communities, unused revenue and appropriations deriving from this revenue still available on 31 December in any given year shall be carried over automatically to the following year. These appropriations may not be transferred to other budget items.

5. Budgetary appropriations corresponding to cancellations of commitments shall automatically lapse at the end of each financial year. Provisions for commitments released as a result of the cancellations shall be entered in the balance sheet and the profit-and-loss account provided for in Article 3(1) and shall return initially to the assets of the 'ECSC in liquidation' and subsequently, when liquidation has been completed, to the 'Assets of the Coal and Steel Research Fund'. Amounts recovered shall similarly be entered in the balance sheet and the profit-and-loss account.

Article 5

Unchanged

Article 6

Unchanged

Article 7

Unchanged

| INITIAL PROPOSAL | | AMENDED PROPOSAL |
|--|-----------|------------------|
| <i>Article 9</i> | | <i>Article 8</i> |
| The Commission shall determine the amount of the assets of the ECSC in a balance sheet closed at 23 July 2002. | Unchanged | |
| <i>Article 10</i> | | <i>Article 9</i> |
| This Decision shall enter into force on 24 July 2002. | Unchanged | |

ANNEX

PROCEDURES TO BE FOLLOWED TO ESTABLISH THE AMOUNT OF NET REVENUE TO BE ALLOCATED TO COAL AND STEEL RESEARCH

1. Introduction

Net revenue which may be used to finance research projects corresponds to the annual net result of the 'ECSC in liquidation' and subsequently, when liquidation has been completed, to the annual net result of the 'Assets of the Coal and Steel Research Fund'. The method employed consists of establishing the funding for coal and steel research for year $n+2$ when producing the balance sheet for year n , taking into account half of the increase or decrease in the net result in relation to the last level of funding adopted for coal and steel research.

2. Definition

n : reference year

R_n net result for year n

P_n contingency provision for year n

D_{n+1} allocation for research for year $n+1$ (established when the balance sheet for year $n-1$ is produced)

D_{n+2} allocation for research for year $n+2$

3. Algorithms used

The algorithms used to establish the size of the contingency provision and the allocations for research for year $n+2$, which will appear in the balance sheet for year n , are as follows:

3.1. Size of contingency provision:

$$P_n = P_{n-1} + 0,5 * (R_n - D_{n+1})$$

3.2. Allocations for research for year $n+2$ (rounded up or down to the nearest hundred thousand euros. If the calculation gives a result exactly halfway, the allocation shall be rounded up to the nearest hundred thousand euros):

$$D_{n+2} = D_{n+1} + 0,5 * (R_n - D_{n+1})$$

Where appropriate, the amount needed for rounding up (or the amount left over from rounding down) will be taken from (or returned to) the contingency provision.

Amended proposal for a Council Decision laying down multiannual financial guidelines for managing the assets of the 'ECSC in liquidation' and, on completion of the liquidation, the 'Assets of the Coal and Steel Research Fund' ⁽¹⁾

(2001/C 180 E/03)

(Text with EEA relevance)

COM(2001) 121 final — 2000/0363(CNS)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 8 March 2001)

⁽¹⁾ OJ C 29 E, 30.1.2001, p. 251.

INITIAL PROPOSAL

AMENDED PROPOSAL

THE COUNCIL OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community,

Having regard to the Decision [...] /ECSC] of the representatives of the governments of the Member States meeting within the Council on [...] concerning the financial consequences of the expiry of the Treaty establishing the European Coal and Steel Community

Having regard to the Protocol annexed to the Treaty of Nice on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel,

and in particular Article 32, paragraph 2 thereof,

Having regard to Council Decision [.../...], and in particular Article 2, paragraph 2 thereof,

Having regard to the proposal from the Commission,

Unchanged

Having regard to the opinion of the European Parliament,

Whereas:

(1) For the purposes of the Decision [...] /ECSC], the Commission shall manage the assets of the 'ECSC in liquidation' or, after the liquidation, the 'Assets of the Coal and Steel Research Fund'.

(1) For the purposes of the Protocol on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel, the Commission shall manage the assets of the 'ECSC in liquidation' and, after the liquidation, the 'Assets of the Coal and Steel Research Fund'.

(2) The management of these assets should be aimed at the highest possible yield that is compatible with security.

Unchanged

(3) The entire capital of the 'Assets of the Coal and Steel Research Fund', yielded by the liquidation, should be preserved intact.

(4) The management of the transferred assets should take account of the experience gained in conducting the financial operations of the European Coal and Steel Community, and the multiannual financial guidelines for the management of the assets of the 'ECSC in liquidation' should therefore be based on this experience.

INITIAL PROPOSAL

AMENDED PROPOSAL

HAS DECIDED AS FOLLOWS:

- (5) This Decision respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union as general principles of Community law.

Article 1

The multiannual financial guidelines for managing the assets of the 'ECSC in liquidation', or, after the liquidation, the 'Assets of the Coal and Steel Research Fund', hereinafter called 'financial guidelines', are set out in the Annex.

The multiannual financial guidelines for managing the assets of the 'ECSC in liquidation' and, after the liquidation, the 'Assets of the Coal and Steel Research Fund', hereinafter called 'financial guidelines', are set out in the Annex.

Article 2

If need be, the financial guidelines shall be reviewed or supplemented every five years, commencing from 1 January 2008. To this end, and at the latest in the first semester of the last year of each five-year period, the Commission shall reassess the operation and effectiveness of the financial guidelines and shall propose any appropriate amendments.

Unchanged

If it sees fit, the Commission may carry out such reassessment and shall propose any appropriate amendments before the expiry of the five-year period.

Article 3

This Decision shall take effect on 24 July 2002.

ANNEX

Unchanged

FINANCIAL GUIDELINES FOR THE INVESTMENT OF THE ASSETS OF THE 'ECSC IN LIQUIDATION' TRANSFERRED BY THE MEMBER STATES TO THE COMMISSION

1. Introduction

The Member States of the European Coal and Steel Community (ECSC), meeting in the Council, have transmitted to the European Community the assets of the ECSC, which is to be wound up, after the expiry of the Treaty, on 23 July 2002. They have charged the European Community with the task of using these assets to discharge all legal liabilities of the ECSC, and have agreed that these assets are to be managed according to their instructions in such a way as to complete this task and to provide funds for the benefit of financing continuing research in the coal and steel sectors.

The Member States of the European Coal and Steel Community (ECSC) have transmitted to the European Community all assets and liabilities of the ECSC, which is to be wound up, after the expiry of the Treaty, on 23 July 2002. They have charged the European Community with the task of using these assets to discharge all legal liabilities of the ECSC, and have agreed that these assets are to be managed according to their instructions in such a way as to complete this task and to provide funds for the benefit of financing continuing research in the coal and steel sectors.

INITIAL PROPOSAL

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The following financial guidelines are to be applied when managing these assets in order to provide for the discharge of the liabilities, and to the extent of any eventual surplus to finance the research activities.

Unchanged

2. Use of funds

All the assets of the 'ECSC in liquidation', including both its loan portfolio and its investments, are to be used as follows:

All the assets of the 'ECSC in liquidation', and on completion of the liquidation, the 'Assets of the Coal and Steel Research Fund', including both its loan portfolio and its investments, are to be used as follows:

— first, such assets as necessary shall be used to meet the remaining obligations of the ECSC, in terms both of its outstanding borrowings⁽¹⁾ and of its commitments resulting from previous operating budgets, and

Unchanged

— secondly, to the extent that such assets are not needed to meet obligations as described above, they should be invested so as to provide income to be used to fund the continuation of research in the coal and steel industries

— secondly, to the extent that such assets are not needed to meet obligations as described above, they should be invested so as to provide income to be used to fund the continuation of research in the sectors related to the coal and steel industry.

3. Allocation of assets

Unchanged

Following from point 2 above, the Commission will allocate the financial assets received from the Member States between the following three categories:

- (i) reserves needed to provide an assurance to the creditors of the ECSC that all of its outstanding borrowings and the interest thereon will be paid in full on their due date, thus enabling the obligor to maintain its 'AAA' rating;
- (ii) funds needed to guarantee the disbursement of all amounts legally engaged under the Operating Budget of the ECSC prior to the expiry of the ECSC Treaty;
- (iii) to the extent that funds are no longer needed for the above purposes (due either to the reimbursement of borrowings or payment of interest without call on the reserves or the eventual cancellation of budgetary obligations), such funds will be allocated to a long-term investment category.

4. Investment categories

Financial assets allocated under this scheme are to be invested in such a way as to ensure that funds are available as and when needed, while still generating the highest return available, consistent with maintaining a high degree of security and stability over the long term.

- (a) To obtain these objectives, the following investment instruments shall be permitted, subject to the exposure limits set out below:

⁽¹⁾ In the event of a non-performing loan, any shortfall is made good by the application of ECSC's assets

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- (i) term deposits with authorised banks;
- (ii) money market instruments, with a final maturity of less than one year, issued by authorised banks or by other categories of authorised issuers as set out in these guidelines;
- (iii) fixed and floating rate bonds, with a maturity not exceeding 10 years, provided that they are issued by any of the categories of authorised issuers;

- (iv) equity shareholdings in collective investment funds, provided that such investments are limited to funds whose aim is to respond to the performance of a financial index and only for the investments referred to 3(iii) above.

- (iv) equity shareholdings in collective investment funds, provided that such investments are limited to funds whose aim is to respond to the performance of a financial index and only for the investments referred to in 3(iii) above.

(b) The Commission may also make use of the following operations:

Unchanged

- (i) repurchase and reverse repurchase agreements, provided the counterparts are authorised for such transactions, and provided that:

- (a) securities held under such contracts may not be re-sold to parties other than the contracting counterparty prior to the contractual deadline, and

- (b) the Commission remains in a position to re-purchase securities that it may have sold at the contractual deadline;

- (ii) bond lending operations, but only under the conditions and procedures laid down by recognised clearing systems such as CLEARSTREAM (formerly CEDEL) and EUROCLEAR, or by leading financial institutions specialising in this type of operation.

(c) The Commission may not undertake the following operations:

- (i) purchases of precious metals or certificates representing precious metals;

- (ii) purchases of real estate, except buildings occupied by EU institutions;

- (iii) buying or selling of derivatives contracts.

5. Investment limits

(a) The Commission's investment shall be limited to the following amounts:

- for obligations issued or guaranteed by Member States or institutions of the EU, EUR 250 million per Member State or institution;

- for obligations issued or guaranteed by other sovereign or supranational borrowers, with a credit rating of not less than 'AA-' or equivalent, EUR 100 million;

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- for deposits with and/or monetary instruments of an authorised bank, the lower of either EUR 100 million or 5 % of the bank's own funds;
 - for obligations of corporate issuers with a credit rating of not less than 'AAA', EUR 50 million;
 - for obligations of corporate issuers with a credit rating of not less than 'AA-' or equivalent, EUR 25 million;
 - for holdings of collective investment vehicles with a credit rating of not less than 'AA-' or equivalent, EUR 25 million for each such vehicle.
- (b) The investment in any single bond issue, subject to the limits given in (a) above, shall not be more than 20 % of the total amount of such issue.
- (c) Within the limits referred to (a), not more than 20 % of the total amount held shall be invested in respect of any single issuer.
- (d) The abovementioned ratings should be those applied by at least one of the major international credit rating agencies, as generally understood.

6. Transfer to EU budget

The net balance of the income will be committed to the general budget of the EU as dedicated revenue and will be disbursed by the Fund as necessary to meet the obligations from the budget line directed to research programmes for the coal and steel sectors.

7. Investment procedures

The Commission shall carry out, on behalf of 'ECSC in liquidation', the abovementioned investment operations according to the regulations and procedures in force for the ECSC at the time of its dissolution subject to change by the Commission, which is required by best market practice.

8. Accounting

The management of the funds shall be accounted for in the annual profit-and-loss account and the annual balance sheet prepared for the 'ECSC in liquidation'. These shall be based upon generally accepted accounting principles similar to those provided for the ECSC. The accounts will be approved by the Commission and certified by the Court of Auditors. The Commission may employ an external firm to carry out an annual audit of its accounts.

6. Transfer to the budget of the European Union

The net balance of the income will be committed to the general budget of the European Union as dedicated revenue and will be disbursed by the Fund as necessary to meet the obligations from the budget line directed to research programmes for the coal and steel sectors.

Unchanged

Amended proposal for a Council Decision laying down the multiannual technical guidelines for the research programme of the Coal and Steel Research Fund ⁽¹⁾

(2001/C 180 E/04)

(Text with EEA relevance)

COM(2001) 121 final — 2000/0364(CNS)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 8 March 2001)

⁽¹⁾ OJ C 29 E, 30.1.2001, p. 254.

INITIAL PROPOSAL

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Decision [. . . /ECSC] of the Representatives of the Governments of the Member States meeting within the Council on ... concerning the financial consequences of the expiry of the Treaty establishing the European Coal and Steel Community, in particular Article 5(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The net revenues from investments on assets of the 'ECSC in liquidation' are being assigned to the 'Coal and Steel Research Fund', which is intended to fund research projects outside the framework programme in the coal and steel industries
- (2) The 'Coal and Steel Research Fund' is to be managed by the Commission in accordance with principles similar to those governing the present ECSC coal and steel technical research programmes and on the basis of multiannual technical guidelines which should constitute an ideal extension of those ECSC programmes, providing a high concentration of research activities and ensuring that they supplement those of the Community framework programme for research and technological development,

AMENDED PROPOSAL

Unchanged

Having regard to the Protocol annexed to the Treaty of Nice on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel,

Having regard to Council Decision [. . . / . . .], and in particular Article 4, paragraph 3 thereof,

Unchanged

- (1) The net revenues from investments on assets of the 'ECSC in liquidation', and on completion of the liquidation, the 'Assets of the Coal and Steel Research Fund', are being assigned to the 'Coal and Steel Research Fund', which is intended exclusively to fund research projects outside the framework programme in the sectors related to the coal and steel industry.
- (2) The 'Coal and Steel Research Fund' is to be managed by the Commission in accordance with principles similar to those governing the present ECSC coal and steel technical research programmes and on the basis of multiannual technical guidelines which should constitute an ideal extension of those ECSC programmes, providing a high concentration of research activities and ensuring that they supplement those of the Community framework programme for research and technological development.
- (3) This Decision respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union as principles of Community law,

INITIAL PROPOSAL

HAS DECIDED AS FOLLOWS:

Article 1

The multiannual guidelines for the research programme of the Coal and Steel Research Fund, hereinafter called 'technical guidelines', are set out in the Annex.

Article 2

The technical guidelines shall be reviewed or supplemented, where appropriate, every five years commencing on 1 January 2008. To this end, and at the latest in the first six months of the last year of each five-year period, the Commission shall reassess the operation and the effectiveness of the technical guidelines and shall propose all necessary amendments.

If it sees fit, the Commission may carry out such reassessment and shall propose any appropriate amendments before the expiry of the five-year period.

Article 3

This Decision shall take effect on 24 July 2002.

ANNEX

**TECHNICAL GUIDELINES FOR THE EUROPEAN
COAL AND STEEL RTD PROGRAMME FOR THE PERIOD
2002-2007**

1. Introduction

The Member States of the European Coal and Steel Community (ECSC), meeting within the Council, have transferred to the European Community the assets of the ECSC, which is to be wound up, after the expiry of the Treaty, on 23 July 2002. They have charged the European Commission with the task of using such assets to discharge all legal liabilities of the European Coal and Steel Community, and have agreed that such assets are to be managed according to their instructions in such a way as to complete this task and to provide funds for the benefit of financing continuing research in sectors related to the coal and steel industries.

AMENDED PROPOSAL

HAS ADOPTED THIS DECISION:

Unchanged

Unchanged

The Member States of the European Coal and Steel Community (ECSC) have transferred to the European Community the assets of the ECSC, which is to be wound up, after the expiry of the Treaty, on 23 July 2002. The European Commission will undertake to use such assets to discharge all legal liabilities of the European Coal and Steel Community, and such assets are to be managed with the aim of providing funds for the benefit of financing continuing research in sectors related to the coal and steel industries.

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2. The Programme

Unchanged

2.1. Objectives

As a continuation of the ECSC Coal and Steel Research and Technical Development (RTD) Programmes and with an eye to sustainable development, a European Coal and Steel RTD Programme (hereinafter 'the programme') is established. The objective of the programme is to support the competitiveness of the Community coal and steel industries. The programme shall be consistent with the scientific, technological and political objectives of the European Union, and complement the activities carried out in the Member States and within the existing Community programmes, such as the framework programme. Coordination, complementarity and synergy between these programmes are an objective, and mutual exchange of information is encouraged between projects financed under the programme and related projects that are financed under the framework programme.

2.2. Main principles

The programme grants financial contributions to research, pilot and demonstration projects by promoting cooperation with and between undertakings, research centres and universities. Accompanying measures are also implemented as well as support and preparatory actions.

The programme covers production processes, product treatment and properties (including in-use properties), environmental improvements and safety at work related to the coal and steel industry.

The definitions of 'coal' and 'steel' are provided in Appendix A; they refer to those of the ECSC Treaty, updated to meet the needs of sustaining the competitiveness of the Community coal and steel industry and widened to include products that may enhance it. These definitions may be modified when any further positive impact on competitiveness can be expected.

2.3. Scope

These guidelines set out the structure and management of the programme, its scientific and technical content and priorities in complementarity to other existing programmes, and the modalities of participation.

These guidelines include the call for proposals for the programme described in § 4.1 and its scientific/technical and socio-economic priorities described in Appendices B and C. Any modification of the Appendices B and C shall follow the procedure described in § 3.1.

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2.4. *Participation*

Any undertaking, research institute or natural person established in the territory of a Member State of the ECSC at the date of the expiry of this Treaty and of a new Member State of the EC under the conditions set out in Article 8 of the decision of the representatives of the Governments of the Member States meeting within the Council concerning the financial consequences of the expiry of the ECSC Treaty, can participate in the programme and apply for a financial contribution, provided that it intends carrying out an RTD activity or can substantially contribute to it.

Any undertaking, research institute or natural person established in the territory of a Member State of the ECSC at the date of the expiry of this Treaty and of a new Member State of the EC under the conditions set out in Article 7 of Council Decision [. . .] laying down the provisions required for implementing the Protocol annexed to the Treaty of Nice on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel, can participate in the programme and apply for a financial contribution, provided that it intends carrying out an RTD activity or can substantially contribute to it.

2.4.1. Participation of candidate countries for EU membership

Unchanged

Undertakings, research institutes or natural persons in candidate countries for EU membership are entitled to participate without receiving any financial contribution under the programme. These conditions are subject to modification in accordance with the conditions established in the relevant Europe Agreements and their additional protocols, and in the decisions of the respective Association Councils.

Undertakings, research institutes or natural persons in candidate countries for EU membership are entitled to participate without receiving any financial contribution under the programme. These conditions are subject to modification in accordance with the conditions established in the relevant Europe Agreements and their additional Protocols, and in the decisions of the respective Association Councils.

2.4.2. Participation of third countries

Unchanged

Undertakings, research institutes or natural persons from third countries are entitled to participate on a project-by-project basis and without receiving any financial contribution under the programme, when this is in the interest of the European Community.

2.5. *Allowable projects, accompanying measures and other actions*

Research, pilot and demonstration projects, accompanying measures, and support and preparatory actions can be financed under the programme.

A research project is intended to cover investigation or experimental work to acquire new knowledge to facilitate the attainment of specific practical objectives such as the creation of new products, production processes or services.

A pilot project is characterised by the construction, operation and development of an installation or a significant part of an installation on an adequate scale and using suitably large components with a view to verifying the practicability of theoretical or laboratory results and/or increasing the reliability of the technical and economic data needed to progress to the demonstration stage, and in certain cases to the industrial and/or commercial stage.

A demonstration project is characterised by the construction and/or operation of an industrial-scale installation or a significant part of an industrial-scale installation which should make it possible to bring together all the technical and economic data, in order to proceed to industrial and/or commercial exploitation of the technology with the least possible risk.

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The accompanying measures concern the promotion of the use of knowledge gained, clustering of projects, dissemination of results, stimulation of training and mobility of researchers in connection with projects funded under the programme.

The support and preparatory actions are those appropriate to the sound and effective management of the programme, such as the periodic monitoring and assessment referred to in § 5, studies or networking of related projects funded under the programme and the framework programme.

3. Management of the Programme

The programme is managed by the Commission. One expert group and two advisory groups are established to assist the Commission:

- (a) the Coal and Steel Expert Group described in § 3.1;
- (b) the Coal Advisory Group and the Steel Advisory Group described in § 3.2.

3.1. *The Coal and Steel Expert Group*

The Commission is assisted by an expert group called the Coal and Steel Expert Group composed of representatives of the administration of the Member States and chaired by the Commission.

The Expert Group advises the Commission on:

- (a) the allocation of funds;
- (b) the drawing-up of terms of reference for the monitoring and the assessment of the programme referred to in § 5;
- (c) any updating of the Appendices to these guidelines;
- (d) other issues in relation to the programme.

The Commission makes available to the Group overall information about the programme, the progress and the measured or estimated impact of all funded RTD actions.

3.2. *The Technical Advisory Groups*

The Coal Advisory Group (hereinafter 'Coal AG') and the Steel Advisory Group (hereinafter 'Steel AG') are technical advisory groups, independent from each other, established to assist the Commission. For the coal-related and the steel-related RTD aspects, respectively, each AG:

- (a) advises on the overall development of the programme, including the information package and the preparation of the next guidelines;
- (b) contributes to ensure consistency and avoid duplication with other RTD programmes at Community and national level;

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- (c) assists in setting out the guiding principles for monitoring the RTD projects;
- (d) advises on the work being undertaken on specific projects;
- (e) advises on defining the priorities of the programme;
- (f) advises on the preparation of a manual for the evaluation and selection of RTD actions;
- (g) advises on the evaluation of proposals of RTD actions;
- (h) advises on other measures when so requested by the Commission.

Each AG is composed of a maximum of 30 members appointed by the Commission to serve in a personal capacity for the duration of these guidelines. Appointments may be withdrawn. The Commission considers proposals for appointment received in one (or more) of the following way(s): on proposal by the Member States; on proposals by the organisations referred to in § 3.2.1 and § 3.2.2; in reply to a call for applications for inclusion on a list of possible members.

The Members should be active in the field concerned and aware of the industrial priorities. In each AG, a balanced and appropriate expertise, and the broadest possible geographic representation should be ensured. The presence of at least one member from each interested country is aimed at.

The AG meetings are chaired by the Commission, which also provides the secretariat. When needed, the chairperson may request members to vote; every member is entitled to one vote. Additional experts may be invited by the chairperson to participate in meetings, when appropriate.

The two AGs convene in joint meetings should the need be, e.g. to provide advice on matters of relevance for both sectors.

3.2.1. The Coal Advisory Group

For the period covered by these guidelines the composition of the Coal AG is as follows:

| Members | Maximum Total |
|--|------------------|
| (a) From coal producers or related research centres | 8 |
| (b) From organisations representing coal producers at European level | 2 |
| (c) From coal users or related research centres | 8 |
| (d) From organisations representing coal users at European level | 2 |
| (e) From organisations representing the workers | 2 |
| (f) From organisations representing equipment suppliers | <u>2</u> |
| | 24 |

The members should have a wide background knowledge and individual expertise in one or more of the following areas: coal mining and utilisation, environment and social issues.

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3.2.2. The Steel Advisory Group

For the period covered by these guidelines the composition of the Steel AG is as follows:

| Members | Maximum Total |
|---|------------------|
| (a) From steel industries/national federations or related research centres | 21 |
| (b) From organisations representing producers at European level | 2 |
| (c) From organisations representing the workers | 2 |
| (d) From organisations representing downstream processing industries or steel users | <u>5</u> |
| | 30 |

The members should have a wide background knowledge and individual expertise in one or more of the following areas: raw materials; ironmaking; steelmaking; continuous casting; hot and/or cold rolling; steel finishing and/or surface treatment; development of steel grades and/or products; steel applications and properties; environmental and social issues.

4. **Implementation of the Programme**4.1. *Call for proposals*

One continuously open call for proposals is hereby established with a cut-off date for submission for evaluation on 15 September of each year from 2002 to 2007.

The Commission establishes and makes publicly available an information package providing proposers and interested parties with operative information on the programme, modalities for participation and those on the management of proposals and projects, application forms, rules for the submission of proposals, model contract(s), allowable costs, maximum financial contribution allowable and methods of payment.

Applications must be submitted to the Commission according to the rules contained in the information package which can be obtained from the Commission upon request.

The proposed projects must be concerned with the production and/or processing of coal, iron and/or steel or with the properties, fabrication and/or utilisation of coal and/or steel products. The scientific/technical and socio/economic priorities for the period covered by these guidelines are provided in the Appendices B and C, for coal and steel RTD, respectively.

4.2. *Content of proposals*

Each proposal must include a detailed description of the proposed project and contain full information on the objectives, partnership with details of the role of each partner, management structure, expected results and prospects for their applications, and estimate of industrial, economic, social and environmental expected benefits.

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The proposed total cost and its breakdown should be realistic and effective, and favourable cost/benefit ratios should be expected from the project.

4.3. *Evaluation and selection of proposals*

The Commission will ensure a confidential, fair and equitable evaluation of proposals.

The Commission will establish and publish a manual for the evaluation and selection of research and technological development actions (as specified in § 3.2.f).

The evaluation will be carried out under the responsibility and coordination of the Commission as follows:

1. After reception, registration and eligibility check of the proposals, the Commission evaluates the proposals with the assistance of the Technical Advisory Group concerned and of independent experts, and establishes a ranking of the proposals;
2. The Commission establishes the list of retained proposals;
3. The Commission consults the Advisory Group concerned and the Expert Group as described in § 3.1;
4. The Commission decides on the selection of projects and on the allocation of funds.

The Commission establishes technical groups to assist in the monitoring of research projects and activities.

4.4. *Contracts*

Proposals selected as specified in § 4.3 are the subject of a contract. Contracts are based on the relevant model contract drawn up by the Commission, taking into account, as appropriate, the different activities involved.

Contracts define the financial contribution under the programme established on the basis of the allowable costs, as well as the modalities of cost reporting, closure of accounts and audits.

4.5. *Financial contribution to projects*

The programme is based on cost-sharing RTD contracts. The total financial contribution including any other additional public funding shall conform to the applicable rules on State aid as defined in the relevant aid code.

The maximum total financial contribution, as a percentage of the allowable costs defined in § 4.6, is:

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- (a) for research projects: 60 %
- (b) for pilot and demonstration projects: 40 %
- (c) for accompanying measures, support and preparatory actions: 100 %

4.6. Allowable costs

The allowable costs cover only actual costs incurred for the work carried out under the contract. Contractors, associated contractors and subcontractors cannot claim any budgeted or commercial rates. The allowable costs are broken down into the following four cost categories.

4.6.1. Equipment

Equipment purchased or leased, which can be directly related to the project, may be charged as a direct cost. The allowable costs for leased equipment shall not exceed any allowable costs for its purchase.

4.6.2. Personnel

The costs of actual hours worked on the project only by scientific, post-graduate or technical staff and manual labour directly employed by the contractor may be charged. Any additional personnel costs, e.g. scholarships, require prior written approval by the Commission. All personnel time charged must be recorded and certified.

4.6.3. Operating costs

Operating costs comprise third party assistance, travel and subsistence costs incurred by allowable personnel working on the project, and other operating costs, which comprise exclusively the cost of:

- (a) raw materials;
- (b) minor items of regular consumption;
- (c) the use of consumable items;
- (d) energy (directly used for the project);
- (e) the maintenance or repair of equipment specifically used for the project;
- (f) the transport of equipment or products for and in the course of the project;
- (g) the alteration and transformation of existing equipment to the extent necessary for the proper performance of the project;
- (h) computing services;

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- (i) the rent of equipment specifically used for the project;
- (j) miscellaneous analyses;
- (k) special examinations and tests.

4.6.4. Indirect costs

All other expenses ('overhead costs' or 'overheads') which may arise in connection with the project and which are not specifically identified in the preceding categories are covered by a lump sum of 30 % of the allowable personnel expenditure.

4.7. *Technical reporting*

Each Commission contract is the subject of reporting by the contractor(s).

For RTD projects, semi-annual technical reports are due. These reports are to document the technical progress made. After the completion of work, a final report including the assessment of exploitation and impact has to be provided. This report will be published by the Commission in full or summarised form depending on the strategic relevance of the RTD project. The decision is taken by the Commission after consultation, if necessary, of the relevant AG.

Final reports of accompanying measures may be published, where appropriate.

5. Annual Reviews, Monitoring and Assessment of the Programme

An annual review of the activities of the programme and of the progress of the RTD work is carried out by the Commission. The report containing the annual review is transmitted to the Expert Group.

A monitoring of the programme is carried out and includes an estimate of the expected benefits; the monitoring report is issued by the end of 2006. The report is transmitted to the AGs, the Expert Group and the Council.

An assessment of the programme is carried out on completion of the projects financed during the period covered by these guidelines. The benefits of the RTD to society and to the relevant sectors have also to be assessed. The assessment report is published.

The Commission draws up the terms of reference for the annual review, the monitoring and the assessment; for the two latter the Commission is assisted by the Expert Group as referred to in § 3.1. Both monitoring and assessment are carried out by panels of highly qualified experts appointed by the Commission.

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6. Transitory Clause

The Commission takes appropriate measures to ensure a smooth transition from the ECSC RTD programmes to the programme. The ECSC contracts still running after the expiry of the ECSC Treaty are managed by the Commission in compliance with their specific contractual obligations, aiming at harmonising the management of the ECSC and the programme contracts.

Appendix A

Unchanged

European Coal and Steel RTD Programme

Definition of the Expressions 'Coal' and 'Steel'

1. Coal

- (a) Hard coal;
- (b) Hard coal briquette;
- (c) Coke and semi-coke derived from hard coal;
- (d) Lignite;
- (e) Lignite briquettes;
- (f) Coke and semi-coke derived from lignite.

The term 'hard coal' includes the Higher-Rank coals and the Lower-Rank 'A' coals (or sub-bituminous coals) of the 'International codification system of coal' of the Economic Commission for Europe of the United Nations ⁽¹⁾. The term 'lignite' includes the Low-Rank 'C' coals (or ortho-lignites) and the Low-Rank 'B' coals (or meta-lignites) of the same classification. The programme shall exercise its function in relation to lignite other than for the making of briquettes and semi-coke, only for its conversion into electricity or its combined conversion into heat and electricity.

The term 'hard coal' includes the Higher-Rank coals and the Lower-Rank 'A' coals (or sub-bituminous coals) of the 'International codification system of coal' of the Economic Commission for Europe of the United Nations. The term 'lignite' includes the Low-Rank 'C' coals (or ortho-lignites) and the Low-Rank 'B' coals (or meta-lignites) of the same classification. The programme shall exercise its function in relation to lignite other than for the making of briquettes and semi-coke, only for its conversion into electricity or its combined conversion into heat and electricity.

2. Iron and Steel

Unchanged

- (a) Raw materials for iron and steel production, such as iron ore, sponge iron and ferrous scrap;
- (b) Pig iron (including hot metal) and ferro-alloys;
- (c) Crude and semi-finished products of iron, ordinary or special steel (including products for re-use and re-rolling), such as liquid steel cast by continuous casting or differently, and semi-finished products, such as blooms, billets, bars, slabs and strips;

⁽¹⁾ International Codification System for Medium and High Rank Coals (1988), International Classification of In-Seam Coals (1998) and International Codification System for Low-Rank Coals Utilisation (1999).

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- (d) Hot finished products of iron, ordinary and special steels (coated or uncoated products, excluding steel castings, forgings and powder metallurgy products), such as rails, sheet piling, structural shapes, bars, wire rods, plates and universal plates, strips and sheets, and tube rounds and squares;
- (e) End products of iron, ordinary steel or special steels (coated or uncoated), such as cold rolled strips and sheets, and electrical sheets;
- (f) Products of the first-stage processing of steel that can enhance the competitive position of the above steel products, such as tubular products, drawn and bright products, cold rolled and cold formed products.

Unchanged

Appendix B

European Coal and Steel RTD Programme

Scientific/Technical and Socio-economic Priorities for the Period
2002-2007

COAL RTD

Research and technological development are a major instrument for supporting Community energy objectives with regard to the supply, competitive and environment-friendly conversion and utilisation of Community coal. Moreover, the growing international dimension of the coal market and the global scale of the problems confronting it means that the European Union has to take a leading role in meeting challenges related to modern techniques, safety in mines and protection of the environment on the world scene, providing for the transfer of know-how that is required for further technological progress, and improved working conditions (health and safety) and environmental protection. The priorities for coal research are set out below.

1. Improving the competitive position of Community coal

The principal objective is a reduction of the mine's total production costs, improvement in the quality of the products or reduction in the costs of using coal. Research projects encompass the entire coal production chain:

- (a) modern exploration techniques for deposits;
- (b) integrated mine planning;
- (c) high-efficiency, largely automated road heading and winning technologies corresponding to the particular geology of European hard coal deposits;
- (d) appropriate support technologies;
- (e) transport systems;
- (f) power supply services, communication and information, transmission, monitoring and process control systems;

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(g) coal preparation techniques, geared to the needs of the consuming markets;

(h) coal conversion;

(i) coal combustion.

Research projects are also aimed at scientific and technological progress, leading to improved knowledge of the behaviour and control of deposits in relation to rock pressure, gas emissions, the risk of explosion, ventilation and all other factors affecting mining operations. Research projects with these objectives must present the prospect of results applicable in the short to medium term to a substantial part of Community production.

1.1. *Priorities*

Priority is given to projects that promote:

(a) the integration of individual techniques in systems and methods and the development of integrated winning methods;

(b) substantial reduction of production cost;

(c) benefits in terms of mine safety and the environment.

2. **Health and safety in mines**

The required developments mentioned must be accompanied by appropriate efforts in the field of mine safety, as well as in gas control, ventilation and air-conditioning. Furthermore, underground working conditions raise the need for specific improvements in occupational health and safety aspects.

3. **Efficient protection of the environment and improvement of the use of coal as a clean energy source**

Research projects with this objective seek to minimise the impact of mining operations and the use of coal in the Community on the atmosphere, water and the surface in an integrated management strategy with respect to pollution. With a view to a Community coal industry undergoing constant restructuring, the research is also geared to minimising the environmental impact of underground mines destined for closure.

3.1. *Priorities*

Priority is given to projects that envisage:

(a) the reduction of greenhouse gas emissions, in particular methane, from coal deposits;

(b) the return to the mine of mining waste, fly ash and desulphurisation products, accompanied, where relevant, by other forms of waste;

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- (c) the refurbishment of waste heaps and the industrial use of residues from the production and consumption of coal;
- (d) protection of water tables and purification of mine drainage water;
- (e) the reduction of the environmental impact of installations which use mainly Community coal and lignite;
- (f) the protection of surface installations against the effects of subsidence in the short and long term;
- (g) the reduction of emissions from coal utilisation.

4. Management of external dependence on energy supply

Research projects with this objective relate to the prospects for long-term energy supply and concern the upgrading, in economic, energy and environmental terms, of coal resources, which can not be extracted economically by conventional mining techniques. Projects include studies, the definition of strategies, fundamental and applied research and the testing of innovative techniques, which offer prospects for the upgrading of Community coal resources. Preference is also given to projects integrating complementary techniques such as adsorption of methane or carbon dioxide, coal bed methane extraction, underground coal gasification, etc.

Appendix C

Unchanged

European Coal and Steel RTD Programme

Scientific/Technical and Socio-economic Priorities for the Period
2002-2007

STEEL RTD

With the general aim of increasing competitiveness and contributing to sustainable development, the main emphasis of RTD is on the development of new or improved technologies to guarantee an economic, clean and safe production of steel and steel products characterised by steadily increasing performance, suitability for use, customer satisfaction, prolonged service life, easy recovery and recycling.

1. New and improved steelmaking and finishing techniques

RTD should aim at the improvement of steel production processes to enhance product quality and increase productivity. The reduction of emissions, energy consumption and the environmental impact as well as an improved use of raw materials and the conservation of resources should form an integral part of the developments. The following fields should be addressed:

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- (a) iron-ore reduction processes;
- (b) ironmaking processes;
- (c) electric arc furnace processes;
- (d) steelmaking processes;
- (e) secondary metallurgy techniques;
- (f) continuous casting and near net shape casting techniques with and without direct rolling;
- (g) rolling, finishing and coating techniques;
- (h) hot and cold rolling techniques, pickling and finishing processes;
- (i) process instrumentation, control and automation;
- (j) maintenance and reliability of production lines.

2. Development and utilisation of steel

RTD on the utilisation of steel is essential for meeting the challenges of future steel user requirements and creating new market opportunities. The following fields should be addressed:

- (a) new steel grades for demanding applications;
- (b) steel properties addressing mechanical characteristics at low and high temperatures such as strength and toughness, fatigue, wear, creep, corrosion and resistance against fracture;
- (c) prolonging service life, in particular by improving heat and corrosion resistance of steels and steel structures;
- (d) steel containing composites and sandwich structures;
- (e) predictive simulation models on microstructures and mechanical properties;
- (f) structural safety and design methods, in particular in relation to fire and earthquakes;
- (g) technologies dealing with forming, welding and joining of steel and other materials;
- (h) standardisation of testing and evaluation methods.

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3. Conservation of resources and improvement of working conditions

Both in steel production and in steel utilisation, the conservation of resources, the preservation of the ecosystem and safety issues should form an integral part of the RTD work. The following fields should be addressed:

- (a) techniques for recycling of obsolete steel from various sources and classification of steel scrap;
 - (b) steel grades and design of assembled structures, which facilitate the easy recovery of steel scrap and its reconversion into usable steels;
 - (c) control and protection of the environment at and around the workplace;
 - (d) recovery of steelworks sites;
 - (e) improvement of working conditions and quality of life at the workplace;
 - (f) ergonomic methods;
 - (g) occupational health and safety;
 - (h) reduction of exposure to occupational emissions.
-

Proposal for a Directive of the European Parliament and of the Council amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery

(2001/C 180 E/05)

(Text with EEA relevance)

COM(2000) 840 final — 2000/0336(COD)

(Submitted by the Commission on 18 December 2000)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery.

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

(4) Although Directive 97/68/EC initially applied only to certain compression ignition engines, recital (5) of that Directive envisages the extension of its scope to include gasoline engines.

Having regard to the proposal from the Commission,

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

(5) The emissions from small spark ignition engines (gasoline engines) in different types of machinery contribute significantly to identified air quality problems, both current and future, especially ozone formation.

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty

(6) Emissions from small spark ignition engines are subject to strict environmental standards in the USA showing that it is technically possible to significantly reduce the emissions.

Whereas:

(1) The Auto Oil II programme was a programme to identify cost effective strategies to meet the air quality objectives of the Community. The Commission Communication Review on the Auto Oil II programme⁽¹⁾ concluded that there is a need for measures, especially to address the issues of ozone and particulate emissions. Recent work on the development of national emissions ceilings has shown that further measures are needed to meet the air quality objectives decided upon in the Community legislation.

(7) The absence of Community legislation means it is possible to import engines with old-fashioned technology from an environmental point of view, thereby jeopardising the air quality objectives in the Community or to implement national legislation in this field, with the potential to create barriers to trade.

(2) Stringent standards on emissions from vehicles on highways have been gradually introduced. It has already been decided that those standards should be strengthened. The relative contribution of pollutants from non-road mobile machinery thus will be more predominant in the future.

(8) Directive 97/68/EC is closely aligned with the corresponding US legislation and continuing alignment will have benefits for industry as well as for the environment.

(3) Directive 97/68/EC of the European Parliament and of the Council⁽²⁾ introduced emission limit values for gaseous

(9) A certain lead time is necessary for the European industry, especially for those manufacturers that are not yet operating on a global basis, to be able to meet the emission standards.

(10) A two-step approach is used in Directive 97/68/EC for compression ignition engines as well as in the US regulations on spark ignition engines. Although it might have been possible to adopt a one-step approach in the Community legislation, this would have left the field unregulated for another 4-5 years, thereby creating a market for engines with high emissions.

⁽¹⁾ COM(2000) 626 final.

⁽²⁾ OJ L 59, 27.2.1998, p. 1.

- (11) A system of averaging, banking and trading is an important element of stage II of the US regulations. Such a system means that a manufacturer can compensate emissions above the standards for one engine family by lower emissions from another as long as the average emissions of the engines sold is below the standard, banking credits from one year to another to achieve the averaging goal and buying and selling those credits to other manufacturers. The averaging and banking parts of the system, in particular, are essential when trying to align the US and Community legislation. A similar system of banking and trading is included in this Directive, to be used on a voluntary basis.
- (12) Averaging and banking has never before been used in the Community legislation in this field. Differences in the administrative systems between the Community and the USA create some uncertainties about the details of the averaging and banking systems; the Commission will review the details of the included averaging and banking systems and, where necessary, propose changes or amendments before the scheduled date of entry into force.
- (13) Provisions of Directive 97/68/EC concerning the Committee procedure should be adapted to take account of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (14) Directive 97/68/EC should be amended accordingly,
- (c) the engine must be used in a piece of equipment for which the combined engine and equipment dry weight is under 20 kilograms and at least one of the following attributes is also present:
- (i) the operator must alternatively provide support or carry the equipment throughout the performance of its intended function(s)
 - (ii) the operator must provide support or attitudinal control for the equipment throughout the performance of its intended function(s)
 - (iii) the engine must be used in a generator or a pump,
- “non-handheld engine” shall mean an engine which does not fall under the definition of a handheld engine,
 - “emission durability period” shall mean the number of hours indicated in Annex IV Appendix 4 used to determine the deterioration factors,
 - “small volume engine family manufacturer of SI engines” shall mean a manufacturer with a total production of less than 5 000 units of one and the same class,
 - “small volume engine manufacturer of SI engines” shall mean a manufacturer with a total production of less than 25 000 units.’

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 97/68/EC is amended as follows:

1. In Article 2, the following indents are added:

- “replacement engines” shall mean a newly built engine to replace an engine in a machine, and which has been supplied for this purpose only,
- “handheld engine” shall mean an engine that meets at least one of the following requirements:
 - (a) the engine must be used in a piece of equipment that is carried by the operator throughout the performance of its intended function(s).
 - (b) the engine must be used in a piece of equipment that must operate multipositionally, such as upside down or sideways, to complete its intended function(s).

2. In Article 3, the following paragraph 4 is added:

‘4. A manufacturer may, for SI engines with a power output of not more than 19 kW for stage II, on a voluntary basis, use the alternative type approval procedure described in Annex XII to this Directive.’

3. Article 4 is amended as follows:

- a) Paragraph 2 is amended as follows:

- (i) in the first sentence ‘Annex VI’ is replaced by ‘Annex VII’;
- (ii) in the second sentence ‘Annex VII’ is replaced by ‘Annex VIII’;

- (b) Paragraph 4 is amended as follows:

- (i) in point (a) ‘Annex VIII’ is replaced by ‘Annex IX’;
- (ii) in point (b) ‘Annex IX’ is replaced by ‘Annex X’;

- (c) In paragraph 5, ‘Annex X’ is replaced by ‘Annex XI’.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

(d) The following paragraph 6 is added:

'6. If a manufacturer has chosen to use the voluntary type approval procedure described in Annex XII, sections 8, 9 and 10 of that Annex shall apply by way of derogation from paragraphs 1 to 2 and paragraph 4 of this Article.'

4. In Article 6 the following paragraph 5 is added:

'5. If a manufacturer has chosen to use the voluntary averaging and banking procedure described in Annex XII, section 10 of that Annex shall apply by way of derogation from paragraphs 3 and 4 of this Article.'

5. In Article 7, the following paragraph 3 is added:

'3. Type-approvals according to Directive 88/77/EEC which are in compliance with stages A, B1, B2 or C, provided for in Article 2 and section 6.2.1 of Annex 1 to Directive 1999/96/EC of the European Parliament and of the Council⁽¹⁾, and, where applicable, the pertaining approval marks shall be accepted for Stage II provided for in Article 9(3) of this Directive.'

⁽¹⁾ OJ L 44, 16.2.2000, p. 1.'

6. In Article 8, the first sentence of paragraph 5 is replaced by the following:

'With regard to the control of the identification numbers, the manufacturer or his agents established in the Community shall without delay give, on request, to the responsible approval authority all the information needed related to his/their purchasers together with the identification numbers of the engines reported as produced in accordance with Article 6(3) or section 10 of Annex XII.'

7. Article 9 is amended as follows:

(a) The heading 'Timetable' is replaced by the heading 'Timetable — Compression ignition engines';

(b) In point 1, 'Annex VI' is replaced by 'Annex VII';

(c) Point 2 is amended as follows:

(i) 'Annex VI' is replaced by 'Annex VII';

(ii) 'section 4.2.1 of Annex I' is replaced by 'section 4.1.2.1 of Annex I';

(d) Point 3 is amended as follows:

(i) 'Annex VI' is replaced by 'Annex VII';

(ii) 'section 4.2.3 of Annex I' is replaced by 'section 4.1.2.3 of Annex I';

(e) In point 4, first paragraph, the word 'new' is deleted.

8. The following Article 9a is inserted:

'Article 9a

Timetable — Spark ignition engines

1. DIVIDING INTO CLASSES

For the purpose of this Directive Spark Ignition Engines shall be divided into the following classes.

Main class S: Small engines with a net power ≤ 19 kW

The main class S shall be divided into two categories

H: Engines for handheld machinery

N: Engines for non-handheld machinery

| Class/category | Displacement (cubic cm) |
|----------------------|-------------------------|
| Handheld engines | |
| Class SH:1 | < 20 |
| Class SH:2 | ≥ 20 to < 50 |
| Class SH:3 | ≥ 50 |
| Non-handheld engines | |
| Class SN:1 | < 66 |
| Class SN:2 | ≥ 66 < 100 |
| Class SN:3 | ≥ 100 < 225 |
| Class SN:4 | ≥ 225 |

2. GRANT OF TYPE APPROVALS

After dd/mm/yy, Member States may not refuse to grant type-approval for an SI engine type or engine family or to issue the document as described in Annex VII, and may not impose any other type-approval requirements with regard to air-polluting emissions for non-road mobile machinery in which an engine is installed, if the engine meets the requirements specified in this Directive as regards the emissions of gaseous pollutants.

3. TYPE-APPROVALS STAGE I

Member States shall refuse to grant type-approval for an engine type or engine family and to issue the documents as described in Annex (VI), and shall refuse to grant any other type-approval for non-road mobile machinery in which an engine is installed after (18) months from the date of entry into force of this Directive, if the engine fails to meet the requirements specified in this Directive and where the emissions of gaseous pollutants from the engine do not comply with the limit values as set out in the table in section 4.2.2.1 of Annex I.

4. TYPE-APPROVALS STAGE II

Member States shall refuse to grant type-approval for an engine type or engine family and to issue the documents as described in Annex (VI), and shall refuse to grant any other type-approval for non-road mobile machinery in which an engine is installed:

after 1 August 2004 for engine classes SN:1 and SN:2

after 1 August 2006 for engine class SN:4

after 1 August 2008 for engine classes SH1, SH 2 and SN:3

after 1 August 2010 for engine class SH:3,

if the engine fails to meet the requirements specified in this Directive and where the emissions of gaseous pollutants from the engine do not comply with the limit values as set out in the table in section 4.2.2.2 of Annex 1.

5. PLACING ON THE MARKET:

ENGINE PRODUCTION DATES

Six months after the dates for the relevant category of engine in paragraphs 3 and 4, with the exception of machinery and engines intended for export to third countries, Member States shall permit placing on the market of engines, whether or not already installed in machinery, only if they meet the requirements of this Directive.

Nevertheless, for each category, Member States may postpone the dates in paragraphs 3 and 4 for two years in respect of engines with a production date prior to those dates.'

9. Article 10 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. The requirements of Article 8(1) and (2), Article 9(4) and Article 9a (5) shall not apply to:

— engines for use by the armed services,

— engines exempted in accordance with paragraphs 1a and 2;'

(b) The following paragraph 1a is inserted:

'1a. A replacement engine shall comply with the limit values that the engine to be replaced had to meet when originally placed on the market.

The text "Replacement engine" shall be attached to a label on the engine or inserted into the owner's manual.'

(c) The following paragraphs 3 and 4 are added:

'3. The requirements of Article 9a (4) shall be postponed by three years for small volume engine manufacturers.

4. The requirements of Article 9a(4) shall be replaced by the corresponding stage I requirements for a small volume engine family manufacturer for the class or classes for which the manufacturer can show a yearly production less than 5 000 units.'

10. Articles 14 and 15 are replaced by the following:

'Article 14

Adaptation to technical progress

Any amendments which are necessary in order to adapt the Annexes to this Directive, with the exception of the requirements specified in section 1, sections 2.1 to 2.8 and section 4 of Annex I, to take account of technical progress shall be adopted by the Commission in accordance with the procedure referred to in Article 15(2).

Article 15

Committee

1. The Commission shall be assisted by the committee established by Article 13 of Council Directive 70/156/EEC⁽¹⁾ composed of representatives of the Member States and chaired by the representative of the Commission.

2. Where reference is made to this article, the regulatory procedure laid down in Article 5 of Council Decision 1999/468/EC⁽²⁾ shall apply, in compliance with Article 7 [and Article 8 If codecision] thereof.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be 3 months.

⁽¹⁾ OJ L 42, 23.2.1970, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.'

11. The following list of annexes is added:

List of Annexes

ANNEX I: SCOPE, DEFINITIONS . . .

ANNEX II: INFORMATION DOCUMENTS

Appendix 1: Essential characteristics of the (parent) engine

Appendix 2: Essential characteristics of the engine family

Appendix 3: Essential characteristics of engine type within family

ANNEX III: TEST PROCEDURE — COMPRESSION IGNITION ENGINES

Appendix 1: Measurement and sampling procedures

Appendix 2: Calibration of the analytical instruments

Appendix 3: Data evaluation and calculations

ANNEX IV: TEST PROCEDURE — SPARK IGNITION ENGINES

Appendix 1: Measurement and sampling procedures

Appendix 2: Calibration of the analytical instruments

Appendix 3: Data evaluation and calculations

Appendix 4: Deterioration factors

ANNEX V: TECHNICAL CHARACTERISTICS OF REFERENCE FUEL

ANNEX VI: ANALYTICAL AND SAMPLING SYSTEM

ANNEX VII: TYPE APPROVAL CERTIFICATE

Appendix 1: Test result for CI engines

Appendix 2: Test result for SI engines

Appendix 3: Equipment and auxiliaries to be installed for the test to determine engine power

ANNEX VIII: APPROVAL CERTIFICATE NUMBERING SYSTEM

ANNEX IX: LIST OF ENGINE/ENGINE FAMILY TYPE-APPROVALS ISSUED

ANNEX X: LIST OF ENGINES PRODUCED

ANNEX XI: DATA SHEET OF TYPE APPROVED ENGINES

ANNEX XII: PROCEDURE FOR VOLUNTARY AVERAGING AND BANKING'

12. The Annexes are amended in accordance with the Annex to this Directive.

Article 2

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

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

ANNEX

1. Annex I is amended as follows:

(a) The first sentence of Section 1 'SCOPE' shall be replaced by the following:

'This Directive applies to all engines to be installed in non-road mobile machinery and to secondary engines fitted into vehicles intended for passenger or goods transport on the road.'

(b) In paragraph 1A the first sentence is amended as follows:

'A. intended and suited, to move, or to be moved on the ground with or without road and with either

- (a) a C.I. engine having a net power in accordance with section 2.4 that is higher than 18 kW but not more than 560 kW ⁽⁴⁾ and that is operated under intermittent speed rather than a single constant speed.

Machinery, the engines . . .

(remains unchanged)

— . . .

— mobile cranes;

or

- (b) a C.I. engine for irrigation pumps or generating sets with intermittent load.

Machinery, the engines of which are covered under this definition, includes but is not limited to:

— gas compressors,

— generating sets with intermittent load including refrigerating units and welding sets,

— irrigation pumps,

— turf care, chippers, snow removal equipment, sweepers;

or

- (c) a petrol fuelled S.I. engine having a net power in accordance with section 2.4 of not more than 19 kW.

Machinery, the engines of which are covered under this definition, includes but is not limited to:

— lawn mowers,

— chain saws,

— generators,

— water pumps,

— bush cutters.

The Directive is not applicable for the following applications:

B. ships;

C. railway locomotives;

D. aircraft;

- E. recreational vehicles;
- F. generating sets with C.I. engines for stage I and for stage II until 31 December 2006.'
- (c) Section 2 is amended as follows:
- The following words shall be added to footnote 2 in section 2.4:

'... except for engines where such an auxiliary is an integral part of the engine (see Appendix 3 of Annex VII).'
 - The following new indent shall be added to section 2.8:

'— for engines to be tested on cycle G1, the intermediate speed shall be 85 % of the maximum rated speed (see section 3.5.1.2 of Annex IV).'
 - The following new sections shall be added:
 - 2.9. *adjustable parameter* shall mean any physically adjustable device, system or element of design which may affect emission or engine performance during emission testing or normal operation;
 - 2.10. *after-treatment* shall mean the passage of exhaust gases through a device or system whose purpose is chemically or physically to alter the gases prior to release to the atmosphere;
 - 2.11. *spark ignition (S.I.) engine* shall mean an engine which works on the spark-ignition principle;
 - 2.12. *auxiliary emission control device* shall mean any device that senses engine operation parameters for the purpose of adjusting the operation of any part of the emission control system;
 - 2.13. *emission control system* shall mean any device, system or element of design which controls or reduces emissions;
 - 2.14. *fuel system* shall mean all components involved in the metering and mixture of the fuel;
 - 2.15. *secondary engine* shall mean an engine installed in or on a motor vehicle, but not providing motive power to the vehicle.'
 - Section 2.9 becomes a new section 2.16 and current sections 2.9.1 to 2.9.3 become new sections 2.16.1 to 2.16.3.
- (d) Section 3 is amended as follows:
- Section 3.1 is replaced by the following:

'3.1. Compression ignition engines approved in accordance with this Directive must bear:'
 - Section 3.1.3 is amended as follows:

Annex VII is replaced by Annex VIII.
 - A new section 3.2 is inserted as follows:

'3.2. Spark ignition engines approved in accordance with this Directive must bear:
 - 3.2.1. the trade mark or trade name of the manufacturer of the engine;
 - 3.2.2. the EC type-approval number as defined in Annex VIII;
 - 3.2.3. the averaging scheme approval number if the engine is included in an emission averaging system as provided for in Annex XII.'
 - Sections 3.2 to 3.6 become new sections 3.3 to 3.7.
 - Section 3.7 is amended as follows: Annex VI is replaced by Annex VII.

(e) Section 4 is amended as follows:

- The following new heading shall be inserted: '4.1. CI engines.'
- Current section 4.1 shall become section 4.1.1.
- Current section 4.2 shall become section 4.1.2 and is amended as follows: Annex V is replaced by Annex VI.
- Current section 4.2.1 shall become new section 4.1.2.1; current section 4.2.2 shall become new section 4.1.2.2 and the reference to section 4.2.1 shall be replaced by a reference to section 4.1.2.1; current sections 4.2.3 and 4.2.4 shall become new sections 4.1.2.3 and 4.1.2.4.

(f) The following new paragraph shall be added:

'4.2. SI engines

4.2.1. General

The components liable to affect the emission of gaseous pollutants shall be so designed, constructed and assembled as to enable the engine, in normal use, despite the vibrations to which it may be subjected, to comply with the provisions of this Directive.

The technical measures taken by the manufacturer must be such as to ensure that the mentioned emissions are effectively limited, pursuant to this Directive, throughout the normal life of the engine and under normal conditions of use in accordance with Annex IV, Appendix 4.

4.2.2. Specifications concerning the emissions of pollutants.

The gaseous components emitted by the engine submitted for testing shall be measured by the methods described in Annex VI (and shall include any after-treatment device).

Other systems or analysers may be accepted if they yield equivalent results to the following reference systems:

- for gaseous emissions measured in the raw exhaust, the system shown in Figure 2 of Annex VI,
- for gaseous emissions measured in the dilute exhaust of a full flow dilution system, the system shown in Figure 3 of Annex VI.

4.2.2.1. The emissions of carbon monoxide, the emissions of hydrocarbons, the emissions of oxides of nitrogen and the sum of hydrocarbons and oxides of nitrogen obtained shall for stage I not exceed the amount shown in the table below:

Stage I

| Class | Class Carbon monoxide (CO) (g/kWh) | Hydrocarbons (HC) (g/kWh) | Oxides of nitrogen (NO _x) (g/kWh) | Sum of hydrocarbons and oxides of nitrogen (g/kWh) |
|-------|------------------------------------|---------------------------|---|--|
| | | | | HC + NO _x |
| SH:1 | 805 | 295 | 5,36 | |
| SH:2 | 805 | 241 | 5,36 | |
| SH:3 | 603 | 161 | 5,36 | |
| SN:1 | 519 | | | 50 |
| SN:2 | 519 | | | 40 |
| SN:3 | 519 | | | 16,1 |
| SN:4 | 519 | | | 13,4 |

- 4.2.2.2. The emissions of carbon monoxide and the emissions of the sum of hydrocarbons and oxides of nitrogen obtained shall for stage II not exceed the amount shown in the table below:

Stage II

| Class | Class Carbon monoxide (CO) (g/kWh) | Sum of hydrocarbons and oxides of nitrogen (g/kWh) |
|-------|--|--|
| | | HC + NO _x |
| SH:1 | 805 | 50 |
| SH:2 | 805 | 50 |
| SH:3 | 603 | 72 |
| SN:1 | 610 | 50,0 |
| SN:2 | 610 | 40,0 |
| SN:3 | 610 | 16,1 |
| SN:4 | 610 | 12,1 |

The NO_xemissions for all engine classes must not exceed 10 g/kWh.

- 4.2.2.3. Notwithstanding the definition of "handheld engine" in Article 2 of this Directive two-stroke engines used to power snowthrowers may meet SH:1, SH:2 or SH:3 standards.'

- (g) Sections 6.3 to 6.9 are replaced by the following:

- '6.3. Individual cylinder displacement, within 85 % and 100 % of the largest displacement within the engine family.
- 6.4. Method of air aspiration
- 6.5. Fuel type
- diesel
 - petrol
- 6.6. Combustion chamber type/design
- 6.7. Valve and porting — configurations, size and number
- 6.8. Fuel system:
- for diesel
- pump-line injector
 - in-line pump
 - distributor pump
 - single element
 - unit injector
- for petrol
- carburettor
 - port fuel injection
 - direct injection
- 6.9. Miscellaneous features
- exhaust gas recirculation
 - water injection/emulsion
 - air injection

- charge cooling system
- ignition type (compression, spark)

6.10. Exhaust after-treatment'

2. Annex II is amended as follows:

(a) In Appendix 2 the text in the table is amended as follows:

'Fuel delivery per stroke (mm^3)' in lines 3 and 6 shall be replaced by

'Fuel delivery per stroke (mm^3) for diesel engines,

fuel flow (g/h) for petrol engines'.

(b) Appendix 3 is amended as follows:

— The heading of section 3 shall be replaced by 'Fuel feed for diesel engines'

— The following new sections shall be inserted:

4. Fuel feed for petrol engines

4.1. Carburettor

4.1.1. Make(s): . . .

4.1.2. Type(s): . . .

4.2. Port fuel injection: single-point or multi-point

4.2.1. Make(s): . . .

4.2.2. Type(s): . . .

4.3. Direct injection

4.3.1. Make(s): . . .

4.3.2. Type(s): . . .

4.4. Fuel flow [g/h] and air/fuel ratio at rated speed and wide open throttle'

— Current section 4 becomes section 5 and shall be amended as follows:

5.3. Variable valve timing system (if applicable and where intake and/or exhaust)

5.3.1. Type: continuous or on/off

5.3.2. Cam phase shift angle'

— The following new section shall be added:

6. Porting configuration

6.1. Position, size and number'

— The following new section shall be added:

7. Ignition system

7.1. Ignition coil

7.1.1. Make(s): . . .

7.1.2. Type(s): . . .

7.1.3. Number: . . .

7.2. Spark plug(s)

7.2.1. Make(s): ...

7.2.2. Type(s): ...

7.3. Magneto

7.3.1. Make(s): ...

7.3.2. Type(s): ...

7.4. Ignition timing

7.4.1. Static advance with respect to top dead centre [crank angle degrees]

7.4.2. Advance curve, if applicable: ...'

3. Annex III is amended as follows:

(a) The heading is replaced by the following:

'Test procedure for CI engines'

(b) Section 2.7 is amended as follows:

Annex VI is replaced by Annex VII and Annex IV is replaced by Annex V.

(c) Section 3.6. is amended as follows:

— Sections 3.6.1 and 3.6.1.1. are amended as follows:

'3.6.1. Test cycle of machinery according to Section 1 of Annex I:

3.6.1.1. The following 8-mode cycle ⁽¹⁾ shall be followed by specification A of machinery in dynamometer operation on the test engine: ...⁽¹⁾ Identical with C1 cycle of the draft ISO 8178-4 standard.'

— A new section 3.6.1.2. is added as follows:

'3.6.1.2. The following 5-mode cycle ⁽¹⁾ shall be followed by specification (b) of machinery in dynamometer operation on the test engine:

| Mode number | Engine speed | Load % | Weighting factor |
|-------------|--------------|--------|------------------|
| 1 | Rated | 100 | 0,05 |
| 2 | Rated | 75 | 0,25 |
| 3 | Rated | 50 | 0,3 |
| 4 | Rated | 25 | 0,3 |
| 5 | Rated | 10 | 0,1 |

The load figures are percentage values of the torque corresponding to the prime power rating defined as the maximum power available during a variable power sequence, which may be run for an unlimited number of hours per year, between stated maintenance intervals and under the stated ambient conditions, the maintenance being carried out as prescribed by the manufacturer ⁽²⁾.

⁽¹⁾ Identical with D2 cycle of the ISO 8168-4: 1996(E) standard.⁽²⁾ For a better illustration of the prime power definition, see Figure 2 of ISO 8528-1: 1993(E) standard.'

— Section 3.6.3 is amended as follows:

'3.6.3. Test sequence

The test sequence shall be started. The test shall be performed in ascending order of mode numbers as set out above for the test cycles.

During each mode of the given test cycle ...'

(d) Appendix 1, section 1 is amended as follows:

In section 1 and 1.4.3. Annex V is replaced by Annex VI.

4. The following new annex is added:

'ANNEX IV

TEST PROCEDURE FOR SPARK IGNITION ENGINES

1. INTRODUCTION

1.1. This Annex describes the method of determining emissions of gaseous pollutants from the engines to be tested.

1.2. The test shall be carried out with the engine mounted on a test bench and connected to a dynamometer.

2. TEST CONDITIONS

2.1. Engine test conditions

The absolute temperature (T_a) of the engine air at the inlet to the engine, expressed in Kelvin, and the dry atmospheric pressure (p_s), expressed in kPa, shall be measured and the parameter f_a shall be determined according to the following provisions:

$$f_a = \left(\frac{99}{p_s} \right) \times \left(\frac{T_a}{298} \right)^{0,7}$$

2.1.1. Test validity

For a test to be recognised as valid, the parameter f_a shall be such that:

$$0,96 \leq f_a \leq 1,06$$

2.1.2. Engines with charge air-cooling

The temperature of the cooling medium and the temperature of the charge air have to be recorded.

2.2. Engine air inlet system

The test engine shall be equipped with an air inlet system presenting an air inlet restriction within 10 % of the upper limit specified by the manufacturer for a new air cleaner at the engine operating conditions, as specified by the manufacturer, which result in maximum air flow in the respective engine application.

For small spark ignition engines (< 1 000 cm³ displacement) a system representative of the installed engine shall be used.

2.3. Engine exhaust system

The test engine shall be equipped with an exhaust system presenting an exhaust back pressure within 10 % of the upper limit specified by the manufacturer for the engine operating conditions which result in the maximum declared power in the respective engine application.

For small spark ignition engines (< 1 000 cm³ displacement) a system representative of the installed engine shall be used.

2.4. Cooling system

An engine cooling system with sufficient capacity to maintain the engine at normal operating temperatures prescribed by the manufacturer shall be used. This provision shall apply to units which have to be detached in order to measure the power, such as with a blower where the blower (cooling) fan has to be disassembled to get access to the crankshaft.

2.5. Lubricating oil

Lubricating oil that meets the engine manufacturer's specifications for a particular engine and intended usage shall be used. Manufacturers must use engine lubricants representative of commercially available engine lubricants.

The specifications of the lubricating oil used for the test shall be recorded at section 1.2 of Annex VII, Appendix 2 for SI engines and presented with the results of the test.

2.6. Adjustable carburettors

Engines with limited adjustable carburettors shall be tested at both extremes of the adjustment.

2.7. Test fuel

The fuel shall be the reference fuel specified in Annex V.

The octane number and the density of the reference fuel used for test shall be recorded at section 1.1.1 of Annex VII, Appendix 2 for SI engines.

For two-stroke engines, the fuel/oil mixture ratio must be the ratio which is recommended by the manufacturer. The percentage of oil in the fuel/lubricant mixture feeding the two-stroke engines and the resulting density of the fuel shall be recorded at section 1.1.4 of Annex VII, Appendix 2 for SI engines.

2.8. Determination of dynamometer settings

Emissions measurements shall be based on uncorrected brake power. Auxiliaries necessary only for the operation of the machine and which may be mounted on the engine shall be removed for the test. Where auxiliaries have not been removed, the power absorbed by them shall be determined in order to calculate the dynamometer settings except for engines where such auxiliaries form an integral part of the engine (e.g. cooling fans for air cooled engines).

The settings of inlet restriction and exhaust pipe backpressure shall be adjusted, for engines where it is possible to perform such an adjustment, to the manufacturer's upper limits, in accordance with sections 2.2 and 2.3. The maximum torque values at the specified test speeds shall be determined by experimentation in order to calculate the torque values for the specified test modes. For engines which are not designed to operate over a speed range on a full load torque curve, the maximum torque at the test speeds shall be declared by the manufacturer. The engine setting for each test mode shall be calculated using the formula:

$$S = \left((P_M + P_{AE}) \times \frac{L}{100} \right) - P_{AE}$$

where:

S is the dynamometer setting (kW)

P_M is the maximum observed or declared power at the test speed under the test conditions (see Appendix 2 of Annex VII) (kW)

P_{AE} is the declared total power absorbed by any auxiliary fitted for the test (kW) and not required by Appendix 3 of Annex VII

L is the percent torque specified for the test mode.

If the ratio

$$\frac{P_{AE}}{P_M} \geq 0,03$$

the value of P_{AE} may be verified by the technical authority granting type approval.

3. TEST RUN

3.1. Installation of the measuring equipment

The instrumentation and sampling probes shall be installed as required. When using a full flow dilution system for exhaust gas dilution, the tailpipe shall be connected to the system.

3.2. Starting the dilution system and engine

The dilution system and the engine shall be started and warmed up until all temperatures and pressures have stabilised at full load and rated speed (section 3.5.2.).

3.3. Adjustment of the dilution ratio

The total dilution ratio shall not be less than four.

For CO₂ or NO_x concentration controlled systems, the CO₂ or NO_x content of the dilution air must be measured at the beginning and at the end of each test. The pre- and post-test background CO₂ or NO_x concentration measurements of the dilution air must be within 100 ppm or 5 ppm of each other, respectively.

When using a dilute exhaust gas analysis system, the relevant background concentrations shall be determined by sampling dilution air into a sampling bag over the complete test sequence.

Continuous (non-bag) background concentration may be taken at the minimum of three points, at the beginning, at the end, and a point near the middle of the cycle and averaged. At the manufacturer's request background measurements may be omitted.

3.4. Checking the analysers

The emission analysers shall be set at zero and spanned.

3.5. Test cycle

3.5.1. Specification (c) of machinery according to section 1 of Annex I.

The following test cycles shall be followed in dynamometer operation on the test engine according to the given type of machinery:

cycle D ⁽¹⁾: generating sets with intermittent load;

cycle G1: non-handheld intermediate speed applications;

cycle G2: non-handheld rated speed applications;

cycle G3: handheld rated speed applications.

3.5.1.1. Test modes and weighting factors

| Cycle D | | | | | | | | | | |
|------------------|-------------|------|-----|-----|-----|--------------|--|--|--|----------------|
| Mode number | 1 | 2 | 3 | 4 | 5 | | | | | |
| Engine speed | Rated speed | | | | | Intermediate | | | | Low-idle speed |
| Load (*) % | 100 | 75 | 50 | 25 | 10 | | | | | |
| Weighting factor | 0,05 | 0,25 | 0,3 | 0,3 | 0,1 | | | | | |

⁽¹⁾ Identical with D2 cycle of the ISO 8168-4: 1996(E) standard.

Cycle G1

| | | | | | | | | | | | |
|------------------|-------------|--|--|--|--|--------------------|-----|------|-----|------|----------------|
| Mode number | | | | | | 1 | 2 | 3 | 4 | 5 | 6 |
| Engine speed | Rated speed | | | | | Intermediate speed | | | | | Low-idle speed |
| Load % | | | | | | 100 | 75 | 50 | 25 | 10 | 0 |
| Weighting factor | | | | | | 0,09 | 0,2 | 0,29 | 0,3 | 0,07 | 0,05 |

Cycle G2

| | | | | | | | | | | | |
|------------------|-------------|-----|------|-----|------|--------------------|--|--|--|--|----------------|
| Mode number | 1 | 2 | 3 | 4 | 5 | | | | | | 6 |
| Engine speed | Rated speed | | | | | Intermediate speed | | | | | Low-idle speed |
| Load % | 100 | 75 | 50 | 25 | 10 | | | | | | 0 |
| Weighting factor | 0,09 | 0,2 | 0,29 | 0,3 | 0,07 | | | | | | 0,05 |

Cycle G3

| | | | | | | | | | | | |
|------------------|-------------|--|--|--|--|--------------------|--|--|--|--|----------------|
| Mode number | 1 | | | | | | | | | | 2 |
| Engine speed | Rated speed | | | | | Intermediate speed | | | | | Low-idle speed |
| Load % | 100 | | | | | | | | | | 0 |
| Weighting factor | 0,85 (**) | | | | | | | | | | 0,15 (**) |

(*) The load figures are percentage values of the torque corresponding to the prime power rating defined as the maximum power available during a variable power sequence, which may be run for an unlimited number of hours per year, between stated maintenance intervals and under the stated ambient conditions, the maintenance being carried out as prescribed by the manufacturer. For a better illustration of the prime power definition, see Figure 2 of ISO 8528-1: 1993(E) standard.

(**) For phase 4, 0.90 and 0.10 may be used instead of 0.85 and 0.15 respectively.

3.5.1.2. Definitions

The mode length is the time between leaving the speed and/or torque of the previous mode or the preconditioning phase and the beginning of the following mode. It includes the time during which speed and/or torque are changed and the stabilisation at the beginning of each mode.

The rated speed is the engine speed at which, according to the statement of the engine manufacturer, the rated power is delivered.

The intermediate speed shall be 85 % of the maximum rated speed for engines to be tested on test cycle G1.

3.5.1.3. Choosing an appropriate test cycle

If the primary end use of an engine model is known then the test cycle may be chosen based on the examples given in section 3.5.1.4. If the primary end use of an engine is uncertain then the appropriate test cycle should be chosen based upon the engine specification.

3.5.1.4. Examples (the list is not exhaustive):

Typical examples are for:

Cycle D:

Generating sets with intermittent load including generating sets on board ships and trains (not for propulsion), refrigerating units, welding sets;

Gas compressors.

Cycle G1:

Front or rear engines riding lawn mowers;

Golf carts;

Lawn sweepers;

Pedestrian-controlled rotary or cylinder lawn mowers;

Snow removal equipment;

Waste disposers.

Cycle G2:

Portable generators, pumps, welders and air compressors;

May also include lawn and garden equipment, which operate at engine rated speed.

Cycle G3:

Blowers;

Chain saws;

Hedge trimmers;

Portable saw mills;

Rotary tillers;

Sprayers;

String trimmers;

Vacuum equipment.

3.5.2. Conditioning of the engine

Warming up of the engine and the system shall be at maximum speed and torque in order to stabilise the engine parameters according to the recommendations of the manufacturer.

Note: The conditioning period should also prevent the influence of deposits from a former test in the exhaust system. There is also a required period of stabilisation between test points which has been included to minimise point to point influences.

3.5.3. Test sequence

Test cycles G1, G2 or G3 shall be performed in ascending order of mode number of the cycle in question. When only gaseous emissions are measured each mode sampling time shall be at least 180 s. The gaseous exhaust emission concentration values shall be measured and recorded for the last 120 s of the respective sampling time. For each measuring point, the mode length shall be of sufficient duration to achieve thermal stability of the engine prior to the start of sampling. The mode length shall be recorded and reported.

- (a) For engines tested with the dynamometer speed control test configuration:

During each mode of the test cycle after the initial transition period, the specified speed shall be held to within $\pm 1\%$ of rated speed or $\pm 3 \text{ min}^{-1}$ whichever is greater except for low idle which shall be within the tolerances declared by the manufacturer. The specified torque shall be held so that the average over the period during which the measurements are being taken is within $\pm 2\%$ of the maximum torque at the test speed.

- (b) For engines tested with the dynamometer load control test configuration:

During each mode of the test cycle after the initial transition period, the specified speed shall be within $\pm 2\%$ of rated speed or $\pm 3 \text{ min}^{-1}$ whichever is greater, but shall in any case be held within $\pm 5\%$, except for low idle which shall be within the tolerances declared by the manufacturer.

During each mode of the test cycle where the prescribed torque is 50 % or greater of the maximum torque at the test speed the specified average torque over the data acquisition period shall be held within $\pm 5\%$ of the prescribed torque. During modes of the test cycle where the prescribed torque is less than 50 % of the maximum torque at the test speed the specified average torque over the data acquisition period shall be held within $\pm 10\%$ of the prescribed torque or $\pm 0,27 \text{ Nm}$ whichever is greater.

3.5.4. Analyser response

The output of the analysers shall be recorded on a strip chart recorder or measured with an equivalent data acquisition system with the exhaust gas flowing through the analysers at least during the last three minutes of each mode. If bag sampling is applied for the diluted CO and CO₂ measurement (see Appendix 1, section 1.4.4), a sample shall be bagged during the last 180 s of each mode, and the bag sample analysed and recorded.

3.5.5. Engine conditions

The engine speed and load, intake air temperature and fuel flow shall be measured for each mode once the engine has been stabilised. Any additional data required for calculation shall be recorded (see Appendix 3, sections 1.1 and 1.2).

3.6. Rechecking the analysers

After the emission test a zero gas and the same span gas shall be used for re-checking. The test shall be considered acceptable if the difference between the two measuring results is less than 2 %.

Appendix 1

1. MEASUREMENT AND SAMPLING PROCEDURES

Gaseous components emitted by the engine submitted for testing shall be measured by the methods described in Annex VI. The methods of Annex VI describe the recommended analytical systems for the gaseous emissions (section 1.1).

1.1. Dynamometer specification

An engine dynamometer with adequate characteristics to perform the test cycles described in Annex IV, section 3.5.1 shall be used. The instrumentation for torque and speed measurement shall allow the measurement of the shaft power within the given limits. Additional calculations may be necessary.

The accuracy of the measuring equipment must be such that the maximum tolerances of the figures given in section 1.3 are not exceeded.

1.2. Fuel flow and total diluted flow

Fuel flow meters with the accuracy defined in section 1.3 shall be used to measure the fuel flow that will be used to calculate emissions (Appendix 3). When using a full flow dilution system, the total flow of the dilute exhaust (G_{TOTW}) shall be measured with a PDP or CFV — Annex VI, section 1.2.1.2. The accuracy shall conform to the provisions of Annex III, Appendix 2, section 2.2.

1.3. Accuracy

The calibration of all measuring instruments shall be traceable to national (international) standards and comply with the requirements given in tables 2 and 3.

Table 2

Permissible deviations of instruments for engine-related parameters

| No. | Item | Permissible deviation |
|-----|----------------------|---|
| 1 | Engine speed | $\pm 2\%$ of the reading or $\pm 1\%$ of engine's max value whichever is larger |
| 2 | Torque | $\pm 2\%$ of the reading or $\pm 1\%$ of engine's max value whichever is larger |
| 3 | Fuel consumption (a) | $\pm 2\%$ of engine's max value |
| 4 | Air consumption (a) | $\pm 2\%$ of the reading or $\pm 1\%$ of engine's max value whichever is larger |

(a) The calculations of the exhaust emissions as described in this Directive are, in some cases, based on different measurement and/or calculation methods. Because of limited total tolerances for the exhaust emission calculation, the allowable values for some items, used in the appropriate equations, must be smaller than the allowed tolerances given in ISO 3046-3.

Table 3

Permissible deviations of instruments for other essential parameters

| No. | Item | Permissible deviation |
|-----|----------------------------|-------------------------|
| 1 | Temperatures ≤ 600 K | ± 2 K absolute |
| 2 | Temperatures ≥ 600 K | $\pm 1\%$ of reading |
| 3 | Exhaust gas pressure | $\pm 0,2$ kPa absolute |
| 4 | Inlet manifold depressions | $\pm 0,05$ kPa absolute |
| 5 | Atmospheric pressure | $\pm 0,1$ kPa absolute |
| 6 | Other pressures | $\pm 0,1$ kPa absolute |
| 7 | Relative humidity | $\pm 3\%$ absolute |
| 8 | Absolute humidity | $\pm 5\%$ of reading |
| 9 | Dilution air flow | $\pm 2\%$ of reading |
| 10 | Diluted exhaust gas flow | $\pm 2\%$ of reading |

1.4. Determination of the gaseous components

1.4.1. General analyser specifications

The analysers shall have a measuring range appropriate for the accuracy required for measuring the concentrations of the exhaust gas components (section 1.4.1.1). It is recommended that the analysers be operated such that the measured concentration falls between 15 % and 100 % of full scale.

If the full scale value is 155 ppm (or ppm C) or less or if read-out systems (computers, data loggers) that provide sufficient accuracy and resolution below 15 % of full scale are used, concentrations below 15 % of full scale are also acceptable. In this case, additional calibrations are to be made to ensure the accuracy of the calibration curves — Appendix 2, section 1.5.5.2 of this annex.

The electromagnetic compatibility (EMC) of the equipment shall be on a level as to minimise additional errors.

1.4.1.1. Accuracy

The analyser shall not deviate from the nominal calibration point by more than $\pm 2\%$ of the reading over the whole measurement range except zero, and $\pm 0,3\%$ of full scale at zero. The accuracy shall be determined according to the calibration requirements laid down in section 1.3.

1.4.1.2. Repeatability

The repeatability shall be such that 2.5 times the standard deviation of 10 repetitive responses to a given calibration or span gas is not greater than $\pm 1\%$ of full scale concentration for each range used above 100 ppm (or ppm C) or $\pm 2\%$ of each range used below 100 ppm (or ppm C).

1.4.1.3. Noise

The analyser peak-to-peak response to zero and calibration or span gases over any 10 s period shall not exceed 2% of full scale on all ranges used.

1.4.1.4. Zero drift

Zero response is defined as the mean response, including noise, to a zero gas during a 30-s time interval. The drift of the zero response during a one-hour period shall be less than 2% of full scale on the lowest range used.

1.4.1.5. Span drift

Span response is defined as the mean response, including noise, to a span gas during a 30-s time interval. The drift of the span response during a one-hour period shall be less than 2% of full scale on the lowest range used.

1.4.2. Gas drying

Exhaust gases may be measured wet or dry. Any gas-drying device, if used, must have a minimal effect on the concentration of the measured gases. Chemical dryers are not an acceptable method of removing water from the sample.

1.4.3. Analysers

Sections 1.4.3.1 to 1.4.3.5 of this Appendix describe the measurement principles to be used. A detailed description of the measurement systems is given in Annex VI.

The gases to be measured shall be analysed with the following instruments. For non-linear analysers, the use of linearising circuits is permitted.

1.4.3.1. Carbon monoxide (CO) analysis

The carbon monoxide analyser shall be of the non-dispersive infrared (NDIR) absorption type.

1.4.3.2. Carbon dioxide (CO₂) analysis

The carbon dioxide analyser shall be of the non-dispersive infrared (NDIR) absorption type.

1.4.3.3. Oxygen (O₂) analysis

Oxygen analysers shall be of the paramagnetic detector (PMD), zirconium dioxide (ZRDO) or electrochemical sensor (ECS) types.

Note: Zirconium dioxide sensors are not recommended when HC and CO concentrations are high such as for lean-burn spark ignited engines. Electrochemical sensors shall be compensated for CO₂ and NO_x interference.

1.4.3.4. Hydrocarbon (HC) analysis

For direct gas sampling the hydrocarbon analyser shall be of the heated flame ionisation detector (HFID) type with detector, valves, pipework, etc., heated so as to maintain a gas temperature of $463\text{ K} \pm 10\text{ K}$ ($190\text{ }^\circ\text{C} \pm 10\text{ }^\circ\text{C}$).

For diluted gas sampling the hydrocarbon analyser shall be either the heated flame ionisation detector (HFID) type or the flame ionisation detector (FID) type.

1.4.3.5. Oxides of nitrogen (NO_x) analysis

The oxides of nitrogen analyser shall be of the chemiluminescent detector (CLD) or heated chemiluminescent detector (HCLD) type with a NO₂/NO converter, if measured on a dry basis. If measured on a wet basis, an HCLD with converter maintained above 328 K (55 °C) shall be used, provided the water quench check (Annex III, Appendix 2, section 1.9.2.2) is satisfied. For both CLD and HCLD, the sampling path shall be maintained at a wall temperature of 328 K to 473 K (55 °C to 200 °C) up to the converter for dry measurement, and up to the analyser for wet measurement.

1.4.4. Sampling for gaseous emissions

If the composition of the exhaust gas is influenced by any exhaust aftertreatment system, the exhaust sample shall be taken downstream of this device.

The exhaust sampling probe should be in a high pressure side of the muffler, but as far from the exhaust port as possible. To ensure complete mixing of the engine exhaust before sample extraction, a mixing chamber may be optionally inserted between the muffler outlet and the sample probe. The internal volume of the mixing chamber must be not less than 10 times the cylinder displacement of the engine under test and should be roughly equal dimensions in height, width and depth, being similar to a cube. The mixing chamber size should be kept as small as practicable and should be coupled as close as possible to the engine. The exhaust line leaving the mixing chamber of muffler should extend at least 610 mm beyond the sample probe location and be of sufficient size to minimize back pressure. The temperature of the inner surface of the mixing chamber must be maintained above the dew point of the exhaust gases and a minimum temperature of 338 K (65 °C) is recommended.

All components may optionally be measured directly in the dilution tunnel, or by sampling into a bag and subsequent measurement of the concentration in the sampling bag.

Appendix 2

1. CALIBRATION OF THE ANALYTICAL INSTRUMENTS

1.1. Introduction

Each analyser shall be calibrated as often as necessary to fulfil the accuracy requirements of this standard. The calibration method that shall be used is described in this paragraph for the analysers indicated in Appendix 1, section 1.4.3.

1.2. Calibration gases

The shelf life of all calibration gases must be respected.

The expiry date of the calibration gases stated by the manufacturer shall be recorded.

1.2.1. Pure gases

The required purity of the gases is defined by the contamination limits given below. The following gases must be available for operation:

- purified nitrogen (contamination ≤ 1 ppm C, ≤ 1 ppm CO, ≤ 400 ppm CO₂, $\leq 0,1$ ppm NO)
- purified oxygen (purity $> 99,5$ % vol O₂)
- hydrogen-helium mixture (40 ± 2 % hydrogen, balance helium); contamination ≤ 1 ppm C, ≤ 400 ppm CO₂
- purified synthetic air (contamination ≤ 1 ppm C, ≤ 1 ppm CO, ≤ 400 ppm CO₂, $\leq 0,1$ ppm NO) (oxygen content between 18-21 % vol)

1.2.2. Calibration and span gases

Mixture of gases having the following chemical compositions shall be available:

- C₃H₈ and purified synthetic air (see section 1.2.1.);
- CO and purified nitrogen;
- NO_x and purified nitrogen (the amount of NO₂ contained in this calibration gas must not exceed 5 % of the NO content);
- CO₂ and purified nitrogen;
- CH₄ and purified synthetic air;
- C₂H₆ and purified synthetic air.

Note: Other gas combinations are allowed provided the gases do not react with one another.

The true concentration of a calibration and span gas shall be within $\pm 2\%$ of the nominal value. All concentrations of calibration gas shall be given on a volume basis (volume percent or volume ppm).

The gases used for calibration and span may also be obtained by means of precision blending devices (gas dividers), diluting with purified N₂ or with purified synthetic air. The accuracy of the mixing device must be such that the concentration of the diluted calibration gases is accurate to within $\pm 1,5\%$. This accuracy implies that primary gases used for blending must be known to an accuracy of at least $\pm 1\%$, traceable to national or international gas standards. The verification shall be performed at between 15 and 50 % of full scale for each calibration incorporating a blending device.

Optionally, the blending device may be checked with an instrument, which by nature is linear, e.g. using NO gas with a CLD. The span value of the instrument shall be adjusted with the span gas directly connected to the instrument. The blending device shall be checked at the used settings and the nominal value shall be compared with the measured concentration of the instrument. This difference shall in each point be within $\pm 0,5\%$ of the nominal value.

1.2.3. Oxygen interference check

Oxygen interference check gases shall contain propane with 350 ppm C \pm 75 ppm C hydrocarbon. The concentration value shall be determined to calibration gas tolerances by chromatographic analysis of total hydrocarbons plus impurities or by dynamic blending. Nitrogen shall be the predominant diluent with the balance oxygen. Blend required for gasoline-fuelled engine testing is as follows:

- O₂ interference concentration: Balance
- 10 (9 to 11): Nitrogen
- 5 (4 to 6): Nitrogen
- 0 (0 to 1): Nitrogen

1.3. Operating procedure for analysers and sampling system

The operating procedure for analysers shall follow the start-up and operating instructions of the instrument manufacturer. The minimum requirements given in sections 1.4 to 1.9 shall be included. For laboratory instruments such as GC and High Performance Liquid Chromatography (HPLC) only section 1.5.4 shall apply.

1.4. Leakage test

A system leakage test shall be performed. The probe shall be disconnected from the exhaust system and the end plugged. The analyser pump shall be switched on. After an initial stabilisation period all flow meters should read zero. If not, the sampling lines shall be checked and the fault corrected.

The maximum allowable leakage rate on the vacuum side shall be 0.5 % of the in-use flow rate for the portion of the system being checked. The analyser flows and bypass flows may be used to estimate the in-use flow rates.

Alternatively, the system may be evacuated to a pressure of at least 20 kPa vacuum (80 kPa absolute). After an initial stabilisation period the pressure increase δp (kPa/min) in the system shall not exceed:

$$\delta p = p/V_{\text{sys}} \times 0,005 \times fr$$

Where:

V_{sys} = system volume [l]

fr = system flow rate [l/min]

Another method is the introduction of a concentration step change at the beginning of the sampling line by switching from zero to span gas. If after an adequate period of time the reading shows a lower concentration compared with the introduced concentration, this points to calibration or leakage problems.

1.5. Calibration procedure

1.5.1. Instrument assembly

The instrument assembly shall be calibrated and calibration curves checked against standard gases. The same gas flow rates shall be used as when sampling exhaust gas.

1.5.2. Warming-up time

The warming-up time should be according to the recommendations of the manufacturer. If not specified, a minimum of two hours is recommended for warming-up the analysers.

1.5.3. NDIR and HFID analyser

The NDIR analyser shall be tuned, as necessary, and the combustion flame of the HFID analyser shall be optimised (section 1.9.1).

1.5.4. GC and HPCL

Both instruments shall be calibrated according to good laboratory practice and the recommendations of the manufacturer.

1.5.5. Establishment of the calibration curves

1.5.5.1. General guidelines

- (a) Each normally used operating range shall be calibrated.
- (b) Using purified synthetic air (or nitrogen), the CO, CO₂, NO_x and HC analysers shall be set at zero.
- (c) The appropriate calibration gases shall be introduced to the analysers, the values recorded, and the calibration curves established.
- (d) For all instrument ranges except for the lowest range, the calibration curve shall be established by at least 10 calibration points (excluding zero) equally spaced. For the lowest range of the instrument, the calibration curve shall be established by at least 10 calibration points (excluding zero) spaced so that half of the calibration points are placed below 15 % of the analyser's full scale and the rest are placed above 15 % of full scale. For all ranges the highest nominal concentration must be equal to or higher than 90 % of full scale.
- (e) The calibration curve shall be calculated by the method of least squares. A best-fit linear or non-linear equation may be used.
- (f) The calibration points must not differ from the least-squares best-fit line by more than ± 2 % of reading or $\pm 0,3$ % of full scale whichever is larger.
- (g) The zero setting shall be rechecked and the calibration procedure repeated, if necessary.

1.5.5.2. Alternative methods

If it can be shown that alternative technology (e.g. computer, electronically controlled range switch, etc.) can give equivalent accuracy, then these alternatives may be used.

1.6. Verification of the calibration

Each normally used operating range shall be checked prior to each analysis in accordance with the following procedure.

The calibration is checked by using a zero gas and a span gas whose nominal value is more than 80 % of full scale of the measuring range.

If, for the two points considered, the value found does not differ by more than $\pm 4\%$ of full scale from the declared reference value, the adjustment parameters may be modified. Should this not be the case, the span gas shall be verified or a new calibration curve shall be established in accordance with section 1.5.5.1.

1.7. Calibration of tracer gas analyser for exhaust flow measurement

The analyser for measurement of the tracer gas concentration shall be calibrated using the standard gas.

The calibration curve shall be established by at least 10 calibration points (excluding zero) spaced so that half of the calibration points are placed between 4 % to 20 % of the analyser's full scale and the rest are in between 20 % and 100 % of the full scale. The calibration curve shall be calculated by the method of least squares.

The calibration curve must not differ by more than $\pm 1\%$ of the full scale from the nominal value of each calibration point, in the range from 20 % to 100 % of the full scale. It also must not differ by more than $\pm 2\%$ of reading from the nominal value in the range from 4 % to 20 % of the full scale. The analyser shall be set at zero and spanned prior to the test run using a zero gas and a span gas whose nominal value is more than 80 % of the analyser full scale.

1.8. Efficiency test of the NO_x converter

The efficiency of the converter used for the conversion of NO₂ into NO is tested as given in sections 1.8.1 to 1.8.8 (Figure 1 of Annex III, Appendix 2).

1.8.1. Test set-up

Using the test set-up as shown in Figure 1 of Annex III and the procedure below, the efficiency of converters can be tested by means of an ozonator.

1.8.2. Calibration

The CLD and the HCLD shall be calibrated in the most common operating range following the manufacturer's specifications using zero and span gas (the NO content of which must amount to about 80 % of the operating range and the NO₂ concentration of the gas mixture to less than 5 % of the NO concentration). The NO_x analyser must be in the NO mode so that the span gas does not pass through the converter. The indicated concentration has to be recorded.

1.8.3. Calculation

The efficiency of the NO_x converter is calculated as follows:

$$\text{Efficiency (\%)} = \left(1 + \frac{a - b}{c - d} \right) \times 100$$

Where:

a = NO_x concentration according to section 1.8.6;

b = NO_x concentration according to section 1.8.7;

c = NO concentration according to section 1.8.4;

d = NO concentration according to section 1.8.5.

1.8.4. Adding of oxygen

Via a T-fitting, oxygen or zero air is added continuously to the gas flow until the concentration indicated is about 20 % less than the indicated calibration concentration given in section 1.8.2. (The analyser is in the NO mode.)

The indicated concentration (c) shall be recorded. The ozonator is kept deactivated throughout the process.

1.8.5. Activation of the ozonator

The ozonator is now activated to generate enough ozone to bring the NO concentration down to about 20 % (minimum 10 %) of the calibration concentration given in section 1.8.2. The indicated concentration (d) shall be recorded. (The analyser is in the NO mode.)

1.8.6. NO_x mode

The NO analyser is then switched to the NO_x mode so that the gas mixture (consisting of NO, NO₂, O₂ and N₂) now passes through the converter. The indicated concentration (a) shall be recorded. (The analyser is in the NO_x mode.)

1.8.7. Deactivation of the ozonator

The ozonator is now deactivated. The mixture of gases described in section 1.8.6 passes through the converter into the detector. The indicated concentration (b) shall be recorded. (The analyser is in the NO_x mode.)

1.8.8. NO mode

Switched to NO mode with the ozonator deactivated, the flow of oxygen or synthetic air is also shut off. The NO_x reading of the analyser shall not deviate by more than $\pm 5\%$ from the value measured according to section 1.8.2. (The analyser is in the NO mode.)

1.8.9. Test interval

The efficiency of the converter must be checked monthly.

1.8.10. Efficiency requirement

The efficiency of the converter shall not be less than 90 %, but a higher efficiency of 95 % is strongly recommended.

Note: If, with the analyser in the most common range, the ozonator cannot give a reduction from 80 % to 20 % according to section 1.8.5, then the highest range which will give the reduction shall be used.

1.9. Adjustment of the FID

1.9.1. Optimisation of the detector response

The HFID must be adjusted as specified by the instrument manufacturer. A propane in air span gas should be used to optimise the response on the most common operating range.

With the fuel and airflow rates set at the manufacturer's recommendations, a 350 ± 75 ppm C span gas shall be introduced to the analyser. The response at a given fuel flow shall be determined from the difference between the span gas response and the zero gas response. The fuel flow shall be incrementally adjusted above and below the manufacturer's specification. The span and zero response at these fuel flows shall be recorded. The difference between the span and zero response shall be plotted and the fuel flow adjusted to the rich side of the curve. This is the initial flow rate setting, which may need further optimisation depending on the results of the hydrocarbon response factor and the oxygen interference check according to sections 1.9.2 and 1.9.3.

If the oxygen interference or the hydrocarbon response factors do not meet the following specifications, the airflow shall be incrementally adjusted above and below the manufacturer's specifications, sections 1.9.2 and 1.9.3 should be repeated for each flow.

1.9.2. Hydrocarbon response factors

The analyser shall be calibrated using propane in air and purified synthetic air, according to section 1.5.

Response factors shall be determined when introducing an analyser into service and after major service intervals. The response factor (R_f) for a particular hydrocarbon species is the ratio of the FID C1 reading to the gas concentration in the cylinder expressed by ppm C1.

The concentration of the test gas must be at a level to give a response of approximately 80 % of full scale. The concentration must be known to an accuracy of $\pm 2\%$ in reference to a gravimetric standard expressed in volume. In addition, the gas cylinder must be preconditioned for 24 hours at a temperature of 298 K (25 °C) ± 5 K.

The test gases to be used and the recommended relative response factor ranges are as follows:

- methane and purified synthetic air: $1,00 \leq R_f \leq 1,15$
- propylene and purified synthetic air: $0,90 \leq R_f \leq 1,1$
- toluene and purified synthetic air: $0,90 \leq R_f \leq 1,10$

These values are relative to the response factor (R_f) of 1,00 for propane and purified synthetic air.

1.9.3. Oxygen interference check

The oxygen interference check shall be determined when introducing an analyser into service and after major service intervals. A range shall be chosen where the oxygen interference check gases will fall in the upper 50 %. The test shall be conducted with the oven temperature set as required. The oxygen interference gases are specified in section 1.2.3.

- (a) The analyser shall be zeroed.
- (b) The analyser shall be spanned with the 0 % oxygen blend for gasoline fuelled engines.
- (c) The zero response shall be rechecked. If it has changed more than 0,5 % of full scale, subsections (a) and (b) of this section shall be repeated.
- (d) The 5 % and 10 % oxygen interference check gases shall be introduced.
- (e) The zero response shall be rechecked. If it has changed more than $\pm 1\%$ of full scale, the test shall be repeated.
- (f) The oxygen interference (% O₂I) shall be calculated for each mixture in step (d) as follows:

$$\text{O}_2\text{I} = \frac{(B - C)}{B} \times 100 \quad \text{ppm C} = \frac{A}{D}$$

Where:

- A = hydrocarbon concentration (ppm C) of the span gas used in subsection (b)
- B = hydrocarbon concentration (ppm C) of the oxygen interference check gases used in subsection (d)
- C = analyser response
- D = percent of full scale analyser response due to A

- (g) The % of oxygen interference (% O₂I) shall be less than $\pm 3\%$ for all required oxygen interference check gases prior to testing.
- (h) If the oxygen interference is greater than $\pm 3\%$, the air flow above and below the manufacturer's specifications shall be incrementally adjusted, repeating section 1.9.1 for each flow.

(i) If the oxygen interference is greater than $\pm 3\%$, after adjusting the air flow, the fuel flow and thereafter the sample flow shall be varied, repeating section 1.9.1. for each new setting.

(j) If the oxygen interference is still greater than $\pm 3\%$, the analyser, FID fuel, or burner air shall be repaired or replaced prior to testing. This section shall then be repeated with the repaired or replaced equipment or gases.

1.10. Interference effects with CO, CO₂, NO_x and O₂ analysers

Gases other than the one being analysed can interfere with the reading in several ways. Positive interference occurs in NDIR and PMD instruments where the interfering gas gives the same effect as the gas being measured, but to a lesser degree. Negative interference occurs in NDIR instruments by the interfering gas broadening the absorption band of the measured gas, and in CLD instruments by the interfering gas quenching the radiation. The interference checks in sections 1.10.1 and 1.10.2 shall be performed prior to an analyser's initial use and after major service intervals, but at least once per year.

1.10.1. CO analyser interference check

Water and CO₂ can interfere with the CO analyser performance. Therefore a CO₂ span gas having a concentration of 80 to 100 % of full scale of the maximum operating range used during testing shall be bubbled through water at room temperature and the analyser response recorded. The analyser response must not be more than 1 % of full scale for ranges equal to or above 300 ppm or more than 3 ppm for ranges below 300 ppm.

1.10.2. NO_x analyser quench checks

The two gases of concern for CLD (and HCLD) analysers are CO₂ and water vapour. Quench responses of these gases are proportional to their concentrations, and therefore require test techniques to determine the quench at the highest expected concentrations experienced during testing.

1.10.2.1. CO₂ quench check

A CO₂ span gas having a concentration of 80 to 100% of full scale of the maximum operating range shall be passed through the NDIR analyser and the CO₂ value recorded as A. It shall then be diluted approximately 50% with NO span gas and passed through the NDIR and (H)CLD with the CO₂ and NO values recorded as B and C, respectively. The CO₂ shall be shut off and only the NO span gas is passed through the (H)CLD and the NO value recorded as D.

The quench, which shall not be greater than 3 % full scale, shall be calculated as follows:

$$\% \text{ CO}_2 \text{ quench} = \left[1 - \left(\frac{C \times A}{(D \times A) - (D \times B)} \right) \right] \times 100$$

Where:

A: undiluted CO₂ concentration measured with NDIR %

B: diluted CO₂ concentration measured with NDIR %

C: diluted NO concentration measured with CLD ppm

D: undiluted NO concentration measured with CLD ppm

Alternative methods of diluting and quantifying CO₂ and NO span gas values, such as dynamic/mixing/blending, can be used.

1.10.2.2. Water quench check

This check applies to wet gas concentration measurements only. Calculation of water quench must consider dilution of the NO span gas with water vapour and scaling of water vapour concentration of the mixture to that expected during testing.

A NO span gas having a concentration of 80 to 100 % of full scale to the normal operating range shall be passed through the (H)CLD and the NO value recorded as D. The NO span gas shall then be bubbled through water at room temperature and passed through the (H)CLD and the NO value recorded as C. The water temperature shall be determined and recorded as F. The mixture's saturation vapour pressure that corresponds to the bubbler water temperature (F) shall be determined and recorded as G. The water vapour concentration (in %) of the mixture shall be calculated as follows:

$$H = 100 \times \left(\frac{G}{P_B} \right)$$

and recorded as H. The expected diluted NO span gas (in water vapour) concentration shall be calculated as follows:

$$D_e = D \times \left(1 - \frac{H}{100} \right)$$

and recorded as D_e .

The water quench shall not be greater than 3 % and shall be calculated as follows:

$$\% \text{ H}_2\text{O quench} = 100 \times \left(\frac{D_e - C}{D_e} \right) \times \left(\frac{H_m}{H} \right)$$

Where:

D_e : expected diluted NO concentration (ppm)

C: diluted NO concentration (ppm)

H_m : maximum water vapour concentration

H: actual water vapour concentration (%)

Note: It is important that the NO span gas contains minimal NO_2 concentration for this check, since absorption of NO_2 in water has not been accounted for in the quench calculations.

1.10.3. O_2 analyser interference

Instrument response of a PMD analyser caused by gases other than oxygen is comparatively slight. The oxygen equivalents of the common exhaust gas constituents are shown in Table 1.

Table 1

Oxygen equivalents

| Gas | O_2 equivalent % |
|------------------------------------|---------------------------|
| Carbon dioxide (CO_2) | - 0,623 |
| Carbon monoxide (CO) | - 0,354 |
| Nitrogen oxide (NO) | + 44,4 |
| Nitrogen dioxide (NO_2) | + 28,7 |
| Water (H_2O) | - 0,381 |

The observed oxygen concentration shall be corrected by the following formula if high precision measurements are to be done:

$$\text{Interference} = \frac{(\text{Equivalent } \% \text{ O}_2 \times \text{Obs. conc.})}{100}$$

1.11. Calibration intervals

The analysers shall be calibrated according to section 1.5 at least every three months or whenever a system repair or change is made that could influence calibration.

Appendix 3

1. DATA EVALUATION AND CALCULATIONS

1.1. Gaseous emissions evaluation

For the evaluation of the gaseous emissions, the chart reading for a minimum of the last 120 s of each mode shall be averaged, and the average concentrations (conc) of HC, CO, NO_x and CO₂ during each mode shall be determined from the average chart readings and the corresponding calibration data. A different type of recording can be used if it ensures an equivalent data acquisition.

The average background concentration (conc_d) may be determined from the bag readings of the dilution air or from the continuous (non-bag) background reading and the corresponding calibration data.

1.2. Calculation of the gaseous emissions

The finally reported test results shall be derived through the following steps.

1.2.1. Dry/wet correction

The measured concentration, if not already measured on a wet basis, shall be converted to a wet basis:

$$\text{conc (wet)} = k_w \times \text{conc (dry)}$$

For the raw exhaust gas:

$$k_w = k_{w,r} = \frac{1}{1 + \alpha \times 0,005 \times (\% \text{ CO [dry]} + \% \text{ CO}_2 \text{ [dry]}) - 0,01 \times \% \text{ H}_2 \text{ [dry]} + k_{w2}}$$

Where α is the hydrogen to carbon ratio in the fuel.

The H₂ concentration in the exhaust shall be calculated:

$$\text{H}_2 \text{ [dry]} = \frac{0,5 \times \alpha \times \% \text{ CO [dry]} \times (\% \text{ CO [dry]} + \% \text{ CO}_2 \text{ [dry]})}{\% \text{ CO [dry]} + (3 \times \% \text{ CO}_2 \text{ [dry]})}$$

The factor k_{w2} shall be calculated:

$$k_{w2} = \frac{1,608 \times H_a}{1\,000 + (1,608 \times H_a)}$$

with H_a absolute humidity of the intake air, g of water per kg of dry air.

For the diluted exhaust gas:

For wet CO₂ measurement::

$$k_w = k_{w,e,1} = \left(1 - \frac{\alpha \times \% \text{ CO}_2 \text{ [wet]}}{200} \right) - k_{w1}$$

Or, for dry CO₂ measurement:

$$k_w = k_{w,e,2} = \left(\frac{(1 - k_{w1})}{1 + \frac{\alpha \times \% \text{ CO}_2 \text{ [dry]}}{200}} \right)$$

Where α is the hydrogen to carbon ratio in the fuel.

The factor k_{w1} shall be calculated from the following equations:

$$k_{w1} = \left(\frac{1,608 \times [H_d \times (1 - 1/DF) + H_a \times (1/DF)]}{1\,000 + 1,608 \times [H_d \times (1 - 1/DF) + H_a \times (1/DF)]} \right)$$

Where:

H_d = absolute humidity of the dilution air, g of water per kg of dry air

H_a = absolute humidity of the intake air, g of water per kg of dry air

$$DF = \frac{13,4}{\% \text{ conc}_{\text{CO}_2} + (\text{ppm conc}_{\text{CO}} + \text{ppm conc}_{\text{HC}}) \times 10^{-4}}$$

For the dilution air:

$$k_{w,d} = 1 - k_{w1}$$

The factor k_{w1} shall be calculated from the following equations:

$$k_{w1} = \left(\frac{1,608 \times [H_d \times (1 - 1/DF) + H_a \times (1/DF)]}{1\,000 + 1,608 \times [H_d \times (1 - 1/DF) + H_a \times (1/DF)]} \right)$$

Where:

H_d = absolute humidity of the dilution air, g of water per kg or dry air

H_a = absolute humidity of the intake air, g of water per kg of dry air

$$DF = \frac{13,4}{\% \text{ conc}_{\text{CO}_2} + (\text{ppm conc}_{\text{CO}} + \text{ppm conc}_{\text{HC}}) \times 10^{-4}}$$

For the intake air (if different from the dilution air):

$$k_{w,a} = 1 - k_{w2}$$

The factor k_{w2} shall be calculated from the following equations:

$$k_{w2} = \frac{1,608 \times H_a}{1\,000 + (1,608 \times H_a)}$$

with H_a absolute humidity of the intake air, g of water per kg of dry air.

1.2.2. Humidity correction for NO_x

As the NO_x emission depends on ambient air conditions, the NO_x concentration shall be multiplied by the factor K_H taking into account humidity:

with H_a absolute humidity of the intake air as g of water per kg of dry air

$$K_H = 0,6272 + 44,030 \times 10^{-3} \times H_a - 0,862 \times 10^{-3} \times H_a^2 \text{ (for 4 stroke engines)}$$

$$K_H = 1 \text{ (for 2 stroke engines)}$$

with H_a absolute humidity of the intake air as g of water per kg of dry air

1.2.3. Calculation of emission mass flow rate

The emission mass flow rates Gas_{mass} [g/h] for each mode shall be calculated as follows.

(a) For the raw exhaust gas ⁽¹⁾:

$$Gas_{mass} = \frac{MW_{Gas}}{MW_{FUEL}} \times \frac{1}{\{(\% CO_2 [wet] - \% CO_{2AIR}) + \% CO [wet] + \% HC [wet]\}} \times \% conc \times G_{FUEL} \times 1\ 000$$

Where:

G_{FUEL} [kg/h] is the fuel mass flow rate;

MW_{Gas} [kg/kmole] is the molecular weight of the individual gas shown in Table 1;

Table 1

Molecular weights

| Gas | MW_{Gas} [kg/kmole] |
|-----------------|-----------------------|
| NO _x | 46,01 |
| CO | 28,01 |
| HC | $MW_{HC} = MW_{FUEL}$ |
| CO ₂ | 44,01 |

$MW_{FUEL} = 12,011 + \alpha \times 1,00794 + \beta \times 15,9994$ [kg/kmole] is the fuel molecular weight with α hydrogen to carbon ratio and β oxygen to carbon ratio of the fuel ⁽²⁾;

CO_{2AIR} is the CO₂ concentration in the intake air (that is assumed equal to 0,04 % if not measured).

(b) For the diluted exhaust gas ⁽³⁾:

$$Gas_{mass} = u \times conc_c \times G_{TOTW}$$

Where

G_{TOTW} [kg/h] is the diluted exhaust gas mass flow rate on wet basis that, when using a full flow dilution system, shall be determined according to Annex III, Appendix 1, section 1.2.4;

$conc_c$ is the background corrected concentration:

$$conc_c = conc - conc_d \times (1 - 1/DF)$$

$$\text{with } DF = \frac{13,4}{\% conc_{CO_2} + (ppm conc_{CO} + ppm conc_{HC}) \times 10^{-4}}$$

The u coefficient is shown in Table 2.

Table 2

Values of u coefficient

| Gas | u | conc |
|-----------------|----------|------|
| NO _x | 0,001587 | ppm |
| CO | 0,000966 | ppm |
| HC | 0,000478 | ppm |
| CO ₂ | 15,19 | % |

⁽¹⁾ In the case of NO_x the concentration has to be multiplied by the humidity correction factor K_H (humidity correction factor for NO_x).

⁽²⁾ In the ISO 8178-1 a more complete formula of the fuel molecular weight is quoted (formula 50 of Chapter 13.5.1 (b)). The formula takes into account not only the hydrogen to carbon ratio and the oxygen to carbon ratio but also other possible fuel components such as sulphur and nitrogen. However, as the s.i. engines of the Directive are tested with a petrol (quoted as a reference fuel in Annex V) containing usually only carbon and hydrogen, the simplified formula is considered.

⁽³⁾ In the case of NO_x the concentration has to be multiplied by the humidity correction factor K_H (humidity correction factor for NO_x).

Values of the u coefficient are based upon a molecular weight of the dilute exhaust gases equal to 29 [kg/kmole]; the value of u for HC is based upon an average carbon to hydrogen ratio of 1:1,85.

1.2.4. Calculation of specific emissions

The specific emission (g/kWh) shall be calculated for all individual components:

$$\text{Individual gas} = \frac{\sum_{i=1}^n (\text{Gas}_{\text{mass}_i} \times \text{WF}_i)}{\sum_{i=1}^n (P_i \times \text{WF}_i)}$$

Where $P_i = P_{M,i} + P_{AE,i}$

When auxiliaries, such as cooling fan or blower, are fitted for the test, the power absorbed shall be added to the results except for engines where such auxiliaries are an integral part of the engine. The fan or blower power shall be determined at the speeds used for the tests either by calculation from standard characteristics or by practical tests (Appendix 3 of Annex VII).

The weighting factors and the number of the n modes used in the above calculation are shown in Annex IV, section 3.5.1.1.

2. EXAMPLES

2.1. Raw exhaust gas data from a 4-stroke s.i. engine

With reference to the experimental data (Table 3), calculations are carried out first for mode 1 and then are extended to other test modes using the same procedure.

Table 3

Experimental data of a 4-stroke s.i. engine

| Mode | | 1 | 2 | 3 | 4 | 5 | 6 |
|-------------------------|-------------------------------------|---------|--------|--------|--------|--------|--------|
| Engine speed | m ⁻¹ | 2 550 | 2 550 | 2 550 | 2 550 | 2 550 | 1 480 |
| Power | kW | 9,96 | 7,5 | 4,88 | 2,36 | 0,94 | 0 |
| Load percent | % | 100 | 75 | 50 | 25 | 10 | 0 |
| Weighting factors | — | 0,090 | 0,200 | 0,290 | 0,300 | 0,070 | 0,050 |
| Barometric pressure | kPa | 101,0 | 101,0 | 101,0 | 101,0 | 101,0 | 101,0 |
| Air temperature | °C | 20,5 | 21,3 | 22,4 | 22,4 | 20,7 | 21,7 |
| Air relative humidity | % | 38,0 | 38,0 | 38,0 | 37,0 | 37,0 | 38,0 |
| Air absolute humidity | g _{H2O} /kg _{air} | 5,696 | 5,986 | 6,406 | 6,236 | 5,614 | 6,136 |
| CO dry | ppm | 60 995 | 40 725 | 34 646 | 41 976 | 68 207 | 37 439 |
| NO _x wet | ppm | 726 | 1 541 | 1 328 | 377 | 127 | 85 |
| HC wet | ppm C1 | 1 461 | 1 308 | 1 401 | 2 073 | 3 024 | 9 390 |
| CO ₂ dry | % Vol. | 11,4098 | 12,691 | 13,058 | 12,566 | 10,822 | 9,516 |
| Fuel mass flow | kg/h | 2,985 | 2,047 | 1,654 | 1,183 | 1,056 | 0,429 |
| Fuel H/C ratio α | — | 1,85 | 1,85 | 1,85 | 1,85 | 1,85 | 1,85 |
| Fuel O/C ratio β | | 0 | 0 | 0 | 0 | 0 | 0 |

2.1.1. The dry/wet correction factor k_w

The dry/wet correction factor k_w shall be calculated for converting dry CO and CO₂ measurements on a wet basis:

$$k_w = k_{w,r} = \frac{1}{1 + \alpha \times 0,005 \times (\% \text{ CO [dry]} + \% \text{ CO}_2 \text{ [dry]}) - 0,01 \times \% \text{ H}_2 \text{ [dry]} + k_{w2}}$$

Where:

$$\text{H}_2 \text{ [dry]} = \frac{0,5 \times \alpha \times \% \text{ CO [dry]} \times (\% \text{ CO [dry]} + \% \text{ CO}_2 \text{ [dry]})}{\% \text{ CO [dry]} + (3 \times \% \text{ CO}_2 \text{ [dry]})}$$

and

$$k_{w2} = \frac{1,608 \times H_a}{1\,000 + (1,608 \times H_a)}$$

$$\text{H}_2 \text{ [dry]} = \frac{0,5 \times 1,85 \times 6,0995 \times (6,0995 + 11,4098)}{6,0995 + (3 \times 11,4098)} = 2,450 \%$$

$$k_{w2} = \frac{1,608 \times 5,696}{1\,000 + (1,608 \times 5,696)} = 0,009$$

$$k_w = k_{w,r} = \frac{1}{1 + 1,85 \times 0,005 \times (6,0995 + 11,4098) - 0,01 \times 2,450 + 0,009} = 0,872$$

$$\text{CO [wet]} = \text{CO [dry]} \times k_w = 60\,995 \times 0,872 = 53\,198 \text{ ppm}$$

$$\text{CO}_2 \text{ [wet]} = \text{CO}_2 \text{ [dry]} \times k_w = 11,410 \times 0,872 = 9,951 \% \text{ Vol}$$

Table 4

CO and CO₂ wet values according to different test modes

| Mode | | 1 | 2 | 3 | 4 | 5 | 6 |
|---------------------|-----|--------|--------|--------|--------|--------|--------|
| H ₂ dry | % | 2,450 | 1,499 | 1,242 | 1,554 | 2,834 | 1,422 |
| K _{w2} | — | 0,009 | 0,010 | 0,010 | 0,010 | 0,009 | 0,010 |
| K _w | — | 0,872 | 0,870 | 0,869 | 0,870 | 0,874 | 0,894 |
| CO wet | ppm | 53 198 | 35 424 | 30 111 | 36 518 | 59 631 | 33 481 |
| CO ₂ wet | % | 9,951 | 11,039 | 11,348 | 10,932 | 9,461 | 8,510 |

2.1.2. HC emissions

$$\text{HC}_{\text{mass}} = \frac{\text{MW}_{\text{HC}}}{\text{MW}_{\text{FUEL}}} \times \frac{1}{\{(\% \text{ CO}_2 \text{ [wet]} - \% \text{ CO}_{2\text{AIR}}) + \% \text{ CO [wet]} + \% \text{ HC [wet]}\}} \times \% \text{ conc} \times G_{\text{FUEL}} \times 1\,000$$

where

$$\text{MW}_{\text{HC}} = \text{MW}_{\text{FUEL}}$$

$$\text{MW}_{\text{FUEL}} = 12,011 + \alpha \times 1,00794 = 13,876$$

$$\text{HC}_{\text{mass}} = \frac{13,876}{13,876} \times \frac{1}{(9,951 - 0,04 + 5,3198 + 0,1461)} \times 0,1461 \times 2,985 \times 1\,000 = 28,361 \text{ g/h}$$

Table 5

HC emissions (g/h) according to different test modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|--------------------|--------|--------|--------|--------|--------|--------|
| HC _{mass} | 28,361 | 18,248 | 16,026 | 16,625 | 20,357 | 31,578 |

2.1.3. NO_x emissions

At first the humidity correction factor K_H of NO_x emissions shall be calculated:

$$K_H = 0,6272 + 44,030 \times 10^{-3} \times H_a - 0,862 \times 10^{-3} \times H_a^2$$

$$K_H = 0,6272 + 44,030 \times 10^{-3} \times 5,696 - 0,862 \times 10^{-3} \times (5,696)^2 = 0,850$$

Table 6

Humidity correction factor K_H of NO_x emissions according to different modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|----------------|-------|-------|-------|-------|-------|-------|
| K _H | 0,850 | 0,860 | 0,874 | 0,868 | 0,847 | 0,865 |

Then NO_{xmass} [g/h] shall be calculated:

$$NO_{xmass} = \frac{MW_{NO_x}}{MW_{FUEL}} \times \frac{1}{\{(\% CO_2 \text{ [wet]} - \% CO_{2AIR}) + \% CO \text{ [wet]} + \% HC \text{ [wet]}\}} \times \% \text{ conc} \times K_H \times G_{FUEL} \times 1\ 000$$

$$NO_{xmass} = \frac{46,01}{13,876} \times \frac{1}{(9,951 - 0,04 + 5,3198 + 0,1461)} \times 0,073 \times 0,85 \times 2,985 \times 1\ 000 = 39,717 \text{ g/h}$$

Table 7

NO_x emissions (g/h) according to the different test modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|---------------------|--------|--------|--------|-------|-------|-------|
| NO _{xmass} | 39,717 | 61,291 | 44,013 | 8,703 | 2,401 | 0,820 |

2.1.4. CO emissions

$$CO_{mass} = \frac{MW_{CO}}{MW_{FUEL}} \times \frac{1}{\{(\% CO_2 \text{ [wet]} - \% CO_{2AIR}) + \% CO \text{ [wet]} + \% HC \text{ [wet]}\}} \times \% \text{ conc} \times G_{FUEL} \times 1\ 000$$

$$CO_{2mass} = \frac{44,01}{13,876} \times \frac{1}{(9,951 - 0,04 + 5,3198 + 0,1461)} \times 9,951 \times 2,985 \times 1\ 000 = 6\ 126,806 \text{ g/h}$$

Table 8

CO emissions (g/h) according to different test modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|--------------------|-----------|---------|---------|---------|---------|---------|
| CO _{mass} | 2 084,588 | 997,638 | 695,278 | 591,183 | 810,334 | 227,285 |

2.1.5. CO₂ emissions

$$CO_{2mass} = \frac{MW_{CO_2}}{MW_{FUEL}} \times \frac{1}{\{(\% CO_2 \text{ [wet]} - \% CO_{2AIR}) + \% CO \text{ [wet]} + \% HC \text{ [wet]}\}} \times \% \text{ conc} \times G_{FUEL} \times 1\ 000$$

$$CO_{2mass} = \frac{44,01}{13,876} \times \frac{1}{(9,951 - 0,04 + 5,3198 + 0,1461)} \times 9,951 \times 2,985 \times 1\ 000 = 6\ 126,806 \text{ g/h}$$

Table 9

CO₂ emissions (g/h) according to different test modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|---------------------|-----------|-----------|-----------|-----------|-----------|---------|
| CO _{2mass} | 6 126,806 | 4 884,739 | 4 117,202 | 2 780,662 | 2 020,061 | 907,648 |

2.1.6. Specific emissions

The specific emission (g/kWh) shall be calculated for all individual components:

$$\text{Individual gas} = \frac{\sum_{i=1}^n (\text{Gas}_{\text{mass}_i} \times \text{WF}_i)}{\sum_{i=1}^n (P_i \times \text{WF}_i)}$$

Table 10

Emissions (g/h) and weighting factors according to the test modes

| Mode | | 1 | 2 | 3 | 4 | 5 | 6 |
|--------------------------------------|-----|-----------|-----------|-----------|-----------|-----------|---------|
| HC _{mass} | g/h | 28,361 | 18,248 | 16,026 | 16,625 | 20,357 | 31,578 |
| NO _x mass | g/h | 39,717 | 61,291 | 44,013 | 8,703 | 2,401 | 0,820 |
| CO _{mass} | g/h | 2 084,588 | 997,638 | 695,278 | 591,183 | 810,334 | 227,285 |
| CO ₂ mass | g/h | 6 126,806 | 4 884,739 | 4 117,202 | 2 780,662 | 2 020,061 | 907,648 |
| Power P ₁ | KW | 9,96 | 7,50 | 4,88 | 2,36 | 0,94 | 0 |
| Weighting factors WF ₁ | — | 0,090 | 0,200 | 0,290 | 0,300 | 0,070 | 0,050 |

$$\text{HC} = \frac{28,361 \times 0,090 + 18,248 \times 0,200 + 16,026 \times 0,290 + 16,625 \times 0,300 + 20,357 \times 0,070 + 31,578 \times 0,050}{9,96 \times 0,090 + 7,50 \times 0,200 + 4,88 \times 0,290 + 2,36 \times 0,300 + 0,940 \times 0,070 + 0 \times 0,050} = 4,11 \text{ g/kWh}$$

$$\text{NO}_x = \frac{39,717 \times 0,090 + 61,291 \times 0,200 + 44,013 \times 0,290 + 8,703 \times 0,300 + 2,401 \times 0,070 + 0,820 \times 0,050}{9,96 \times 0,090 + 7,50 \times 0,200 + 4,88 \times 0,290 + 2,36 \times 0,300 + 0,940 \times 0,070 + 0 \times 0,050} = 6,85 \text{ g/kWh}$$

$$\text{CO} = \frac{2\,084,59 \times 0,090 + 997,64 \times 0,200 + 695,28 \times 0,290 + 591,18 \times 0,300 + 810,33 \times 0,070 + 227,29 \times 0,050}{9,96 \times 0,090 + 7,50 \times 0,200 + 4,88 \times 0,290 + 2,36 \times 0,300 + 0,940 \times 0,070 + 0 \times 0,050} = 181,93 \text{ g/kWh}$$

$$\text{CO}_2 = \frac{6\,126,81 \times 0,090 + 4\,884,74 \times 0,200 + 4\,117,20 \times 0,290 + 2\,780,66 \times 0,300 + 2\,020,06 \times 0,070 + 907,65 \times 0,050}{9,96 \times 0,090 + 7,50 \times 0,200 + 4,88 \times 0,290 + 2,36 \times 0,300 + 0,940 \times 0,070 + 0 \times 0,050} = 816,36 \text{ g/kWh}$$

2.2. Raw exhaust gas data from a 2-stroke s.i. engine

With reference to the experimental data (Table 11), calculations shall be carried out first for mode 1 and then extended to the other test mode using the same procedure.

Table 11

Experimental data of a 2-stroke s.i. engine

| Mode | | 1 | 2 |
|-----------------------|-------------------------------------|--------|--------|
| Engine speed | m ⁻¹ | 9 500 | 2 800 |
| Power | kW | 2,31 | 0 |
| Load percent | % | 100 | 0 |
| Weighting factors | — | 0,9 | 0,1 |
| Barometric pressure | kPa | 100,3 | 100,3 |
| Air temperature | °C | 25,4 | 25 |
| Air relative humidity | % | 38,0 | 38,0 |
| Air absolute humidity | g _{H2O} /kg _{air} | 7,742 | 7,558 |
| CO dry | ppm | 37 086 | 16 150 |
| NO _x wet | ppm | 183 | 15 |
| HC wet | ppm C1 | 14 220 | 13 179 |
| CO ₂ dry | % Vol. | 11,986 | 11,446 |
| Fuel mass flow | kg/h | 1,195 | 0,089 |
| Fuel H/C ratio α | — | 1,85 | 1,85 |
| Fuel/C ratio β | | 0 | 0 |

2.2.1. Dry/wet correction factor k_w

The dry/wet correction factor k_w shall be calculated for converting dry CO and CO₂ measurements on a wet basis:

$$k_w = k_{w,r} = \frac{1}{1 + \alpha \times 0,005 \times (\% \text{ CO [dry]} + \% \text{ CO}_2 \text{ [dry]}) - 0,01 \times \% \text{ H}_2 \text{ [dry]} + k_{w2}}$$

Where:

$$\text{H}_2 \text{ [dry]} = \frac{0,5 \times \alpha \times \% \text{ CO [dry]} \times (\% \text{ CO [dry]} + \% \text{ CO}_2 \text{ [dry]})}{\% \text{ CO [dry]} + (3 \times \% \text{ CO}_2 \text{ [dry]})}$$

$$\text{H}_2 \text{ [dry]} = \frac{0,5 \times 1,85 \times 3,7086 \times (3,7086 + 11,986)}{3,7086 + (3 \times 11,986)} = 1,357 \%$$

$$k_{w2} = \frac{1,608 \times H_a}{1\,000 + (1,608 \times H_a)}$$

$$k_{w2} = \frac{1,608 \times 7,742}{1\,000 + (1,608 \times 7,742)} = 0,012$$

$$k_w = k_{w,r} = \frac{1}{1 + 1,85 \times 0,005 \times (3,7086 + 11,986) - 0,01 \times 1,357 + 0,012} = 0,874$$

$$\text{CO [wet]} = \text{CO [dry]} \times k_w = 37\,086 \times 0,874 = 32\,420 \text{ ppm}$$

$$\text{CO}_2 \text{ [wet]} = \text{CO}_2 \text{ [dry]} \times k_w = 11,986 \times 0,874 = 10,478 \text{ \% Vol}$$

Table 12

CO and CO₂ wet values according to different test modes

| Mode | | 1 | 2 |
|---------------------|-----|--------|--------|
| H ₂ dry | % | 1,357 | 0,543 |
| k _{w2} | — | 0,012 | 0,012 |
| k _w | — | 0,874 | 0,887 |
| CO wet | ppm | 32 420 | 14 325 |
| CO ₂ wet | % | 10,478 | 10,153 |

2.2.2. HC emissions

$$\text{HC}_{\text{mass}} = \frac{\text{MW}_{\text{HC}}}{\text{MW}_{\text{FUEL}}} \times \frac{1}{\{(\% \text{ CO}_2 \text{ [wet]} - \% \text{ CO}_{2\text{AIR}}) + \% \text{ CO [wet]} + \% \text{ HC [wet]}\}} \times \% \text{ conc} \times G_{\text{FUEL}} \times 1\,000$$

Where:

$$\text{MW}_{\text{HC}} = \text{MW}_{\text{FUEL}}$$

$$\text{MW}_{\text{FUEL}} = 12,011 + \alpha \times 1,00794 = 13,876$$

$$\text{HC}_{\text{mass}} = \frac{13,876}{13,876} \times \frac{1}{(10,478 - 0,04 + 3,2420 + 1,422)} \times 1,422 \times 1,195 \times 1\,000 = 112,520 \text{ g/h}$$

Table 13

HC emissions (g/h) according to test modes

| Mode | 1 | 2 |
|--------------------|---------|-------|
| HC _{mass} | 112,520 | 9,119 |

2.2.3. NO_x emissions

The factor K_H for the correction of the NO_x emissions is equal to 1 for two-stroke engines:

$$\text{NO}_{x\text{mass}} = \frac{\text{MW}_{\text{NO}_x}}{\text{MW}_{\text{FUEL}}} \times \frac{1}{\{(\% \text{ CO}_2 \text{ [wet]} - \% \text{ CO}_{2\text{AIR}}) + \% \text{ CO [wet]} + \% \text{ HC [wet]}\}} \times \% \text{ conc} \times K_H \times G_{\text{FUEL}} \times 1\,000$$

$$\text{NO}_{x\text{mass}} = \frac{46,01}{13,876} \times \frac{1}{(10,478 - 0,04 + 3,2420 + 1,422)} \times 0,0183 \times 1 \times 1,195 \times 1\,000 = 4,800 \text{ g/h}$$

Table 14

NO_x emissions (g/h) according to test modes

| Mode | 1 | 2 |
|---------------------|-------|-------|
| NO _{xmass} | 4,800 | 0,034 |

2.2.4. CO emissions

$$CO_{mass} = \frac{MW_{CO}}{MW_{FUEL}} \times \frac{1}{\{(\% CO_2 \text{ [wet]} - \% CO_{2AIR}) + \% CO \text{ [wet]} + \% HC \text{ [wet]}\}} \times \% \text{ conc} \times G_{FUEL} \times 1\,000$$

$$CO_{mass} = \frac{28,01}{13,876} \times \frac{1}{(10,478 - 0,04 + 3,2420 + 1,422)} \times 3,2420 \times 1,195 \times 1\,000 = 517,851 \text{ g/h}$$

Table 15

CO emissions (g/h) according to test modes

| Mode | 1 | 2 |
|--------------------|---------|--------|
| CO _{mass} | 517,851 | 20,007 |

2.2.5. CO₂ emissions

$$CO_{2mass} = \frac{MW_{CO_2}}{MW_{FUEL}} \times \frac{1}{\{(\% CO_2 \text{ [wet]} - \% CO_{2AIR}) + \% CO \text{ [wet]} + \% HC \text{ [wet]}\}} \times \% \text{ conc} \times G_{FUEL} \times 1\,000$$

$$CO_{2mass} = \frac{44,01}{13,876} \times \frac{1}{(10,478 - 0,04 + 3,2420 + 1,422)} \times 10,478 \times 1,195 \times 1\,000 = 2\,629,658 \text{ g/h}$$

Table 16

CO₂ emissions (g/h) according to test modes

| Mode | 1 | 2 |
|---------------------|-----------|---------|
| CO _{2mass} | 2 629,658 | 222,799 |

2.2.6. Specific emissions

The specific emission (g/kWh) shall be calculated for all individual components in the following way:

$$\text{Individual gas} = \frac{\sum_{i=1}^n (Gas_{mass_i} \times WF_i)}{\sum_{i=1}^n (P_i \times WF_i)}$$

Table 17

Emissions (g/h) and weighting factors in two test modes

| Mode | | 1 | 2 |
|----------------------------------|-----|-----------|---------|
| HC _{mass} | g/h | 112,520 | 9,119 |
| NO _{xmass} | g/h | 4,800 | 0,034 |
| CO _{mass} | g/h | 517,851 | 20,007 |
| CO _{2mass} | g/h | 2 629,658 | 222,799 |
| Power P _{II} | kW | 2,31 | 0 |
| Weighing factors WF _i | — | 0,85 | 0,15 |

$$\text{HC} = \frac{112,52 \times 0,85 + 9,119 \times 0,15}{2,31 \times 0,85 + 0 \times 0,15} = 49,4 \text{ g/kWh}$$

$$\text{NO}_x = \frac{4,800 \times 0,85 + 0,034 \times 0,15}{2,31 \times 0,85 + 0 \times 0,15} = 2,08 \text{ g/kWh}$$

$$\text{CO} = \frac{517,851 \times 0,85 + 20,007 \times 0,15}{2,31 \times 0,85 + 0 \times 0,15} = 225,71 \text{ g/kWh}$$

$$\text{CO}_2 = \frac{2\,629,658 \times 0,85 + 222,799 \times 0,15}{2,31 \times 0,85 + 0 \times 0,15} = 1\,155,4 \text{ g/kWh}$$

2.3. Diluted exhaust gas data from a 4-stroke s.i. engine

With reference to the experimental data (Table 18), calculations shall be carried out first for mode 1 and then extended to other test modes using the same procedure.

Table 18

Experimental data of a 4-stroke s.i. engine

| Mode | | 1 | 2 | 3 | 4 | 5 | 6 |
|---|-------------------------------------|---------|---------|---------|---------|---------|---------|
| Engine speed | m ⁻¹ | 3 060 | 3 060 | 3 060 | 3 060 | 3 060 | 2 100 |
| Power | kW | 13,15 | 9,81 | 6,52 | 3,25 | 1,28 | 0 |
| Load percent | % | 100 | 75 | 50 | 25 | 10 | 0 |
| Weighting factors | — | 0,090 | 0,200 | 0,290 | 0,300 | 0,070 | 0,050 |
| Barometric pressure | kPa | 980 | 980 | 980 | 980 | 980 | 980 |
| Intake air temperature | °C | 25,3 | 25,1 | 24,5 | 23,7 | 23,5 | 22,6 |
| Intake air relative humidity | % | 19,8 | 19,8 | 20,6 | 21,5 | 21,9 | 23,2 |
| Intake air absolute humidity | g _{H2O} /kg _{air} | 4,08 | 4,03 | 4,05 | 4,03 | 4,05 | 4,06 |
| CO dry | ppm | 3 681 | 3 465 | 2 541 | 2 365 | 3 086 | 1 817 |
| NO _x wet | ppm | 85,4 | 49,2 | 24,3 | 5,8 | 2,9 | 1,2 |
| HC wet | ppm C1 | 91 | 92 | 77 | 78 | 119 | 186 |
| CO ₂ dry | % Vol. | 1,038 | 0,814 | 0,649 | 0,457 | 0,330 | 0,208 |
| CO dry (background) | ppm | 3 | 3 | 3 | 2 | 2 | 3 |
| NO _x wet (background) | ppm | 0,1 | 0,1 | 0,1 | 0,1 | 0,1 | 0,1 |
| HC wet (background) | ppm C1 | 6 | 6 | 5 | 6 | 6 | 4 |
| CO ₂ dry (background) | % Vol. | 0,042 | 0,041 | 0,041 | 0,040 | 0,040 | 0,040 |
| Dil. exh. gas mass flow G _{TOTW} | kg/h | 625,722 | 627,171 | 623,549 | 630,792 | 627,895 | 561,267 |
| Fuel H/C ratio α | — | 1,85 | 1,85 | 1,85 | 1,85 | 1,85 | 1,85 |
| Fuel H/C ratio β | — | 0 | 0 | 0 | 0 | 0 | 0 |

2.3.1. Dry/wet correction factor k_w

The dry/wet correction factor k_w shall be calculated for converting dry CO and CO₂ measurements on a wet basis.

For the diluted exhaust gas:

$$k_w = k_{w,e,2} = \left(\frac{(1 - k_{w1})}{1 + \frac{\alpha \times \% \text{CO}_2 [\text{dry}]}{200}} \right)$$

Where:

$$k_{w1} = \left(\frac{1,608 \times [H_d \times (1 - 1/DF) + H_a \times (1/DF)]}{1\,000 + 1,608 \times [H_d \times (1 - 1/DF) + H_a \times (1/DF)]} \right)$$

$$DF = \frac{13,4}{\% \text{conc}_{\text{CO}_2} + (\text{ppm conc}_{\text{CO}} + \text{ppm conc}_{\text{HC}}) \times 10^{-4}}$$

$$DF = \frac{13,4}{1,038 + (3\,681 + 91) \times 10^{-4}} = 9,465$$

$$k_{w1} = \left(\frac{1,608 \times [4,08 \times (1 - 1/9,465) + 4,08 \times (1/9,465)]}{1\,000 + 1,608 \times [4,08 \times (1 - 1/9,465) + 4,08 \times (1/9,465)]} \right) = 0,007$$

$$k_w = k_{w,e,2} = \left(\frac{(1 - 0,007)}{1 + \frac{1,85 \times 1,038}{200}} \right) = 0,984$$

$$\text{CO} [\text{wet}] = \text{CO} [\text{dry}] \times k_w = 3\,681 \times 0,984 = 3\,623 \text{ ppm}$$

$$\text{CO}_2 [\text{wet}] = \text{CO}_2 [\text{dry}] \times k_w = 1,038 \times 0,984 = 1,0219 \%$$

Table 19

CO and CO₂ wet values for the diluted exhaust gas according to test modes

| Mode | | 1 | 2 | 3 | 4 | 5 | 6 |
|---------------------|-----|--------|--------|--------|--------|--------|--------|
| DF | — | 9,465 | 11,454 | 14,707 | 19,100 | 20,612 | 32,788 |
| k _{w1} | — | 0,007 | 0,006 | 0,006 | 0,006 | 0,006 | 0,006 |
| k _w | — | 0,984 | 0,986 | 0,988 | 0,989 | 0,991 | 0,992 |
| CO wet | ppm | 3 623 | 3 417 | 2 510 | 2 340 | 3 057 | 1 802 |
| CO ₂ wet | % | 1,0219 | 0,8028 | 0,6412 | 0,4524 | 0,3264 | 0,2066 |

For the dilution air:

$$k_{w,d} = 1 - k_{w1}$$

Where the factor k_{w1} is the same as that already calculated for the diluted exhaust gas.

$$k_{w,d} = 1 - 0,007 = 0,993$$

$$\text{CO} [\text{wet}] = \text{CO} [\text{dry}] \times k_w = 3 \times 0,993 = 3 \text{ ppm}$$

$$\text{CO}_2 [\text{wet}] = \text{CO}_2 [\text{dry}] \times k_w = 0,042 \times 0,993 = 0,042 \text{ \% Vol}$$

Table 20

CO and CO₂ wet values for the dilution air according to test modes

| Mode | | 1 | 2 | 3 | 4 | 5 | 6 |
|---------------------|-----|--------|--------|--------|--------|--------|--------|
| K _{w1} | — | 0,007 | 0,006 | 0,006 | 0,006 | 0,006 | 0,006 |
| K _w | — | 0,993 | 0,994 | 0,994 | 0,994 | 0,994 | 0,994 |
| CO wet | ppm | 3 | 3 | 3 | 2 | 2 | 3 |
| CO ₂ wet | % | 0,0421 | 0,0405 | 0,0403 | 0,0398 | 0,0394 | 0,0401 |

2.3.2. HC emissions

$$\text{HC}_{\text{mass}} = u \times \text{conc}_c \times G_{\text{TOTW}}$$

Where:

$$u = 0,000478 \text{ from Table 2}$$

$$\text{conc}_c = \text{conc} - \text{conc}_d \times (1 - 1/DF)$$

$$\text{conc}_c = 91 - 6 \times (1 - 1/9,465) = 86 \text{ ppm}$$

$$\text{HC}_{\text{mass}} = 0,000478 \times 86 \times 625,722 = 25,666 \text{ g/h}$$

Table 21

HC emissions (g/h) according to test modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|--------------------|--------|--------|--------|--------|--------|--------|
| HC _{mass} | 25,666 | 25,993 | 21,607 | 21,850 | 34,074 | 48,963 |

2.3.3. NO_x emissions

The factor K_H for the correction of the NO_x emissions shall be calculated from:

$$K_H = 0,6272 + 44,030 \times 10^{-3} \times H_a - 0,862 \times 10^{-3} \times H_a^2$$

$$K_H = 0,6272 + 44,030 \times 10^{-3} \times 4,08 - 0,862 \times 10^{-3} \times (4,08)^2 = 0,79$$

Table 22

Humidity correction factor K_H of NO_x emissions according to test modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|----------------|-------|-------|-------|-------|-------|-------|
| K _H | 0,793 | 0,791 | 0,791 | 0,790 | 0,791 | 0,792 |

$$\text{NO}_{x\text{mass}} = u \times \text{conc}_c \times K_H \times G_{\text{TOTW}}$$

Where:

$$u = 0,001587 \text{ from Table 2}$$

$$\text{conc}_c = \text{conc} - \text{conc}_d \times (1 - 1/DF)$$

$$\text{conc}_c = 85 - 0 \times (1 - 1/9,465) = 85 \text{ ppm}$$

$$\text{NO}_{x\text{mass}} = 0,001587 \times 85 \times 0,79 \times 625,722 = 67,168 \text{ g/h}$$

Table 23

NO_x emissions (g/h) according to test modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|---------------------|--------|--------|--------|-------|-------|-------|
| NO _{xmass} | 67,168 | 38,721 | 19,012 | 4,621 | 2,319 | 0,811 |

2.3.4. CO emissions

$$\text{CO}_{\text{mass}} = u \times \text{conc}_c \times G_{\text{TOTW}}$$

where:

$$u = 0,000966 \text{ from Table 2}$$

$$\text{conc}_c = \text{conc} - \text{conc}_d \times (1 - 1/DF)$$

$$\text{conc}_c = 3\,622 - 3 \times (1 - 1/9,465) = 3\,620 \text{ ppm}$$

$$\text{CO}_{\text{mass}} = 0,000966 \times 3\,620 \times 625,722 = 2\,188,001 \text{ g/h}$$

Table 24

CO emissions (g/h) according to test modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|--------------------|-----------|-----------|-----------|-----------|-----------|---------|
| CO _{mass} | 2 188,001 | 2 068,760 | 1 510,187 | 1 424,792 | 1 853,109 | 975,435 |

2.3.5 CO₂ emissions

$$\text{CO}_{2\text{mass}} = u \times \text{conc}_c \times G_{\text{TOTW}}$$

Where:

$$u = 15,19 \text{ from Table 2}$$

$$\text{conc}_c = \text{conc} - \text{conc}_d \times (1 - 1/\text{DF})$$

$$\text{conc}_c = 1,0219 - 0,0421 \times (1 - 1/9,465) = 0,9842 \text{ \% Vol}$$

$$\text{CO}_{2\text{mass}} = 15,19 \times 0,9842 \times 625,722 = 9 354,488 \text{ g/h}$$

Table 25

CO₂ emissions (g/h) according to different test modes

| Mode | 1 | 2 | 3 | 4 | 5 | 6 |
|---------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| CO _{2mass} | 9 354,488 | 7 295,794 | 5 717,531 | 3 973,503 | 2 756,113 | 1 430,229 |

2.3.6. Specific emissions

The specific emission (g/kWh) shall be calculated for all individual components:

$$\text{Individual gas} = \frac{\sum_{i=1}^n (\text{Gas}_{\text{mass}_i} \times \text{WF}_i)}{\sum_{i=1}^n (P_i \times \text{WF}_i)}$$

Table 26

Emissions (g/h) and weighting factors according to different test modes

| Mode | | 1 | 2 | 3 | 4 | 5 | 6 |
|--------------------------------------|-----|-----------|-----------|-----------|-----------|-----------|-----------|
| HC _{mass} | G/h | 25,666 | 25,993 | 21,607 | 21,850 | 34,074 | 48,963 |
| NO _{xmass} | G/h | 67,168 | 38,721 | 19,012 | 4,621 | 2,319 | 0,811 |
| CO _{mass} | G/h | 2 188,001 | 2 068,760 | 1 510,187 | 1 424,792 | 1 853,109 | 975,435 |
| CO _{2mass} | G/h | 9 354,488 | 7 295,794 | 5 717,531 | 3 973,503 | 2 756,113 | 1 430,229 |
| Power P _i | KW | 13,15 | 9,81 | 6,52 | 3,25 | 1,28 | 0 |
| Weighting factors WF _i | — | 0,090 | 0,200 | 0,290 | 0,300 | 0,070 | 0,050 |

$$\text{HC} = \frac{25,666 \times 0,090 + 25,993 \times 0,200 + 21,607 \times 0,290 + 21,850 \times 0,300 + 34,074 \times 0,070 + 48,963 \times 0,050}{13,15 \times 0,090 + 9,81 \times 0,200 + 6,52 \times 0,290 + 3,25 \times 0,300 + 1,28 \times 0,070 + 0 \times 0,050} = 4,12 \text{ g/kWh}$$

$$\text{NO}_x = \frac{67,168 \times 0,090 + 38,721 \times 0,200 + 19,012 \times 0,290 + 4,621 \times 0,300 + 2,319 \times 0,070 + 0,811 \times 0,050}{13,15 \times 0,090 + 9,81 \times 0,200 + 6,52 \times 0,290 + 3,25 \times 0,300 + 1,28 \times 0,070 + 0 \times 0,050} = 3,42 \text{ g/kWh}$$

$$\text{CO} = \frac{2 188,001 \times 0,090 + 2 068,760 \times 0,200 + 1 510,187 \times 0,290 + 1 424,792 \times 0,300 + 1 853,109 \times 0,070 + 975,435 \times 0,050}{13,15 \times 0,090 + 9,81 \times 0,200 + 6,52 \times 0,290 + 3,25 \times 0,300 + 1,28 \times 0,070 + 0 \times 0,050} = 271,15 \text{ g/kWh}$$

$$\text{CO}_2 = \frac{9 354,488 \times 0,090 + 7 295,794 \times 0,200 + 5 717,531 \times 0,290 + 3 973,503 \times 0,300 + 2 756,113 \times 0,070 + 1 430,229 \times 0,050}{13,15 \times 0,090 + 9,81 \times 0,200 + 6,52 \times 0,290 + 3,25 \times 0,300 + 1,28 \times 0,070 + 0 \times 0,050} = 887,53 \text{ g/kWh}$$

Appendix 4

1. COMPLIANCE WITH EMISSION STANDARDS

This appendix shall apply to SI engines Stage II only.

- 1.1. The exhaust emission standards for Stage 2 engines in Annex I 4.2 apply to the emissions of the engines for their emission durability period EDP as determined in accordance with this Appendix.
- 1.2. For all Stage II engines, if, when properly tested according to the procedures in this Directive, all test engines representing an engine family have emissions which, when adjusted by multiplication by the deterioration factor (DF) laid down in this Appendix, are less than or equal to each Stage II emission standard (family emission limit (FEL), where applicable) for a given engine class, that family shall be considered to comply with the emission standards for that engine class. If any test engine representing an engine family has emissions which, when adjusted by multiplication by the deterioration factor laid down in this Appendix, are greater than any single emission standard (FEL, where applicable) for a given engine class, that family shall be considered not to comply with the emission standards for that engine class.
- 1.3. Small volume engine manufacturers may, optionally, take deterioration factors for HC + NO_x and CO from Tables 1 or 2 in this section, or they may calculate deterioration factors for HC + NO_x and CO according to the process described in section 1.3.1. For technologies not covered by Tables 1 and 2 in this section, the manufacturer must use the process described in section 1.4 in this Appendix.

Table 1

Handheld Engine HC + NO_x and CO Assigned Deterioration Factors for Small Volume Manufacturer

| Engine class | Two-stroke engines | | Four-stroke engines | | Engines with aftertreatment |
|--------------|----------------------|-----|----------------------|-----|--|
| | HC + NO _x | CO | HC + NO _x | CO | |
| SH:1 | 1,1 | 1,1 | 1,5 | 1,1 | DFs must be calculated using the formula in para 1.3.1 |
| SH:2 | 1,1 | 1,1 | 1,5 | 1,1 | |
| SH:3 | 1,1 | 1,1 | 1,5 | 1,1 | |

Table 2

Non-handheld Engine HC + NO_x and CO Assigned Deterioration Factors for Small Volume Manufacturers

| Engine Class | Side Valve Engines | | Overhead Valve Engines | | Engines with After treatment |
|--------------|----------------------|-----|------------------------|-----|--|
| | HC + NO _x | CO | HC + NO _x | CO | |
| SN:1 | 2,1 | 1,1 | 1,5 | 1,1 | DFs must be calculated using the formula in para 1.3.1 |
| SN:2 | 2,1 | 1,1 | 1,5 | 1,1 | |
| SN:3 | 2,1 | 1,1 | 1,5 | 1,1 | |
| SN:4 | 1,6 | 1,1 | 1,4 | 1,1 | |

- 1.3.1. Formula for calculating deterioration factors for engines with after treatment:

$$DF = [(NE * EDF) - (CC * F)] / (NE - CC)$$

where:

DF = deterioration factor

NE = new engine emission levels prior to the catalyst (g/kWh)

EDF = deterioration factor for engines without catalyst as shown in Table 1

CC = amount converted at 0 hours in g/kWh

F = 0,8 for HC and 0,0 for NO_x for Class SN3 and SN4 engines

F = 0,8 for CO for all classes of engines

1.4. Manufacturers shall obtain an assigned DF or calculate a DF, as appropriate, for each regulated pollutant for all Stage 2 engine families. Such DFs shall be used for type approval and production line testing.

1.4.1. For engines not using assigned DFs from Tables 1 or 2 of this section, DFs shall be determined as follows:

1.4.1.1. On at least one test engine representing the configuration chosen to be the most likely to exceed HC + NO_x emission standards, (FELs where applicable), and constructed to be representative of production engines, conduct (full) test procedure emission testing as described in this Directive after the number of hours representing stabilised emissions.

1.4.1.2. If more than one engine is tested, average the results and round to the same number of decimal places contained in the applicable standard, expressed to one additional significant figure;

1.4.1.3. Conduct such emission testing again following aging of the engine. The aging procedure should be designed to allow the manufacturer to appropriately predict the in-use emission deterioration expected over the durability period of the engine, taking into account the type of wear and other deterioration mechanisms expected under typical consumer use which could affect emissions performance. If more than one engine is tested, average the results and round to the same number of decimal places contained in the applicable standard, expressed to one additional significant figure.

1.4.1.4. Divide the emissions at the end of the durability period (average emissions, if applicable) for each regulated pollutant by the stabilised emissions (average emissions, if applicable) and round to two significant figures. The resulting number shall be the DF, unless it is less than 1,00, in which case the DF shall be 1,0.

1.4.1.5. At the manufacturer's option additional emission test points can be scheduled between the stabilised emission test point and the Emission Durability Period. If intermediate tests are scheduled, the test points must be evenly spaced over the EDP (plus or minus 2 hours) and one such test point shall be at one-half of full EDP (plus or minus 2 hours).

For each pollutant HC + NO_x and CO, a straight line must be fitted to the data points treating the initial test as occurring at hour zero, and using the method of least-squares. The deterioration factor is the calculated emissions at the end of the durability period divided by the calculated emissions at zero hours.

1.4.1.6. Calculated deterioration factors may cover families and production years in addition to the one on which they were generated if the manufacturer submits a justification acceptable to the national type approval authority in advance of type approval that the affected engine families can be reasonably expected to have similar emission deterioration characteristic based on the design and technology used.

A non-exclusive list of design and technology groupings is given below:

- Conventional two-stroke engines without after treatment system
- Conventional two-stroke engines with a ceramic catalyst of the same active material and loading, and the same number of cells per cm²
- Conventional two-stroke engines with a metallic catalyst of the same active material and loading, same substrate and the same number of cells per cm²
- Two-stroke engines provided with a stratified scavenging system

- Four-stroke engines with catalyst (defined as above) with same valve technology and identical lubrication system
- Four-stroke engines without catalyst with the same valve technology and identical lubrication system

2. EMISSION DURABILITY PERIODS FOR STAGE 2 ENGINES

2.1. Manufacturers shall declare the applicable EDP category for each engine family at the time of type approval. Such category shall be the category which most closely approximates the expected useful lives of the equipment into which the engines are expected to be installed as determined by the engine manufacturer. Manufacturers shall retain data appropriate to support their choice of EDP category for each engine family. Such data shall be supplied to the approval authority upon request.

2.1.1. For handheld engines: Manufacturers shall select an EDP category from Table 1 of this paragraph.

Table 1

EDP categories for Handheld Engines (hours)

| Category | 1 | 2 | 3 |
|------------|----|-----|-----|
| Class SH:1 | 50 | 125 | 300 |
| Class SH:2 | 50 | 125 | 300 |
| Class SH:3 | 50 | 125 | 300 |

2.1.2. For non-handheld engines: Manufacturers shall select an EDP category from Table 2 of this paragraph.

Table 2

EDP categories for Non-handheld Engines (hours)

| Category | 1 | 2 | 3 |
|------------|-----|-----|-------|
| Class SN:1 | 50 | 125 | 300 |
| Class SN:2 | 125 | 250 | 500 |
| Class SN:3 | 125 | 250 | 500 |
| Class SN:4 | 250 | 500 | 1 000 |

2.1.3. The manufacturer must satisfy the approval authority that the declared useful life is appropriate. Data to support a manufacturer's choice of EDP category, for a given engine family, may include but are not limited to:

- Surveys of the life spans of the equipment in which the subject engines are installed;
- Engineering evaluations of field aged engines to ascertain when engine performance deteriorates to the point where usefulness and/or reliability is impacted to a degree sufficient to necessitate overhaul or replacement;
- Warranty statements and warranty periods;
- Marketing materials regarding engine life;
- Failure reports from engine customers; and
- Engineering evaluations of the durability, in hours, of specific engine technologies, engine materials or engine designs.

5. Annex IV becomes a new Annex V and is amended as follows:

The current headings shall be replaced by the following:

'TECHNICAL CHARACTERISTICS OF REFERENCE FUEL PRESCRIBED FOR APPROVAL TESTS AND TO VERIFY CONFORMITY OF PRODUCTION

NON-ROAD MOBILE MACHINERY REFERENCE FUEL FOR CI ENGINES ⁽¹⁾.

In the table in the line on 'Neutralization' the word 'Minimum' in column 2 shall be replaced by the word 'Maximum'. The following new table and new footnotes shall be added:

'NON-ROAD MOBILE MACHINERY REFERENCE FUEL FOR SI ENGINES

Note: The fuel for two-stroke engines is a blend of lubricant oil and the petrol specified below. The fuel/oil mixture ratio must be the ratio which is recommended by the manufacturer as specified in Annex IV, section 2.7.

| Parameter | Unit | Limits ⁽¹⁾ | | Test Method | Publication |
|------------------------------------|-------------------|-----------------------|---------|--------------|-------------|
| | | Minimum | Maximum | | |
| Research octane number, RON | | 95,0 | — | EN 25164 | 1993 |
| Motor octane number, MON | | 85,0 | — | EN 25163 | 1993 |
| Density at 15 °C | kg/m ³ | 748 | 762 | ISO 3675 | 1995 |
| Reid vapour pressure | kPa | 56,0 | 60,0 | EN 12 | 1993 |
| Distillation | | | | | |
| — Initial boiling point | °C | 24 | 40 | EN-ISO 3405 | 1988 |
| — Evaporated at 100 °C | % v/v | 49,0 | 57,0 | EN-ISO 3405 | 1988 |
| — Evaporated at 150 °C | % v/v | 81,0 | 87,0 | EN-ISO 3405 | 1988 |
| — Final boiling point | °C | 190 | 215 | EN-ISO 3405 | 1988 |
| Residue | % | — | 2 | EN-ISO 3405 | 1988 |
| Hydrocarbon analysis | | | | | |
| — Olefins | % v/v | — | 10 | ASTM D 1319 | 1995 |
| — Aromatics | % v/v | 28,0 | 40,0 | ASTM D 1319 | 1995 |
| — Benzene | % v/v | — | 1,0 | EN 12177 | 1998 |
| — Saturates | % v/v | — | balance | ASTM D 1319 | 1995 |
| Carbon/hydrogen ratio | | report | report | | |
| Oxidations tability ⁽²⁾ | min | 480 | — | EN-ISO 7536 | 1996 |
| Oxygen content | % m/m | — | 2,4 | EN 1601 | 1997 |
| Existent gum | mg/ml | — | 0,04 | EN-ISO 6246 | 1997 |
| Sulphur content | mg/kg | — | 100 | EN-ISO 14596 | 1998 |
| Copper corrosion at 50 °C | | — | 1 | EN-ISO 2160 | 1995 |
| Lead content | g/l | — | 0,005 | EN 237 | 1996 |
| Phosphorus content | g/l | — | 0,0013 | ASTM D 3231 | 1994 |

⁽¹⁾ The values quoted in the specification are "true values". In establishment of their limit values the terms of ISO 4259 "Petroleum products — Determination and application of precision data in relation to methods of test" have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account; in fixing a maximum and minimum value, the minimum difference is 4R (R = reproducibility). Notwithstanding this measure, which is necessary for statistical reasons, the manufacturer of fuels should nevertheless aim at a zero value where the stipulated maximum value is 2R and at the mean value in the case of quotations of maximum and minimum limits. Should it be necessary to clarify the question as to whether a fuel meets the requirements of the specifications, the terms of ISO 4259 should be applied.

⁽²⁾ The fuel may contain oxidation inhibitors and metal deactivators normally used to stabilise refinery gasoline streams, but detergent/dispersive additives and solvent oils must not be added.

6. Annex V becomes Annex VI.

7. Annex VI becomes Annex VII and is amended as follows:

(a) Appendix 1 is amended as follows:

— The header shall be replaced by the following:

'Appendix 1

TEST RESULTS FOR COMPRESSION IGNITION ENGINES'

— Section 1.3.2 shall be replaced by the following:

'1.3.2. Power absorbed at indicated engine speed (as specified by the manufacturer):

| Equipment | Power P_{AE} (kW) absorbed at various engine speeds ⁽¹⁾ , taking into account Appendix 3 of this Annex | |
|-----------|---|-------|
| | Intermediate (if applicable) | Rated |
| | | |
| | | |
| | | |
| Total | | |

⁽¹⁾ Must not be greater than 10 % of the power measured during the test.'

— Section 1.4.2. shall be replaced by the following:

'1.4.2. Engine power ⁽¹⁾

| Condition | Power setting (kW) at various engine speeds | |
|--|---|-------|
| | Intermediate (if applicable) | Rated |
| Maximum power measured on test (P_M) (kW) (a) | | |
| Total power absorbed by engine driven equipment as per section 1.3.2 of this Appendix, or section 2.8 of Annex III (P_{AE}) (kW) (b) | | |
| Net engine power as specified in section 2.4 of Annex I (kW) (c) | | |
| $c = a + b$ | | |

⁽¹⁾ Uncorrected power measured in accordance with the provisions of section 2.4 of Annex I.'

— Section 1.5 shall be amended as follows:

'1.5. Emission levels

1.5.1. Dynamometer setting (kW)

| Percent Load | Dynamometer setting (kW) at various engine speeds | |
|--------------------|---|-------|
| | Intermediate (if applicable) | Rated |
| 10 (if applicable) | | |
| 25 (if applicable) | | |
| 50 | | |
| 75 | | |
| 100 | | |

1.5.2. Emission results on the test cycle.'

(b) A new Appendix 2 shall be added as follows:

'Appendix 2

TEST RESULTS FOR SPARK IGNITION ENGINES

1. INFORMATION CONCERNING THE CONDUCT OF THE TEST(S) (1):

1.1. Reference fuel used for test

1.1.1. Octane number

1.1.2. State percentage of oil in mixture when lubricant and petrol are mixed as in the case of 2-stroke engines

1.1.3. Density of petrol for 4-stroke engines and petrol/oil mixture for 2-stroke engines . . .

1.2. Lubricant

1.2.1. Make(s)

1.2.2. Type(s)

1.3. Engine driven equipment (if applicable)

1.3.1. Enumeration and identifying details

1.3.2. Power absorbed at indicated engine speed (as specified by the manufacturer)

| Equipment | Power PAE (kW) absorbed at various engine speeds (1), taking into account Appendix 3 of this Annex | |
|-----------|--|-------|
| | Intermediate (if applicable) | Rated |
| | | |
| | | |
| | | |
| Total | | |

(1) Must not be greater than 10 % of the power measured during the test.

1.4. Engine performance

1.4.1. Engine speeds:

Idle: m^{-1}

Intermediate: m^{-1}

Rated: m^{-1}

1.4.2. Engine power ⁽²⁾

| Condition | Power setting (kW) at various engine speeds | |
|--|---|-------|
| | Intermediate (if applicable) | Rated |
| Maximum power measured on test (P_M) (kW) (a) | | |
| Total power absorbed by engine driven equipment as per section 1.3.2 of this Appendix, or section 2.8 of Annex III (P_{AE}) (kW) (b) | | |
| Net engine power as specified in section 2.4 of Annex I (kW) (c) | | |
| $c = a + b$ | | |

1.5. Emission levels

1.5.1. Dynamometer setting (kW)

| Percent Load | Dynamometer setting (kW) at various engine speeds | |
|--------------------|---|-----------------------|
| | Intermediate (if applicable) | Rated (if applicable) |
| 10 (if applicable) | | |
| 25 (if applicable) | | |
| 50 | | |
| 75 | | |
| 100 | | |

1.5.2. Emission results on the test cycle:

CO: g/kW

HC: g/kWh

NO_x: g/kWh⁽¹⁾ In case of several parent engines, to be indicated for each of them.⁽²⁾ Uncorrected power measured in accordance with the provisions of section 2.4 of Annex I.

(c) A new appendix 3 shall be added as follows:

*Appendix 3***EQUIPMENT AND AUXILIARIES TO BE INSTALLED FOR THE TEST TO DETERMINE ENGINE POWER**

| Number | Equipment and auxiliaries | Fitted for emission test |
|--------|--|------------------------------------|
| 1 | Inlet system | |
| | Inlet manifold | Yes, standard production equipment |
| | Crankcase emission control system | Yes, standard production equipment |
| | Control devices for dual induction inlet manifold system | Yes, standard production equipment |
| | Air flow meter | Yes, standard production equipment |
| | Air inlet duct work | Yes (a) |
| | Air filter | Yes (a) |
| | Inlet silencer | Yes (a) |
| | Speed-limiting device | Yes (a) |

| Number | Equipment and auxiliaries | Fitted for emission test |
|--------|---|--|
| 2 | Induction-heating device of inlet manifold | Yes, standard production equipment. If possible to be set in the most favourable condition |
| 3 | Exhaust system Exhaust purifier Exhaust manifold Connecting pipes Silencer Tail pipe Exhaust brake Pressure charging device | Yes, standard production equipment Yes, standard production equipment Yes (b) Yes (b) Yes (b) No (c) Yes, standard production equipment |
| 4 | Fuel supply pump | Yes, standard production equipment (d) |
| 5 | Carburation equipment Carburettor Electronic control system, air flow meter, etc. Equipment for gas engines Pressure reducer Evaporator Mixer | Yes, standard production equipment Yes, standard production equipment Yes, standard production equipment Yes, standard production equipment Yes, standard production equipment |
| 6 | Fuel injection equipment (petrol and diesel) Prefilter Filter Pump High-pressure pipe Injector Air inlet valve Electronic control system, air flow meter, etc. Governor/control system Automatic full-load stop for the control rack depending on atmospheric conditions | Yes, standard production or test bed equipment Yes, standard production or test bed equipment Yes, standard production equipment Yes, standard production equipment Yes, standard production equipment Yes, standard production equipment (e) Yes, standard production equipment Yes, standard production equipment Yes, standard production equipment |
| 7 | Liquid-cooling equipment Radiator Fan Fan cowl Water pump Thermostat | No No No Yes, standard production equipment (f) Yes, standard production equipment (g) |
| 8 | Air cooling Cowl Fan or Blower Temperature-regulating device | No (h) No (h) No |

| Number | Equipment and auxiliaries | Fitted for emission test |
|--------|---|--|
| 9 | Electrical equipment | |
| | Generator | Yes, standard production equipment (i) |
| | Spark distribution system | Yes, standard production equipment |
| | Coil or coils | Yes, standard production equipment |
| | Wiring | Yes, standard production equipment |
| | Spark plugs | Yes, standard production equipment |
| | Electronic control system including knock sensor/spark retard system | Yes, standard production equipment |
| 10 | Pressure charging equipment | |
| | Compressor driven either directly by the engine and/or by the exhaust gases | Yes, standard production equipment |
| | Charge air cooler | Yes, standard production or test bed equipment (j) (k) |
| | Coolant pump or fan (engine-driven) | No (h) |
| | Coolant flow control device | Yes, standard production equipment |
| 11 | Auxiliary test-bed fan | Yes, if necessary |
| 12 | Anti-pollution device | Yes, standard production equipment (l) |
| 13 | Starting equipment | Test bed equipment |
| 14 | Lubricating oil pump | Yes, standard production equipment |

- (a) The complete inlet system shall be fitted as provided for the intended application: where there is a risk of an appreciable effect on the engine power; in the case of naturally aspirated spark ignition engines; when the manufacturer requests that this should be done. In other cases, an equivalent system may be used and a check should be made to ascertain that the intake pressure does not differ by more than 100 Pa from the upper limit specified by the manufacturer for a clean air filter.
- (b) The complete exhaust system shall be fitted as provided for the intended application: where there is a risk of an appreciable effect on the engine power; in the case of naturally aspirated spark ignition engines; when the manufacturer requests that this should be done. In other cases, an equivalent system may be installed provided the pressure measured does not differ by more than 1 000 Pa from the upper limit specified by the manufacturer.
- (c) If an exhaust brake is incorporated in the engine, the throttle valve shall be fixed in the fully open position.
- (d) The fuel feed pressure may be adjusted, if necessary, to reproduce the pressure existing in the particular engine application (particularly when a "fuel return" system is used).
- (e) The air intake valve is the control valve for the pneumatic governor of the injection pump. The governor or the fuel injection equipment may contain other devices which may affect the amount of injected fuel.
- (f) The cooling-liquid circulation shall be operated by the engine water pump only. Cooling of the liquid may be produced by an external circuit, such that the pressure loss of this circuit and the pressure at the pump inlet remain substantially the same as those of the engine cooling system.
- (g) The thermostat may be fixed in the fully open position.
- (h) When the cooling fan or blower is fitted for the test, the power absorbed shall be added to the results, except for engines where such auxiliaries are an integral part of the engine (e.g. cooling fans of air cooled engines directly fitted on the crankshaft). The fan or blower power shall be determined at the speeds used for the test either by calculation from standard characteristics or by practical tests.
- (i) Minimum power of the generator: the electrical power of the generator shall be limited to that necessary for operation of accessories which are indispensable for engine operation. If the connection of a battery is necessary, a fully charged battery in good condition shall be used.
- (j) Charge air-cooled engines shall be tested with charge air cooling, whether liquid- or air-cooled, but if the manufacturer prefers, a test bench system may replace the air cooler. In either case, the measurement of power at each speed shall be made with the maximum pressure drop and the minimum temperature drop of the engine air across the charge air cooler on the test bench system as specified by the manufacturer.
- (k) These may include, for example, exhaust-gas recirculation (EGR)-system, catalytic converter, thermal reactor, secondary air-supply system and fuel evaporation protecting system.
- (l) The power for electrical or other starting systems shall be provided from the test bed.'

8. Annexes VII to X become Annexes VIII to XI.

9. A new Annex XII is added as follows:

'ANNEX XII

PROCEDURE FOR VOLUNTARY AVERAGING AND BANKING ⁽¹⁾

1. INTRODUCTION

1.1. Manufacturers may optionally use the averaging and banking procedures described in this Annex in lieu of type approving all engines to the limits in section 4.2.2.1 of Annex I.

1.2. The averaging and banking system described in this Annex may only be used to meet the requirements of stage II for spark ignition engines.

1.3. Engines complying with emission limits using the averaging and banking procedure are subject to all other requirements of this Directive including the CO emission limit values set out in section 4.2.2.1 of Annex I.

1.4. Manufacturers wishing to use the voluntary averaging and banking system must start using it from the following calendar years:

| Class | starting year (calendar year) |
|-------|-------------------------------|
| SH:1 | 2005 |
| SH:2 | 2005 |
| SH:3 | 2007 |
| SN:1 | 2004 |
| SN:2 | 2004 |
| SN:3 | 2007 |
| SN:4 | 2005 |

1.5. Manufacturers may use the voluntary system in this Annex for one or more classes of engines.

2. DEFINITIONS

For the purpose of this Annex the following definitions shall apply:

Averaging: means the exchange of emission credits between engine families within a given manufacturer's product line.

Banking: means the retention of emission credits by the manufacturer generating the emission credits for use in future calendar year averaging as permitted in this Annex.

Family Emission Limit or FEL: means an emission level that is declared by the manufacturer to serve in lieu of an emission standard for the purpose of type approval or production in line testing.

Emission credits: represent the amount of emission reduction or exceedence, by an engine family, below or above the applicable HC+NO_x emission standard. FELs below the standard create "positive credits" while FELs above the standard create "negative credits". In addition "type-approval credits" refer to emission credits based on the projected applicable production volume of the engine family. "Banking credits" are emission credits generated within a calendar year to be reported by 30 April of the subsequent calendar year. "Actual credits" refer to emission credits based on the applicable production volume as accumulated until the end of the calendar year.

⁽¹⁾ The Commission will review the provisions of this annex before it enters into force, with regard to its administrative consequences and the competition between large and small manufacturers, and propose appropriate changes.

3. GENERAL PROVISIONS

- 3.1. A manufacturer may include in its calculation of credits only engines that are intended to be placed on the EU market and which are manufactured in the applicable calendar year.
- 3.2. A manufacturer may type approve engine families at Family Emission Limits (FELs) above or below the applicable emission standard subject to the limitation of this Annex, provided that the summation of the manufacturer's projected balance of credits from all credit transactions for all engine classes that have been type approved under the provisions of this Annex in a given calendar year is greater than or equal to zero as determined in accordance with section 7 of this Annex.
- 3.3. A manufacturer of an engine family with an FEL exceeding the applicable emission standard must obtain emission credits sufficient to address the associated shortfall via averaging or banking.
- 3.4. An engine family with an FEL below the applicable emission standard may generate positive emission credits for averaging or banking or a combination thereof.
- 3.5. The limit values of stage I must always be met by all engine families.

4. APPLICABLE EMISSION STANDARDS

Manufacturers using the averaging and banking system for HC + NO_x must meet the following standards (FEL) in g/kWh:

Class SH:1

| Calendar year | 2005 | 2006 | 2007 | 2008 and onwards |
|-------------------------------------|------|------|------|------------------|
| Limit value (HC + NO _x) | 238 | 175 | 113 | 50 |

Class SH:2

| Calendar year | 2005 | 2006 | 2007 | 2008 and onwards |
|-------------------------------------|------|------|------|------------------|
| Limit value (HC + NO _x) | 196 | 148 | 99 | 50 |

Class SH:3

| Calendar year | 2007 | 2008 | 2009 | 2010 and onwards |
|-------------------------------------|------|------|------|------------------|
| Limit value (HC + NO _x) | 143 | 119 | 96 | 72 |

Class SN:1

| Calendar year | 2004 | 2005 | 2006 | 2007 and onwards |
|-------------------------------------|------|------|------|------------------|
| Limit value (HC + NO _x) | 50 | 50 | 50 | 50 |

Class SN:2

| Calendar year | 2004 | 2005 | 2006 | 2007 and onwards |
|-------------------------------------|------|------|------|------------------|
| Limit value (HC + NO _x) | 40 | 40 | 40 | 40 |

Class SN:3

| Calendar year | 2004 | 2005 | 2006 | 2007 and onwards |
|-------------------------------------|------|------|------|------------------|
| Limit value (HC + NO _x) | 40 | 40 | 40 | 16,1 |

Class SN:4

| Calendar year | 2006 | 2007 | 2008 | 2009 | 2010 and onwards |
|-----------------------------|------|------|------|------|------------------|
| Limit value NO _x | 18,0 | 16,6 | 15,0 | 13,6 | 12,1 |

5. AVERAGING

- 5.1. Negative credits from engine families with FELs above the applicable emission standard must be offset by positive credits from engine families having FELs below the applicable emission standard, as allowed under this Annex. Averaging of credits in this manner is used to determine compliance with the limit values of section 4 of this Annex.
- 5.2. Cross-class averaging of credits is allowed across all classes of non-road spark ignition engines.
- 5.3. Credits used in averaging for a given calendar year may be obtained from credits generated in the same calendar year by another engine family or credits banked in previous calendar years.

6. BANKING

- 6.1. Starting on 1 January of the first year that a manufacturer receives type approval, in accordance with this Annex, for an engine family with an FEL below the applicable emission standard, the manufacturer may bank credits in the calendar year for use in averaging.
- 6.2. A manufacturer may bank actual credits only after the end of the calendar year and after the type-approval authority has reviewed the end of the year report from the manufacturer and confirmed that it is satisfactory.

7. CREDIT CALCULATION AND COMPLIANCE WITH EMISSION STANDARDS

- 7.1. For each engine family, HC+NO_x type-approval emission credits (positive or negative) shall be calculated according to the following equation and rounded to the nearest gram. Consistent units shall be used throughout the equation.

$$\text{Credit} = \text{Production} \times (\text{Standard} - \text{FEL}) \times \text{Power} \times \text{EDP} \times \text{load factor}$$

Where:

Production = eligible production. Annual production projections are used to project credit available for initial type approval. Eligible production volume is used in determining actual credits for end-of-year compliance determination.

Standard = the current and applicable standard in grams per kilowatt hour as determined in section 4.

FEL = the family emission limit for the engine family in grams per kilowatt hour.

Power = the maximum modal power of the parent engine, in kilowatts, as calculated from the applicable test procedure as described in this Directive.

EDP = the emission durability period in hours corresponding to the EDP category for which the engine family was type approved.

Load factor = 47 % (i.e. 0,47) for Test Cycle (G1) and Test Cycle (G2). (85 % (i.e. 0,85) for test cycle G3).

8. TYPE-APPROVAL PROCEDURE

- 8.1. When using the voluntary system of averaging and banking as described in this Annex a manufacturer must:
 - 8.1.1. Be bound for his whole product range for any given calendar year to one single national approval authority. The manufacturer is responsible for ensuring that his representatives in the Community take no separate action for selected engines.
 - 8.1.2. Submit a statement that the engines for which the system is used will not, to the best of the manufacturer's belief, cause the manufacturer to be in non-compliance under section 7 of this Annex when all credits are calculated for the manufacturer's engine families.
 - 8.1.3. Declare an FEL for each engine family for HC+NO_x. The FEL must have the same number of significant digits as the emission standard.

- 8.1.4. Submit copies of the type-approval certificates for each engine family in the averaging and banking scheme to the approval authority issuing the relevant averaging approval in order to demonstrate that the engines have been certified at an emission level below the declared FEL.
- 8.1.5. Indicate the projected number of credits generated/needed for this family, the projected applicable eligible annual sales volume, and the values required to calculate the emission credit as given in section 7 of this Annex.
- 8.1.6. Submit calculations in accordance with section 7 of this Annex of projected emission credits (positive or negative) based on annual production projections for each engine family to be included in the averaging and banking scheme.
- 8.1.7. If the engine family is projected to have negative emission credits, state specifically the source (from averaging and banking) of the credits necessary to offset the credit deficit according to projected annual production.
- 8.1.8. If the engine family is projected to generate credits, state specifically (from averaging and banking) where the projected credits will be applied.
- 8.2. All type approvals issued in accordance with this Annex shall be conditional upon manufacturer compliance with the provisions of this Annex both during and after the calendar year. They are valid until 30 April of the following calendar year. A new type approval can be issued only if the manufacturer has presented an end-of-year report showing that the provisions of this Annex are met.
- 8.3. The manufacturer bears the burden of establishing to the satisfaction of the National Approval Authority that the conditions upon which the type approval was issued were satisfied or waived.
9. MAINTENANCE OF RECORDS
- 9.1. A manufacturer using the option of averaging and banking in accordance with this Annex must establish, maintain and retain the following adequately organised and indexed records for each engine family:
- the engine family identification code,
 - Family Emission Limit (FEL) or FELs where FEL changes have been implemented during the calendar year,
 - maximum modal power for the parent engine,
 - projected production volume for the calendar year,
 - records appropriate to establish the quantities of engines that constitute eligible production as defined in section 2 of this Annex for each FEL.
- 9.2. A manufacturer using the option of averaging and banking in accordance with this Annex must retain all records required to be maintained under this section for a period of 8 years from the due date for the end of the year report. Records may be retained as hard copy or reduced to microfilm, ADP diskettes, and so forth, depending on the manufacturer's record retention procedure, providing that in every case all information used for the approval is retained.
- 9.3. Pursuant to a request made by the type-approval authority, the manufacturer must submit to it the information that the manufacturer is required to retain.
- 9.4. The type-approval authority may withdraw the type-approval certificate(s) for an engine family for which the manufacturer fails to retain the records required in this section or to provide such information to the type-approval authority.

10. END-OF-YEAR REPORTS

- 10.1. End-of-year reports must indicate the engine family, the engine class, the actual volume of engines placed on the market, the values required to calculate credits as indicated in section 7 of this Annex and the number of credits generated/required. Manufacturers must also submit how and where credit surpluses were dispersed (or are to be banked) and/or how and through what means credit deficits were met. The report must include a calculation of credit balances to show that the credit summation for all engines actually produced is equal to or greater than zero. The report must include a calculation of the production average HC+NO_x FEL to show compliance with the provisions of section 4 of Annex XII.
- 10.2. The calculation of eligible production for end-of-year reports must be based on engines placed on the market in the EU.
- 10.3. End-of-year reports must be submitted to the type-approval authority before 1 April of the year after the issue of the type approval.

On the basis of the end-of-year report the type-approval authority shall issue a new type-approval certificate.

- 10.4. Failure by a manufacturer to submit an end-of-year report in the specified time for any engines subject to regulation under this Annex will automatically lead to the withdrawal of the type-approval certificates for all engine families subject to this Annex.
 - 10.5. If the end-of-year report shows the total actual credit to be negative the negative credit will be banked and carried across to the next year. If a negative credit is achieved for two or more years running the approval authority may withdraw the manufacturer's averaging and banking approval. If a negative credit is achieved for four years running the approval authority must suspend the manufacturer's averaging and banking approval.
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Proposal for a Directive of the European Parliament and of the Council on reporting formalities for ships arriving in and departing from Community ports

(2001/C 180 E/06)

(Text with EEA relevance)

COM(2001) 46 final — 2001/0026(COD)

(Submitted by the Commission on 7 February 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) The Community has an established policy to encourage sustainable transport, such as shipping, and, in particular, to promote short sea shipping.
- (2) Facilitation of maritime transport is an essential objective for the Community to further strengthen the position of shipping in the transport system as an alternative and complement to other transport modes in a door-to-door transport chain.
- (3) The documentary procedures required in maritime transport have caused concern and have been considered to hamper the development of the mode to its full potential.
- (4) The International Maritime Organisation's Convention on the Facilitation of Maritime Traffic adopted by the International Conference on Facilitation of Maritime Travel and Transport on 9 April 1965, as subsequently amended (hereinafter the 'IMO FAL Convention'), has provided a set of models for standardised Facilitation Forms for ships to fulfil certain reporting formalities when they arrive in or depart from a port.
- (5) Most Member States use these Facilitation Forms but do not apply the models provided under the auspices of the IMO in a uniform manner.
- (6) Uniformity in the format of the forms required for a ship arriving in and departing from a port should facilitate the documentary procedures for port calls and be beneficial to the development of Community shipping.

(7) Consequently, it is opportune to introduce the recognition of the IMO Facilitation Forms (hereinafter 'IMO FAL Forms') at Community level. The Member States should recognise the IMO FAL Forms and the categories of information in them as sufficient proof that a ship has fulfilled the reporting formalities these forms are intended for.

(8) The recognition of certain IMO FAL Forms, in particular the Cargo Declaration and — for passenger ships — the Passenger List, would add to the complexity of reporting formalities either because those forms cannot contain all necessary information or because well-established facilitation practices already exist. Consequently, obligatory recognition of those forms should not be introduced.

(9) Maritime transport is a global activity and the introduction of the IMO FAL Forms in the Community could pave the way towards their intensified application around the world.

(10) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objectives of the proposed action, namely to facilitate maritime transport, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved by the Community. This Directive confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose.

(11) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

The purpose of this Directive is to facilitate maritime transport, in particular that between ports situated in the Member States, by providing for standardisation of reporting formalities.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

*Article 2***Scope**

This Directive shall apply to the reporting formalities set out in Annex I, Part A, relating to a ship, its stores, its crew's effects, its crew list and, in the case of a ship certified to carry 12 passengers or fewer, its passenger list.

*Article 3***Definitions**

For the purposes of this Directive, the following definitions shall apply:

- (a) 'IMO FAL Convention' means the International Maritime Organisation's Convention on the Facilitation of Maritime Traffic adopted by the International Conference on Facilitation of Maritime Travel and Transport on 9 April 1965;
- (b) 'IMO FAL Forms' means A4-size Standardised IMO Model Facilitation Forms provided for under the IMO FAL Convention;
- (c) 'reporting formality' means the information that, when required by a Member State, must be provided for administrative and procedural purposes when a ship arrives in or departs from a port;
- (d) 'ship' means a seagoing vessel of any type operating in the marine environment;
- (e) 'ship's stores' means goods for use in the ship, including consumable goods, goods carried for sale to passengers and crew members, fuel and lubricants, but excluding ship's equipment and spare parts;
- (f) 'ship's equipment' means articles other than ship's spare parts which are on board a ship for use thereon and are removable but not of a consumable nature, including accessories, such as lifeboats, life-saving devices, furniture, ship's apparel and similar items;
- (g) 'ship's spare parts' means articles of a repair or replacement nature for incorporation into the ship in which they are carried;
- (h) 'crew's effects' means clothing, items in everyday use and other articles, which may include currency, belonging to the crew and carried on the ship;
- (i) 'crew member' means any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list;
- (j) 'passenger' means any person on a ship other than crew members and children under one year of age.

*Article 4***Acceptance of Forms**

Member States shall accept that the reporting formalities referred to in Article 2 are satisfied by information, which is submitted in accordance with:

- (a) the respective specifications set out in Annex I, Parts B and C, and
- (b) the corresponding model forms set out in Annex II with their categories of data.

*Article 5***Amendment procedure**

Any amendments of the Annexes and references to IMO instruments in order to bring them into line with Community or IMO measures which have entered into force shall be adopted in accordance with the procedure referred to in Article 6(2).

*Article 6***Committee**

1. The Commission shall be assisted by the committee instituted by Article 12(1) of Council Directive 93/75/EEC⁽¹⁾.
2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof.
3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

*Article 7***Implementation**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2002 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

*Article 8***Entry into force**

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

*Article 9***Addressees**

This Directive is addressed to the Member States.

⁽¹⁾ OJ L 247, 5.10.1993, p. 19. Directive as last amended by Commission Directive 98/74/EC (OJ L 276, 13.10.1998, p. 7).

ANNEX I

PART A

List of reporting formalities referred to in Article 2 in respect of ships arriving in and departing from Community ports

1. IMO FAL Form 1, General Declaration

The General Declaration shall be the basic document on arrival and departure providing information required by the authorities of a Member State relating to the ship.

2. IMO FAL Form 3, Ship's Stores Declaration

The Ship's Stores Declaration shall be the basic document on arrival and departure providing information required by authorities of a Member State relating to ship's stores.

3. IMO FAL Form 4, Crew's Effects Declaration

The Crew's Effects Declaration shall be the basic document providing information required by the authorities of a Member State relating to crew's effects. It shall not be required on departure.

4. IMO FAL Form 5, Crew List

The Crew List shall be the basic document providing the authorities of a Member State with the information relating to the number and composition of the crew on the arrival and departure of a ship. Where the authorities require information about the crew of a ship on its departure, a copy of the Crew List, presented on arrival, shall be accepted on departure if signed again and endorsed to indicate any change in the number or composition of the crew or to indicate that no such change has occurred.

5. IMO FAL Form 6, Passenger List

For ships certified to carry 12 passengers or fewer, the Passenger List shall be the basic document providing the authorities of a Member State with information relating to passengers on the arrival and departure of a ship.

PART B

Signatories

1. IMO FAL Form 1, General Declaration

The authorities of the Member State shall accept a General Declaration either dated and signed by the master, the ship's agent or some other person duly authorised by the master, or authenticated in a manner acceptable to the authority concerned.

2. IMO FAL Form 3, Ship's Stores Declaration

The authorities of the Member State shall accept a Ship's Stores Declaration either dated and signed by the master or by some other ship's officer duly authorised by the master and having personal knowledge of the facts regarding the ship's stores, or authenticated in a manner acceptable to the authority concerned.

3. IMO FAL Form 4, Crew's Effects Declaration

The authorities of the Member State shall accept a Crew's Effects Declaration either dated and signed by the master or by some other ship's officer duly authorised by the master, or authenticated in a manner acceptable to the authority concerned. The authorities of the Member State may also require each crew member to place his signature, or, if he is unable to do so, his mark, against the declaration relating to his effects.

4. IMO FAL Form 5, Crew List

The authorities of a Member State shall accept a Crew List either dated and signed by the master or by some other ship's officer duly authorised by the master, or authenticated in a manner acceptable to the authority concerned.

5. IMO FAL Form 6, Passenger List

For ships certified to carry 12 passengers or fewer, the authorities of a Member State shall accept a Passenger List either dated and signed by the master, the ship's agent or some other person duly authorised by the master, or authenticated in a manner acceptable to the authority concerned.

PART C

Technical specifications

1. The formats of the IMO FAL Forms shall follow the proportions of the models shown in Annex II as closely as technically possible. They shall be printed on separate A4 size paper sheets (210 × 297 mm) with portrait orientation. At least $\frac{1}{3}$ of the verso side of the Forms shall be reserved for official use by the authorities of the Member States.

For the purposes of the recognition of IMO FAL Forms, the formats and layouts of the Standardised Facilitation Forms recommended and reproduced by the IMO based on the IMO FAL Convention as in force on 1 May 1997 shall be considered equivalent to the formats reproduced in Annex II.

2. The authorities of the Member State shall accept information conveyed by any legible and understandable medium, including forms filled in ink or indelible pencil or produced by automatic data-processing techniques.
3. Without prejudice to methods of transmitting data through electronic means, when a Member State accepts the provision of ship's reporting information in electronic form, the format of the outcome on the end-user screen and when printed shall follow the models in Annex II.

In case of electronic transmission of a Form, the image on the end-user screen can differ from the actual A4-size but has to follow its proportions.

ANNEX II

Models of IMO FAL Forms referred to in Article 4 and Annex I

For reasons of reproduction, the models in this Annex are shown on the scale of 4:5 in relation to an A4-size sheet.

IMO GENERAL DECLARATION

| | | | |
|---|---|---|--|
| | | <input type="checkbox"/> Arrival | <input type="checkbox"/> Departure |
| 1. Name and description of ship | | 2. Port of arrival/departure | 3. Date — time of arrival/departure |
| 4. Nationality of ship | 5. Name of master | 6. Port arrived from/Port of destination | |
| 7. Certificate of registry (Port; date; number) | | 8. Name and address of ship's agent | |
| 9. Gross tonnage | 10. Net tonnage | | |
| 11. Position of the ship in the port (berth or station) | | | |
| 12. Brief particulars of voyage (previous and subsequent ports of call; underline where remaining cargo will be discharged) | | | |
| 13. Brief description of the cargo | | | |
| 14. Number of crew (incl. master) | 15. Number of passengers | 16. Remarks | |
| Attached documents (indicate number of copies) | | | |
| 17. Cargo Declaration | 18. Ship's Stores Declaration | | |
| 19. Crew List | 20. Passenger List | 21. Date and signature by master, authorised agent or officer | |
| 22. Crew's Effects Declaration (*) | 23. Maritime Declaration of Health (*) | | |

For official use

IMO Convention on Facilitation of International Maritime Traffic

IMO FAL
Form 1

(*) Only on arrival.

Proposal for a Regulation of the European Parliament and of the Council on rail transport statistics

(2001/C 180 E/07)

(Text with EEA relevance)

COM(2000) 798 final/2 — 2001/0048(COD)

(Submitted by the Commission on 14 February 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Railways are an important part of the Community's transport networks.
- (2) The Commission needs statistics on the transport of goods and passengers by rail in order to monitor and develop the common transport policy, as well as the transport elements of policies on the regions and on trans-European networks.
- (3) Statistics on rail safety are required by the Commission in order to prepare and monitor Community actions in the field of transport safety.
- (4) Community statistics on rail transport are also required for a European system for the observation of the rail market as provided for in Directive . . . of the European Parliament and of the Council amending Council Directive 91/440/EEC on the development of the Community's railways.
- (5) Community statistics on all modes of transport should be collected according to common concepts and standards, with the aim of achieving the fullest practicable comparability between transport modes.
- (6) The restructuring of the rail industry under Council Directive 91/440/EEC ⁽¹⁾, as well as changes in the type of information required by the Commission and by other users of Community statistics on rail transport, renders obsolete the provisions of Council Directive 80/1177/EEC ⁽²⁾ in relation to the collection of statistics from specified administrations of main rail networks.

(7) The coexistence of publicly and privately owned railway undertakings operating in a commercial rail transport market requires an explicit specification of the statistical information which should be provided by all railway undertakings and disseminated by Eurostat.

(8) In accordance with the principle of subsidiarity laid down in Article 5 of the Treaty, the creation of common statistical standards that permit the production of harmonised data is an action which can only be undertaken efficiently at Community level; whereas such standards shall be implemented in each Member State under the authority of the bodies and institutions in charge of producing official statistics.

(9) Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics ⁽³⁾ provides a reference framework for the provisions laid down by this Regulation.

(10) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.

(11) The Statistical Programme Committee established by Decision 89/382/EEC/Euratom ⁽⁵⁾ has been consulted in accordance with Article 3 of the aforesaid Decision,

HAVE ADOPTED THIS REGULATION:

Article 1

Objective

The objective of this Regulation is to establish common rules for the production of Community statistics relating to rail transport.

Article 2

Scope

This Regulation shall cover all railways in the European Union. Each Member State shall report statistics which relate to transport on its national territory. Member States may exclude from the scope of this Regulation

⁽¹⁾ OJ L 237, 24.8.1991, p. 25.

⁽²⁾ OJ L 350, 23.12.1980, p. 23.

⁽³⁾ OJ L 52, 22.2.1997, p. 1.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁵⁾ OJ L 181, 28.6.1989, p. 47.

- railway undertakings which operate entirely or mainly within industrial and similar installations, including harbours,
- railway undertakings which mainly provide local tourist services, such as preserved historical steam railways,
- other railway undertakings which collectively account for less than 2 % of the total rail freight or rail passenger transport in the reporting country, measured in tonne-km and passenger-km respectively. This threshold may be adapted in accordance with the procedure laid down in Article 11, paragraph 2.

Article 3

Definitions

1. For the purposes of this Regulation the following definitions shall apply:

- 'reporting country': the Member State transmitting data to Eurostat,
- 'national authorities': national statistical institutes and other bodies responsible in each Member State for producing Community statistics,
- 'railway undertaking': any public or private undertaking which provides services for the transport of goods and/or passengers by rail.

2. The definitions referred to in paragraph 1 may be adapted, and additional definitions needed to ensure harmonisation of statistics may be adopted, in accordance with the procedure laid down in Article 11, paragraph 2.

Article 4

Data collection

1. The statistics to be collected are set out in the annexes to this Regulation. They shall cover the following types of data:

- annual statistics on goods transport — detailed reporting (Annex A)
- annual statistics on goods transport — simplified reporting (Annex B)
- annual statistics on passenger transport — detailed reporting (Annex C)
- annual statistics on passenger transport — simplified reporting (Annex D)
- quarterly statistics on goods and passenger transport (Annex E)
- regional statistics on goods and passenger transport (Annex F)
- statistics on traffic flows on the rail network (Annex G)

- statistics on accidents (Annex H).

2. Annexes B and D set out simplified reporting requirements, which may be used by Member States as alternatives to the normal detailed reporting set out in Annexes A and C respectively. The rules to be applied by Member States in determining which undertakings may be covered by simplified reporting shall be adopted in accordance with the procedure laid down in Article 11, paragraph 2.

3. For each type of data, the corresponding annex specifies:

- the list of variables and the corresponding units of measurement
- the reference periods and frequency
- the list of tables with the breakdown for each table
- the deadlines for transmission of data
- the first reference period for which data are to be transmitted
- where necessary, additional notes.

4. Member States shall also provide a list of the railway undertakings for which statistics are provided, as specified in Annex I.

5. For the purposes of the present Regulation, goods shall be classified in accordance with Annex J. Dangerous goods shall additionally be classified in accordance with Annex K.

6. The contents of the annexes may be adapted, in accordance with the procedure laid down in Article 11, paragraph 2.

Article 5

Data sources

1. Member States may designate any public or private organisation to participate in collecting the data required under this Regulation.

2. The necessary data may be obtained using any combination of the following sources:

- compulsory surveys
- administrative data, including data collected by regulatory authorities
- statistical estimation procedures
- data supplied to professional organisations in the rail industry
- ad hoc studies.

3. The national authorities shall take measures for the coordination of the data sources used and to ensure the quality of the statistics transmitted to Eurostat.

*Article 6***Transmission of statistics to Eurostat**

1. Member States shall transmit to Eurostat the statistics referred to in Article 4.
2. The arrangements for transmission of the statistics referred to in Article 4 shall be laid down in accordance with the procedure specified in Article 11, paragraph 2.

*Article 7***Dissemination**

1. The data specified in Annexes A-H to this Regulation shall be disseminated by Eurostat. However, on a request by a railway undertaking to the national authorities, data which enable the undertaking to be identified indirectly and which are not available to the public at national level, shall not be disseminated or shall be re-arranged so that their dissemination is not prejudicial to the maintenance of statistical confidentiality. Such requests, with the necessary supporting information, shall be notified to Eurostat by the national authorities.
2. The information reported under Annex I shall not be disseminated except to the extent that specific provisions for such dissemination are laid down in accordance with the procedure specified in Article 11, paragraph 2.

*Article 8***Quality of statistics**

1. In order to assist Member States in maintaining the quality of statistics in this domain, Eurostat shall develop and publish methodological recommendations. These recommendations shall take account of the best practices of national authorities, of railway undertakings and of professional organisations for the railway industry.
2. The quality of the statistical data shall be evaluated by Eurostat. To this end, on request by Eurostat, Member States shall supply information on the methods used in producing the statistics.

*Article 9***Report**

After data have been collected over three years, the Commission shall send a report to the European Parliament and to the Council on experience acquired in the work carried out under this Regulation. This report shall include the results of the quality evaluation referred to in Article 8. It shall also evaluate the benefits of the availability of statistics in this domain, the costs of obtaining such statistics and the burden on enterprises.

*Article 10***Implementing procedures**

The following implementing measures shall be taken in accordance with the procedure specified in Article 11, paragraph 2:

- adaptation of the threshold for statistical coverage of rail transport (Article 2)
- adaptation of the definitions and adoption of additional definitions (Article 3),
- adaptation of the contents of the annexes (Article 4),
- adoption of rules for the application of simplified reporting (Article 4),
- arrangements for transmitting data to Eurostat (Article 6),
- the dissemination of the information reported under Annex I (Article 7).

*Article 11***Procedure**

1. The Commission shall be assisted by the Statistical Programme Committee instituted by Article 1 of Council Decision 89/382/EEC, Euratom ⁽⁶⁾.
2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Council Decision 1999/468/EC ⁽⁷⁾ shall apply, in compliance with Article 7, paragraph 3 and Article 8 thereof.
3. The period provided for in Article 5, paragraph 6 of Council Decision 1999/468/EC shall be three months.

*Article 12***Directive 80/1177/EEC**

1. Member States shall provide results for the year 2001 in accordance with Directive 80/1177/EEC.
2. Directive 80/1177/EEC is hereby repealed with effect from 1 January 2002.

*Article 13***Entry into force**

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

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

⁽⁶⁾ OJ L 181, 28.6.1989, p. 47.

⁽⁷⁾ OJ L 184, 17.7.1999 p. 23.

ANNEX A

ANNUAL STATISTICS ON GOODS TRANSPORT — DETAILED REPORTING

| | |
|--|--|
| List of variables and units of measurement | <p>goods transported in:</p> <ul style="list-style-type: none"> — tonnes — tonne-km <p>number of intermodal transport units carried in:</p> <ul style="list-style-type: none"> — number — TEU (for containers and swap bodies) |
| Reference period | year |
| Frequency | every year |
| List of tables with the breakdown for each table | <p>Table A1: goods transported, by type of transport</p> <p>Table A2: goods transported, by type of goods (Annex J)</p> <p>Table A3: goods transported (for international and transit traffic) by country of loading and country of unloading</p> <p>Table A4: goods transported, by category of dangerous goods (Annex K)</p> <p>Table A5: goods transported, by type of consignment</p> <p>Table A6: goods transported in intermodal transport units, by type of transport and by type of transport unit</p> <p>Table A7: number of loaded intermodal transport units carried, by type of transport and by type of transport unit</p> <p>Table A8: number of empty intermodal transport units carried, by type of transport and by type of transport unit</p> |
| Deadline for transmission of data | 5 months after end of reference period |
| First reference period | 2002 |
| Notes | <ol style="list-style-type: none"> 1. Type of transport is broken down as follows: <ul style="list-style-type: none"> — national — international-incoming — international-outgoing — transit 2. Type of consignment is broken down as follows: <ul style="list-style-type: none"> — full train loads — full wagon loads — other 3. Type of transport unit is broken down as follows: <ul style="list-style-type: none"> — containers and swap bodies — semi-trailers (unaccompanied) — road vehicles (accompanied) 4. For Table A3, Eurostat and the Member States may make arrangements to facilitate consolidation of data originating from undertakings in other Member States, in order to ensure the coherence of these data 5. For Table A4, Member States shall indicate which categories of traffic, if any, are not covered by the data |

ANNEX B

ANNUAL STATISTICS ON GOODS TRANSPORT — SIMPLIFIED REPORTING

| | |
|--|--|
| List of variables and units of measurement | goods transported in — tonnes — tonne-km |
| Reference period | year |
| Frequency | every year |
| List of tables with the breakdown for each table | Table B1: goods transported, by type of transport Table B2: goods transported in intermodal transport units, by type of transport |
| Deadline for transmission of data | 5 months after end of reference period |
| First reference period | 2002 |
| Notes | Type of transport is broken down as follows: — national — international-incoming — international-outgoing — transit |

ANNEX C

ANNUAL STATISTICS ON PASSENGER TRANSPORT — DETAILED REPORTING

| | |
|--|--|
| List of variables and units of measurement | <p>passengers transported in:</p> <ul style="list-style-type: none"> — number of passengers — passenger-km |
| Reference period | year |
| Frequency | every year |
| List of tables with the breakdown for each table | <p>Table C1: passengers transported, by type of transport (provisional data, number of passengers only)</p> <p>Table C2: international passengers transported, by country of embarkation and by country of disembarkation (provisional data, number of passengers only)</p> <p>Table C3: passengers transported, by type of transport (final consolidated data)</p> <p>Table C4: international passengers transported, by country of embarkation and by country of disembarkation (final consolidated data, number of passengers only)</p> |
| Deadline for transmission of data | <p>8 months after end of reference period (Tables C1, C2)</p> <p>14 months after end of reference period (Tables C3, C4)</p> |
| First reference period | 2003 |
| Notes | <p>1. Type of transport is broken down as follows:</p> <ul style="list-style-type: none"> — national — international <p>2. For Tables C1 and C2, Member States may report provisional data based on ticket sales in the reporting country only. For Tables C3 and C4, Member States shall report final consolidated data including information from ticket sales outside the reporting country. This information may be obtained either directly from the national authorities of other countries or through international compensation arrangements for tickets</p> |

ANNEX D

ANNUAL STATISTICS ON PASSENGER TRANSPORT — SIMPLIFIED REPORTING

| | |
|--|--|
| List of variables and units of measurement | passengers transported in: — number of passengers — passenger-km |
| Reference period | year |
| Frequency | every year |
| List of tables with the breakdown for each table | Table D1: passengers transported |
| Deadline for transmission of data | 8 months after end of reference period |
| First reference period | 2003 |
| Notes | For Table D1, Member States may report data based on ticket sales in the reporting country only, as for Table C1 |

ANNEX E

QUARTERLY STATISTICS ON GOODS AND PASSENGER TRANSPORT

| | |
|--|---|
| List of variables and units of measurement | goods transported in: — tonnes — tonne-km passengers transported in: — number of passengers — passenger-km |
| Reference period | quarter |
| Frequency | every quarter |
| List of tables with the breakdown for each table | Table E1: goods transported Table E2: passengers transported |
| Deadline for transmission of data | 3 months after end of reference period |
| First reference period | First quarter of 2002 |
| Notes | 1. Tables E1 and E2 may be reported on the basis of provisional data, including estimates. For Table E2, Member States may report data based on ticket sales in the reporting country only 2. These statistics shall be supplied for the undertakings covered by Annexes A and C |

ANNEX F

REGIONAL STATISTICS ON GOODS AND PASSENGER TRANSPORT

| | |
|--|---|
| List of variables and units of measurement | goods transported in: — tonnes passengers transported in: — number of passengers |
| Reference period | one year |
| Frequency | every 5 years |
| List of tables with the breakdown for each table | Table F1: national goods transport by region of loading and region of unloading (NUTS 2) Table F2: international goods transport by region of loading and unloading (NUTS 2) Table F3: national passenger transport by region of embarkation and region of disembarkation (NUTS 2) Table F4: international passenger transport by region of embarkation and region of disembarkation (NUTS 2) |
| Deadline for transmission of data | 12 months after end of reference period |
| First reference period | 2003 |
| Notes | <ol style="list-style-type: none"> 1. Where the place of loading or unloading (Tables F1, F2) or embarkation or disembarkation (Tables F3, F4) is outside the European Economic Area, Member States shall report only the country 2. In order to assist Member States in the preparation of these tables, Eurostat shall provide Member States with a list of UIC station codes and the corresponding NUTS codes 3. For Tables F3 and F4, Member States may report data based on ticket sales 4. These statistics shall be supplied for the undertakings covered by Annexes A and C |

ANNEX G

STATISTICS ON TRAFFIC FLOWS ON THE RAIL NETWORK

| | |
|--|--|
| List of variables and units of measurement | goods transport: — number of trains passenger transport: — number of trains |
| Reference period | one year |
| Frequency | every five years |
| List of tables with the breakdown for each table | Table G1: goods transport, by network segment Table G2: passenger transport, by network segment |
| Deadline for transmission of data | 18 months after end of reference period |
| First reference period | 2005 |
| Notes | <p>1. Member States shall define a set of network segments to include at least the rail TEN on their national territory. They shall communicate to Eurostat:</p> <ul style="list-style-type: none"> — the geographical coordinates and other data needed to identify and map each network segment as well as the links between segments — information on the characteristics (including the capacity) of the trains using each network segment <p>2. Each network segment which is part of the rail Trans-European Network (TEN) shall be identified by means of an additional attribute in the data record, in order to enable traffic on the rail TEN to be quantified</p> |

ANNEX H

STATISTICS ON ACCIDENTS

| | |
|--|---|
| List of variables and units of measurement | <ul style="list-style-type: none"> — number of accidents (Tables H1, H2) — number of persons killed (Table H3) — number of persons seriously injured (Table H4) |
| Reference period | year |
| Frequency | every year |
| List of tables with the breakdown for each table | <p>Table H1: number of accidents, by type of accident</p> <p>Table H2: number of accidents involving the transport of dangerous goods</p> <p>Table H3: number of persons killed, by type of accident and by category of person</p> <p>Table H4: number of persons seriously injured, by type of accident and by category of person</p> |
| Deadline for transmission of data | 5 months after end of reference period |
| First reference period | 2002 |
| Note | <ol style="list-style-type: none"> 1. Type of accident is broken down as follows: <ul style="list-style-type: none"> — collisions (excluding level-crossing accidents) — derailments — accidents involving level-crossings — accidents to persons caused by rolling stock in motion — others — total 2. Table H2 has the following breakdown: <ul style="list-style-type: none"> — total number of accidents involving at least one railway vehicle transporting dangerous goods, as defined by the list of goods covered by Annex K — number of such accidents in which dangerous goods are released 3. Category of person is broken down as follows: <ul style="list-style-type: none"> — passengers — employees (including contractors) — others — total 4. The data in Tables H1-H4 shall be provided for all railways covered by this Regulation 5. During the first five years of application of this Regulation, Member States may report these statistics according to national definitions, if data conforming to harmonised definitions (adopted according to the procedure of Article 11, paragraph 2) are not available |

ANNEX I

LIST OF RAILWAY UNDERTAKINGS

| | |
|--|--|
| List of variables and units of measurement | see below |
| Reference period | one year |
| Frequency | every year |
| List of tables with the breakdown for each table | see below |
| Deadline for transmission of data | 5 months after end of reference period |
| First reference period | 2002 |
| Note | <p>The information listed below (Table I1) shall be supplied for each railway undertaking for which data are provided according to Annexes A-H</p> <p>This information shall be used</p> <ul style="list-style-type: none">— to check which undertakings are covered by the tables in Annexes A-H— to validate the coverage of Annexes A and C in relation to total rail transport activity |

| Table I1 | | |
|----------|--|--------|
| | Identification of data source | |
| I1.1 | Reporting country | |
| I1.2 | Reference year | |
| I1.3 | Name of undertaking | |
| I1.4 | Country in which undertaking is based | |
| | Type of activities | |
| I1.2.1 | Freight transport: international | yes/no |
| I1.2.2 | Freight transport: national | yes/no |
| I1.2.3 | Passenger transport: international | yes/no |
| I1.2.4 | Passenger transport: national | yes/no |
| I1.2.5 | Passenger transport: metro or light rail | yes/no |
| | Level of transport activity | |
| I1.3.1 | Total freight transport (tonnes) | |
| I1.3.2 | Total freight transport (tonne-km) | |
| I1.3.3 | Total passenger transport (passengers) | |
| I1.3.4 | Total passenger transport (passenger-km) | |
| | Data included in Annexes A-H | |
| | Annex A | yes/no |
| | Annex B | yes/no |
| | Annex C | yes/no |
| | Annex D | yes/no |
| | Annex E | yes/no |
| | Annex F | yes/no |
| | Annex G | yes/no |
| | Annex H | yes/no |

ANNEX J

CLASSIFICATION OF GOODS

The following groups of goods shall be used until such time as a new classification is laid down according to the procedure specified in Article 11, paragraph 2.

| Groups of goods | NST/R chapter | NST/R groups | Description |
|-----------------|---------------|---------------------------|---|
| 1 | 0 | 01 | Cereals |
| 2 | | 02, 03 | Potatoes, other fresh or frozen fruits and vegetables |
| 3 | | 00, 06 | Live animals, sugar beet |
| 4 | | 05 | Wood and cork |
| 5 | | 04, 09 | Textiles, textile articles and man-made fibres, other raw animal and vegetable materials |
| 6 | 1 | 11, 12, 13, 14, 16, 17 | Foodstuff and animal fodder |
| 7 | | 18 | Oil seeds and oleaginous fruits and fats |
| 8 | 2 | 21, 22, 23 | Solid mineral fuels |
| 9 | 3 | 31 | Crude petroleum |
| 10 | | 32, 33, 34 | Petroleum products |
| 11 | 4 | 41, 46 | Iron ore, iron and steel waste and blast furnace dust |
| 12 | | 45 | Non-ferrous ores and waste |
| 13 | 5 | 51, 52, 53, 54, 55, 56 | Metal products |
| 14 | 6 | 64, 69 | Cement, lime, manufactured building materials |
| 15 | | 61, 62, 63, 65 | Crude and manufactured minerals |
| 16 | 7 | 71, 72 | Natural and chemical fertilisers |
| 17 | 8 | 83 | Coal chemicals, tar |
| 18 | | 81, 82, 89 | Chemicals other than coal chemicals and tar |
| 19 | | 84 | Paper pulp and waste paper |
| 20 | 9 | 91, 92, 93 | Transport equipment, machinery, apparatus, engines, whether or not assembled, and parts thereof |
| 21 | | 94 | Manufactures of metal |
| 22 | | 95 | Glass, glassware, ceramic products |
| 23 | | 96, 97 | Leather, textile, clothing, other manufactured articles |
| 24 | | 99 | Miscellaneous articles |

ANNEX K

CLASSIFICATION OF DANGEROUS GOODS

1. Explosives
2. Gases, compressed, liquified or dissolved under pressure
3. Flammable liquids
- 4.1. Flammable solids
- 4.2. Substances liable to spontaneous combustion
- 4.3. Substances which, in contact with water, emit flammable gases
- 5.1. Oxidising substances
- 5.2. Organic peroxides
- 6.1. Toxic substances
- 6.2. Substances liable to cause infections
7. Radioactive material
8. Corrosives
9. Miscellaneous dangerous substances

Note: these categories are those defined in the regulations concerning the international carriage of dangerous goods by rail, usually known as the RID, as adopted under Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail and subsequent amendments ⁽¹⁾.

⁽¹⁾ OJ L 235, 17.9.1996, p. 25. The latest amendments appear in Commission Directive 96/87/EC of 13 December 1996 adapting to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail (OJ L 335, 24.12.1996, p. 45).

Proposal for a Regulation of the European Parliament and of the Council on the establishment of a common classification of Territorial Units for Statistics (NUTS)

(2001/C 180 E/08)

COM(2001) 83 final — 2001/0046(COD)

(Submitted by the Commission on 14 February 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Users of statistics express an increasing need for harmonisation in order to have comparable data across the European Union. In order to function, the internal market requires statistical standards applicable to the collection, transmission and publication of national and Community statistics so that all operators in the single market can be provided with comparable statistical data. In this context, classifications are an important tool for the collection, compilation and dissemination of comparable statistics.
- (2) Regional statistics are a cornerstone of the European Statistical System. They are used for a wide range of purposes. For many years European regional statistics have been based on a common regional classification, called 'Nomenclature of Territorial Units for Statistics' (hereinafter referred to as NUTS). It is now appropriate to fix this regional classification in a legal framework and to institute clear rules for future amendments of this classification.
- (3) Accordingly, all Member States' statistics transmitted to the Commission, which are broken down by territorial units, should use the NUTS classification, where applicable.
- (4) In its analysis and dissemination, the Commission should use the NUTS classification for all statistics classified by territorial units, where applicable.
- (5) Different levels are needed for regional statistics depending on the purpose of these statistics. It is appropriate to have three levels of detail in the European regional classification NUTS.
- (6) Information on the territorial composition of NUTS level 3 regions is necessary for the proper administration of the NUTS classification and should therefore be transmitted regularly to the Commission.
- (7) Objective criteria for the definition of regions are necessary in order to ensure impartiality when regional statistics are compiled and used for various policy purposes.
- (8) Users of regional statistics need stability of the data over time. The NUTS classification should hence not be amended more frequently than at most every three years. Already the existence of a Regulation will ensure a higher stability of rules over time.
- (9) Comparability of regional statistics requires that the regions be of a comparable size in terms of population. In order to achieve this goal, amendments of the NUTS classification should render the regional structure more homogeneous in terms of population size.
- (10) Amendments to the NUTS classification should require close consultations with the Member States.
- (11) In accordance with the principles of subsidiarity and of proportionality laid down in Article 5 of the Treaty, the objectives of this legal act cannot be carried out adequately by the Member States. The harmonisation of regional statistics can better be carried out at the Community level; this legal act does not exceed what is necessary to achieve these objectives.
- (12) The NUTS classification laid down in this Regulation should replace the 'Nomenclature of Territorial Units for Statistics (NUTS)' established to date by the Statistical Office of the European Communities in co-operation with the national institutes for statistics. As a consequence, all references in Community acts to the 'Nomenclature of Territorial Units for Statistics (NUTS)' should now be understood as referring to the NUTS classification laid down in this Regulation.
- (13) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.
- (14) The Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom ⁽²⁾ has been consulted in accordance with Article 3 of the aforesaid Decision,

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

1. The purpose of this Regulation is to establish a common statistical classification of territorial units, hereinafter referred to as 'NUTS', in order to ensure the production and dissemination of comparable regional statistics in the Community.

2. The NUTS classification laid down in Annex I shall replace the 'Nomenclature of Territorial Units for Statistics (NUTS)' established by the Statistical Office of the European Communities in co-operation with the national institutes for statistics of the Member States.

Article 2

Structure

1. The NUTS classification comprises for each region a specified code and name. It subdivides the economic territory of the Community, as defined in the Commission Decision 91/450/EEC of 26 July 1991⁽¹⁾, into territorial units, hereinafter referred to as 'regions'.

2. The NUTS classification is hierarchical. It subdivides each Member State into NUTS level 1 regions, each of which is subdivided into NUTS level 2 regions, these in turn each being subdivided into NUTS level 3 regions.

3. However, a particular region may represent several levels of NUTS.

4. Two different regions in the same Member State may not be identified by the same name. If two regions in different Member States have the same name, the country identifier is added to the region name.

Article 3

Classification criteria

1. Existing administrative units within the Member States constitute the first criterion used for the definition of regions.

To this end, 'administrative unit' shall mean a geographical area with an administrative authority that has the power to take administrative or policy decisions for that area within the legal and institutional framework of the Member State.

2. In order to establish the relevant level of NUTS in which a given class of administrative units in a Member State is to be classified, the average size of this class of administrative units in the Member State shall lie within the following population thresholds:

| Level | Minimum | Maximum |
|--------|-----------|-----------|
| NUTS 1 | 3 million | 7 million |
| NUTS 2 | 800 000 | 3 million |
| NUTS 3 | 150 000 | 800 000 |

3. The existing administrative units that are used for the NUTS classification are laid down in Annex II. Amendments to Annex II may be adopted by the Commission in accordance with the procedure referred to in Article 7, paragraph 2.

4. If for a given level of NUTS no administrative units of a suitable scale exist in a Member State, in accordance with the size criteria referred to in paragraph 2, this NUTS level shall be constituted by aggregating an appropriate number of existing smaller administrative units. This aggregation shall take geographical, socio-economic, historical, cultural and/or other relevant criteria into consideration.

The resulting aggregated units shall hereinafter be referred to as 'non-administrative units'. The size of the non-administrative units in a Member State for a given NUTS level shall lie within the population thresholds referred to in paragraph 2.

However, because of particular administrative and geographical circumstances, to be appreciated by the Commission, individual non-administrative units may deviate from these thresholds.

5. If the population of a whole Member State is below the maximum threshold for a given NUTS level, the whole Member State will be one NUTS region for this level.

Article 4

Components of NUTS

1. Within six months after the entry into force of this Regulation, the Commission shall, after consulting the Member States, publish the components of each NUTS level 3 region in terms of local administrative units.

The existing local administrative units are laid down in Annex III. Amendments to Annex III may be adopted by the Commission in accordance with the procedure referred to in Article 7, paragraph 2.

2. Within the first six months of each year, Member States shall transmit all changes of the components for the previous year, respecting the electronic data format requested by the Commission.

3. If any of the changes of local administrative units leads to a need to change the NUTS 3 boundaries, the provisions of Article 5 apply.

⁽¹⁾ OJ L 240, 29.8.1991.

*Article 5***Amendments to NUTS**

1. The Member States shall inform the Commission of all modifications to existing administrative units, as well as of all other changes at national level that may affect the classification criteria laid down in Article 3.

2. Amendments to the NUTS classification laid down in Annex I may be adopted by the Commission, at intervals of not less than every three years, on the basis of the criteria laid down in Article 3, in accordance with the procedure referred to in Article 7, paragraph 2.

3. The Commission shall amend the non-administrative units in a Member State, as referred to in Article 3, paragraph 4, only if, at the NUTS level in question, the amendment reduces the standard deviation of the size (in terms of population) of all EU regions.

4. Amendments to the NUTS classification shall enter into force on the first day of a quarter two years after their adoption in accordance with the procedure referred to in Article 7, paragraph 2.

5. After an amendment to NUTS is adopted, the Member State concerned must ensure within two years the provision of historical time series for the new regional breakdown for the last five years.

*Article 6***Management**

The Commission shall take the necessary measures to ensure the consistent management of the NUTS classification. In particular, such measures may include:

(a) drafting and updating of explanatory notes on NUTS,

(b) examination of problems arising from the implementation of NUTS in the Member States' classifications of regions.

*Article 7***Procedure**

1. The Commission shall be assisted by the Statistical Programme Committee, instituted by Article 1 of Council Decision 89/382/EEC, Euratom ⁽¹⁾.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Council Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof.

3. The period provided for in Article 5(6) of Council Decision 1999/468/EC shall be three months.

*Article 8***Entry into force**

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

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

⁽¹⁾ OJ L 181, 28.6.1989, p. 47.

ANNEX I

The NUTS classification (code-name)

BELGIQUE/BELGIË

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--|--|--|
| BE | | | |
| BE1 | RÉG. BRUXELLES-CAP BRUSSELS HFDST. GEWEST | | |
| BE10 | | Rég. Bruxelles-Cap Brussels Hfdst. gewest | |
| BE100 | | | Rég. Bruxelles-Cap Brussels Hfdst. gewest |
| BE2 | VLAAMS GEWEST | | |
| BE21 | | Antwerpen | |
| BE211 | | | Antwerpen (Arrondissement) |
| BE212 | | | Mechelen |
| BE213 | | | Turnhout |
| BE22 | | Limburg (B) | |
| BE221 | | | Hasselt |
| BE222 | | | Maaseik |
| BE223 | | | Tongeren |
| BE23 | | Oost-Vlaanderen | |
| BE231 | | | Aalst |
| BE232 | | | Dendermonde |
| BE233 | | | Eeklo |
| BE234 | | | Gent (Arrondissement) |
| BE235 | | | Oudenaarde |
| BE236 | | | Sint-Niklaas |
| BE24 | | Vlaams Brabant | |
| BE241 | | | Halle-Vilvoorde |
| BE242 | | | Leuven |
| BE25 | | West-Vlaanderen | |
| BE251 | | | Brugge |
| BE252 | | | Diksmuide |
| BE253 | | | Ieper |
| BE254 | | | Kortrijk |
| BE255 | | | Oostende |
| BE256 | | | Roeselare |
| BE257 | | | Tielt |
| BE258 | | | Veurne |
| BE3 | RÉGION WALLONNE | | |
| BE31 | | Brabant Wallon | |
| BE310 | | | Brabant Wallon |
| BE32 | | Hainaut | |
| BE321 | | | Ath |
| BE322 | | | Charleroi |
| BE323 | | | Mons |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------|----------------|------------------------|
| BE324 | | | Mouscron |
| BE325 | | | Soignies |
| BE326 | | | Thuin |
| BE327 | | | Tournai |
| BE33 | | Liège | |
| BE331 | | | Huy |
| BE332 | | | Liège (Arrondissement) |
| BE333 | | | Verviers |
| BE334 | | | Waremme |
| BE34 | | Luxembourg (B) | |
| BE341 | | | Arlon |
| BE342 | | | Bastogne |
| BE343 | | | Marche-en-Famenne |
| BE344 | | | Neufchâteau |
| BE345 | | | Virton |
| BE35 | | Namur | |
| BE351 | | | Dinant |
| BE352 | | | Namur (Arrondissement) |
| BE353 | | | Philippeville |

DANMARK

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|---------|---------|-------------------------------------|
| DK | | | |
| DK0 | DANMARK | | |
| DK00 | | Danmark | |
| DK001 | | | København og Frederiksberg kommuner |
| DK002 | | | Københavns amt |
| DK003 | | | Frederiksborg amt |
| DK004 | | | Roskilde amt |
| DK005 | | | Vestsjællands amt |
| DK006 | | | Storstrøms amt |
| DK007 | | | Bornholms amt |
| DK008 | | | Fyns amt |
| DK009 | | | Sønderjyllands amt |
| DK00A | | | Ribe amt |
| DK00B | | | Vejle amt |
| DK00C | | | Ringkøbing amt |
| DK00D | | | Århus amt |
| DK00E | | | Viborg amt |
| DK00F | | | Nordjyllands amt |

DEUTSCHLAND

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|-------------------|-----------|----------------------------------|
| DE | | | |
| DE1 | BADEN-WÜRTTEMBERG | | |
| DE11 | | Stuttgart | |
| DE111 | | | Stuttgart, Stadtkreis |
| DE112 | | | Böblingen |
| DE113 | | | Esslingen |
| DE114 | | | Göppingen |
| DE115 | | | Ludwigsburg |
| DE116 | | | Rems-Murr-Kreis |
| DE117 | | | Heilbronn, Stadtkreis |
| DE118 | | | Heilbronn, Landkreis |
| DE119 | | | Hohenlohekreis |
| DE11A | | | Schwäbisch Hall |
| DE11B | | | Main-Tauber-Kreis |
| DE11C | | | Heidenheim |
| DE11D | | | Ostalbkreis |
| DE12 | | Karlsruhe | |
| DE121 | | | Baden-Baden, Stadtkreis |
| DE122 | | | Karlsruhe, Stadtkreis |
| DE123 | | | Karlsruhe, Landkreis |
| DE124 | | | Rastatt |
| DE125 | | | Heidelberg, Stadtkreis |
| DE126 | | | Mannheim, Stadtkreis |
| DE127 | | | Neckar-Odenwald-Kreis |
| DE128 | | | Rhein-Neckar-Kreis |
| DE129 | | | Pforzheim, Stadtkreis |
| DE12A | | | Calw |
| DE12B | | | Enzkreis |
| DE12C | | | Freudenstadt |
| DE13 | | Freiburg | |
| DE131 | | | Freiburg im Breisgau, Stadtkreis |
| DE132 | | | Breisgau-Hochschwarzwald |
| DE133 | | | Emmendingen |
| DE134 | | | Ortenaukreis |
| DE135 | | | Rottweil |
| DE136 | | | Schwarzwald-Baar-Kreis |
| DE137 | | | Tuttlingen |
| DE138 | | | Konstanz |
| DE139 | | | Lörrach |
| DE13A | | | Waldshut |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------|--------------|------------------------------|
| DE14 | | Tübingen | |
| DE141 | | | Reutlingen |
| DE142 | | | Tübingen, Landkreis |
| DE143 | | | Zollernalbkreis |
| DE144 | | | Ulm, Stadtkreis |
| DE145 | | | Alb-Donau-Kreis |
| DE146 | | | Biberach |
| DE147 | | | Bodenseekreis |
| DE148 | | | Ravensburg |
| DE149 | | | Sigmaringen |
| DE2 | BAYERN | | |
| DE21 | | Oberbayern | |
| DE211 | | | Ingolstadt, Kreisfreie Stadt |
| DE212 | | | München, Kreisfreie Stadt |
| DE213 | | | Rosenheim, Kreisfreie Stadt |
| DE214 | | | Altötting |
| DE215 | | | Berchtesgadener Land |
| DE216 | | | Bad Tölz-Wolfratshausen |
| DE217 | | | Dachau |
| DE218 | | | Ebersberg |
| DE219 | | | Eichstätt |
| DE21A | | | Erding |
| DE21B | | | Freising |
| DE21C | | | Fürstenfeldbruck |
| DE21D | | | Garmisch-Partenkirchen |
| DE21E | | | Landsberg a. Lech |
| DE21F | | | Miesbach |
| DE21G | | | Mühlendorf a. Inn |
| DE21H | | | München, Landkreis |
| DE21I | | | Neuburg-Schrobenhausen |
| DE21J | | | Pfaffenhofen a. d. Ilm |
| DE21K | | | Rosenheim, Landkreis |
| DE21L | | | Starnberg |
| DE21M | | | Traunstein |
| DE21N | | | Weilheim-Schongau |
| DE22 | | Niederbayern | |
| DE221 | | | Landshut, Kreisfreie Stadt |
| DE222 | | | Passau, Kreisfreie Stadt |
| DE223 | | | Straubing, Kreisfreie Stadt |
| DE224 | | | Deggendorf |
| DE225 | | | Freyung-Grafenau |
| DE226 | | | Kelheim |
| DE227 | | | Landshut, Landkreis |
| DE228 | | | Passau, Landkreis |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------|---------------|-------------------------------------|
| DE229 | | | Regen |
| DE22A | | | Rottal-Inn |
| DE22B | | | Straubing-Bogen |
| DE22C | | | Dingolfing-Landau |
| DE23 | | Oberpfalz | |
| DE231 | | | Amberg, Kreisfreie Stadt |
| DE232 | | | Regensburg, Kreisfreie Stadt |
| DE233 | | | Weiden i. d. OPf., Kreisfreie Stadt |
| DE234 | | | Amberg-Sulzbach |
| DE235 | | | Cham |
| DE236 | | | Neumarkt i. d. OPf. |
| DE237 | | | Neustadt a. d. Waldnaab |
| DE238 | | | Regensburg, Landkreis |
| DE239 | | | Schwandorf |
| DE23A | | | Tirschenreuth |
| DE24 | | Oberfranken | |
| DE241 | | | Bamberg, Kreisfreie Stadt |
| DE242 | | | Bayreuth, Kreisfreie Stadt |
| DE243 | | | Coburg, Kreisfreie Stadt |
| DE244 | | | Hof, Kreisfreie Stadt |
| DE245 | | | Bamberg, Landkreis |
| DE246 | | | Bayreuth, Landkreis |
| DE247 | | | Coburg, Landkreis |
| DE248 | | | Forchheim |
| DE249 | | | Hof, Landkreis |
| DE24A | | | Kronach |
| DE24B | | | Kulmbach |
| DE24C | | | Lichtenfels |
| DE24D | | | Wunsiedel i. Fichtelgebirge |
| DE25 | | Mittelfranken | |
| DE251 | | | Ansbach, Kreisfreie Stadt |
| DE252 | | | Erlangen, Kreisfreie Stadt |
| DE253 | | | Fürth, Kreisfreie Stadt |
| DE254 | | | Nürnberg, Kreisfreie Stadt |
| DE255 | | | Schwabach, Kreisfreie Stadt |
| DE256 | | | Ansbach, Landkreis |
| DE257 | | | Erlangen-Höchstadt |
| DE258 | | | Fürth, Landkreis |
| DE259 | | | Nürnberger Land |
| DE25A | | | Neustadt a. d. Aisch-Bad Windsheim |
| DE25B | | | Roth |
| DE25C | | | Weißenburg-Gunzenhausen |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|-------------|--------------|---|
| DE26 | | Unterfranken | |
| DE261 | | | <i>Aschaffenburg, Kreisfreie Stadt</i> |
| DE262 | | | <i>Schweinfurt, Kreisfreie Stadt</i> |
| DE263 | | | <i>Würzburg, Kreisfreie Stadt</i> |
| DE264 | | | <i>Aschaffenburg, Landkreis</i> |
| DE265 | | | <i>Bad Kissingen</i> |
| DE266 | | | <i>Rhön-Grabfeld</i> |
| DE267 | | | <i>Haßberge</i> |
| DE268 | | | <i>Kitzingen</i> |
| DE269 | | | <i>Miltenberg</i> |
| DE26A | | | <i>Main-Spessart</i> |
| DE26B | | | <i>Schweinfurt, Landkreis</i> |
| DE26C | | | <i>Würzburg, Landkreis</i> |
| DE27 | | Schwaben | |
| DE271 | | | <i>Augsburg, Kreisfreie Stadt</i> |
| DE272 | | | <i>Kaufbeuren, Kreisfreie Stadt</i> |
| DE273 | | | <i>Kempten (Allgäu), Kreisfreie Stadt</i> |
| DE274 | | | <i>Memmingen, Kreisfreie Stadt</i> |
| DE275 | | | <i>Aichach-Friedberg</i> |
| DE276 | | | <i>Augsburg, Landkreis</i> |
| DE277 | | | <i>Dillingen a. d. Donau</i> |
| DE278 | | | <i>Günzburg</i> |
| DE279 | | | <i>Neu-Ulm</i> |
| DE27A | | | <i>Lindau (Bodensee)</i> |
| DE27B | | | <i>Ostallgäu</i> |
| DE27C | | | <i>Unterallgäu</i> |
| DE27D | | | <i>Donau-Ries</i> |
| DE27E | | | <i>Oberallgäu</i> |
| DE3 | BERLIN | | |
| DE30 | | Berlin | |
| DE300 | | | <i>Berlin</i> |
| DE4 | BRANDENBURG | | |
| DE40 | | Brandenburg | |
| DE401 | | | <i>Brandenburg an der Havel, Kreisfreie Stadt</i> |
| DE402 | | | <i>Cottbus, Kreisfreie Stadt</i> |
| DE403 | | | <i>Frankfurt (Oder), Kreisfreie Stadt</i> |
| DE404 | | | <i>Potsdam, Kreisfreie Stadt</i> |
| DE405 | | | <i>Barnim</i> |
| DE406 | | | <i>Dahme-Spreewald</i> |
| DE407 | | | <i>Elbe-Elster</i> |
| DE408 | | | <i>Havelland</i> |
| DE409 | | | <i>Märkisch-Oderland</i> |
| DE40A | | | <i>Oberhavel</i> |
| DE40B | | | <i>Oberspreewald-Lausitz</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|---------|-----------|--|
| DE40C | | | <i>Oder-Spree</i> |
| DE40D | | | <i>Ostprignitz-Ruppin</i> |
| DE40E | | | <i>Potsdam-Mittelmark</i> |
| DE40F | | | <i>Prignitz</i> |
| DE40G | | | <i>Spree-Neiße</i> |
| DE40H | | | <i>Teltow-Fläming</i> |
| DE40I | | | <i>Uckermark</i> |
| DE5 | BREMEN | | |
| DE50 | | Bremen | |
| DE501 | | | <i>Bremen, Kreisfreie Stadt</i> |
| DE502 | | | <i>Bremerhaven, Kreisfreie Stadt</i> |
| DE6 | HAMBURG | | |
| DE60 | | Hamburg | |
| DE600 | | | <i>Hamburg</i> |
| DE7 | HESSEN | | |
| DE71 | | Darmstadt | |
| DE711 | | | <i>Darmstadt, Kreisfreie Stadt</i> |
| DE712 | | | <i>Frankfurt am Main, Kreisfreie Stadt</i> |
| DE713 | | | <i>Offenbach am Main, Kreisfreie Stadt</i> |
| DE714 | | | <i>Wiesbaden, Kreisfreie Stadt</i> |
| DE715 | | | <i>Bergstraße</i> |
| DE716 | | | <i>Darmstadt-Dieburg</i> |
| DE717 | | | <i>Groß-Gerau</i> |
| DE718 | | | <i>Hochtaunuskreis</i> |
| DE719 | | | <i>Main-Kinzig-Kreis</i> |
| DE71A | | | <i>Main-Taunus-Kreis</i> |
| DE71B | | | <i>Odenwaldkreis</i> |
| DE71C | | | <i>Offenbach, Landkreis</i> |
| DE71D | | | <i>Rheingau-Taunus-Kreis</i> |
| DE71E | | | <i>Wetteraukreis</i> |
| DE72 | | Gießen | |
| DE721 | | | <i>Gießen, Landkreis</i> |
| DE722 | | | <i>Lahn-Dill-Kreis</i> |
| DE723 | | | <i>Limburg-Weilburg</i> |
| DE724 | | | <i>Marburg-Biedenkopf</i> |
| DE725 | | | <i>Vogelsbergkreis</i> |
| DE73 | | Kassel | |
| DE731 | | | <i>Kassel, Kreisfreie Stadt</i> |
| DE732 | | | <i>Fulda</i> |
| DE733 | | | <i>Hersfeld-Rotenburg</i> |
| DE734 | | | <i>Kassel, Landkreis</i> |
| DE735 | | | <i>Schwalm-Eder-Kreis</i> |
| DE736 | | | <i>Waldeck-Frankenberg</i> |
| DE737 | | | <i>Werra-Meißner-Kreis</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|------------------------|------------------------|---|
| DE8 | MECKLENBURG-VORPOMMERN | | |
| DE80 | | Mecklenburg-Vorpommern | |
| DE801 | | | <i>Greifswald, Kreisfreie Stadt</i> |
| DE802 | | | <i>Neubrandenburg, Kreisfreie Stadt</i> |
| DE803 | | | <i>Rostock, Kreisfreie Stadt</i> |
| DE804 | | | <i>Schwerin, Kreisfreie Stadt</i> |
| DE805 | | | <i>Stralsund, Kreisfreie Stadt</i> |
| DE806 | | | <i>Wismar, Kreisfreie Stadt</i> |
| DE807 | | | <i>Bad Doberan</i> |
| DE808 | | | <i>Demmin</i> |
| DE809 | | | <i>Güstrow</i> |
| DE80A | | | <i>Ludwigslust</i> |
| DE80B | | | <i>Mecklenburg-Strelitz</i> |
| DE80C | | | <i>Müritz</i> |
| DE80D | | | <i>Nordvorpommern</i> |
| DE80E | | | <i>Nordwestmecklenburg</i> |
| DE80F | | | <i>Ostvorpommern</i> |
| DE80G | | | <i>Parchim</i> |
| DE80H | | | <i>Rügen</i> |
| DE80I | | | <i>Uecker-Randow</i> |
| DE9 | NIEDERSACHSEN | | |
| DE91 | | Braunschweig | |
| DE911 | | | <i>Braunschweig, Kreisfreie Stadt</i> |
| DE912 | | | <i>Salzgitter, Kreisfreie Stadt</i> |
| DE913 | | | <i>Wolfsburg, Kreisfreie Stadt</i> |
| DE914 | | | <i>Gifhorn</i> |
| DE915 | | | <i>Göttingen</i> |
| DE916 | | | <i>Goslar</i> |
| DE917 | | | <i>Helmstedt</i> |
| DE918 | | | <i>Northeim</i> |
| DE919 | | | <i>Osterode am Harz</i> |
| DE91A | | | <i>Peine</i> |
| DE91B | | | <i>Wolfenbüttel</i> |
| DE92 | | Hannover | |
| DE921 | | | <i>Hannover, Kreisfreie Stadt</i> |
| DE922 | | | <i>Diepholz</i> |
| DE923 | | | <i>Hameln-Pyrmont</i> |
| DE924 | | | <i>Hannover, Landkreis</i> |
| DE925 | | | <i>Hildesheim</i> |
| DE926 | | | <i>Holzminde</i> |
| DE927 | | | <i>Nienburg (Weser)</i> |
| DE928 | | | <i>Schaumburg</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|---------------------|------------|---|
| DE93 | | Lüneburg | |
| DE931 | | | Celle |
| DE932 | | | Cuxhaven |
| DE933 | | | Harburg |
| DE934 | | | Lüchow-Dannenberg |
| DE935 | | | Lüneburg, Landkreis |
| DE936 | | | Osterholz |
| DE937 | | | Rotenburg (Wümme) |
| DE938 | | | Soltau-Fallingb.ostel |
| DE939 | | | Stade |
| DE93A | | | Uelzen |
| DE93B | | | Verden |
| DE94 | | Weser-Ems | |
| DE941 | | | Delmenhorst, Kreisfreie Stadt |
| DE942 | | | Emden, Kreisfreie Stadt |
| DE943 | | | Oldenburg (Oldenburg), Kreisfreie Stadt |
| DE944 | | | Osnabrück, Kreisfreie Stadt |
| DE945 | | | Wilhelmshaven, Kreisfreie Stadt |
| DE946 | | | Ammerland |
| DE947 | | | Aurich |
| DE948 | | | Cloppenburg |
| DE949 | | | Emsland |
| DE94A | | | Friesland |
| DE94B | | | Grafschaft Bentheim |
| DE94C | | | Leer |
| DE94D | | | Oldenburg, Landkreis |
| DE94E | | | Osnabrück, Landkreis |
| DE94F | | | Vechta |
| DE94G | | | Wesermarsch |
| DE94H | | | Wittmund |
| DEA | NORDRHEIN-WESTFALEN | | |
| DEA1 | | Düsseldorf | |
| DEA11 | | | Düsseldorf, Kreisfreie Stadt |
| DEA12 | | | Duisburg, Kreisfreie Stadt |
| DEA13 | | | Essen, Kreisfreie Stadt |
| DEA14 | | | Krefeld, Kreisfreie Stadt |
| DEA15 | | | Mönchengladbach, Kreisfreie Stadt |
| DEA16 | | | Mülheim an der Ruhr, Kreisfreie Stadt |
| DEA17 | | | Oberhausen, Kreisfreie Stadt |
| DEA18 | | | Remscheid, Kreisfreie Stadt |
| DEA19 | | | Solingen, Kreisfreie Stadt |
| DEA1A | | | Wuppertal, Kreisfreie Stadt |
| DEA1B | | | Kleve |
| DEA1C | | | Mettmann |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------|----------|---------------------------------|
| DEA1D | | | Neuss |
| DEA1E | | | Viersen |
| DEA1F | | | Wesel |
| DEA2 | | Köln | |
| DEA21 | | | Aachen, Kreisfreie Stadt |
| DEA22 | | | Bonn, Kreisfreie Stadt |
| DEA23 | | | Köln, Kreisfreie Stadt |
| DEA24 | | | Leverkusen, Kreisfreie Stadt |
| DEA25 | | | Aachen, Landkreis |
| DEA26 | | | Düren |
| DEA27 | | | Erfkreis |
| DEA28 | | | Euskirchen |
| DEA29 | | | Heinsberg |
| DEA2A | | | Oberbergischer Kreis |
| DEA2B | | | Rheinisch-Bergischer-Kreis |
| DEA2C | | | Rhein-Sieg-Kreis |
| DEA3 | | Münster | |
| DEA31 | | | Bottrop, Kreisfreie Stadt |
| DEA32 | | | Gelsenkirchen, Kreisfreie Stadt |
| DEA33 | | | Münster, Kreisfreie Stadt |
| DEA34 | | | Borken |
| DEA35 | | | Coesfeld |
| DEA36 | | | Recklinghausen |
| DEA37 | | | Steinfurt |
| DEA38 | | | Warendorf |
| DEA4 | | Detmold | |
| DEA41 | | | Bielefeld, Kreisfreie Stadt |
| DEA42 | | | Gütersloh |
| DEA43 | | | Herford |
| DEA44 | | | Höxter |
| DEA45 | | | Lippe |
| DEA46 | | | Minden-Lübbecke |
| DEA47 | | | Paderborn |
| DEA5 | | Arnsberg | |
| DEA51 | | | Bochum, Kreisfreie Stadt |
| DEA52 | | | Dortmund, Kreisfreie Stadt |
| DEA53 | | | Hagen, Kreisfreie Stadt |
| DEA54 | | | Hamm, Kreisfreie Stadt |
| DEA55 | | | Herne, Kreisfreie Stadt |
| DEA56 | | | Ennepe-Ruhr-Kreis |
| DEA57 | | | Hochsauerlandkreis |
| DEA58 | | | Märkischer Kreis |
| DEA59 | | | Olpe |
| DEA5A | | | Siegen-Wittgenstein |
| DEA5B | | | Soest |
| DEA5C | | | Unna F |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|-----------------|-------------------|--|
| DEB | RHEINLAND-PFALZ | | |
| DEB1 | | Koblenz | |
| DEB11 | | | Koblenz, Kreisfreie Stadt |
| DEB12 | | | Ahrweiler |
| DEB13 | | | Altenkirchen (Westerwald) |
| DEB14 | | | Bad Kreuznach |
| DEB15 | | | Birkenfeld |
| DEB16 | | | Cochem-Zell |
| DEB17 | | | Mayen-Koblenz |
| DEB18 | | | Neuwied |
| DEB19 | | | Rhein-Hunsrück-Kreis |
| DEB1A | | | Rhein-Lahn-Kreis |
| DEB1B | | | Westerwaldkreis |
| DEB2 | | Trier | |
| DEB21 | | | Trier, Kreisfreie Stadt |
| DEB22 | | | Berncastel-Wittlich |
| DEB23 | | | Bitburg-Prüm |
| DEB24 | | | Daun |
| DEB25 | | | Trier-Saarburg |
| DEB3 | | Rheinhausen-Pfalz | |
| DEB31 | | | Frankenthal (Pfalz), Kreisfreie Stadt |
| DEB32 | | | Kaiserslautern, Kreisfreie Stadt |
| DEB33 | | | Landau in der Pfalz, Kreisfreie Stadt |
| DEB34 | | | Ludwigshafen am Rhein, Kreisfreie Stadt |
| DEB35 | | | Mainz, Kreisfreie Stadt |
| DEB36 | | | Neustadt an der Weinstraße, Kreisfreie Stadt |
| DEB37 | | | Pirmasens, Kreisfreie Stadt |
| DEB38 | | | Speyer, Kreisfreie Stadt |
| DEB39 | | | Worms, Kreisfreie Stadt |
| DEB3A | | | Zweibrücken, Kreisfreie Stadt |
| DEB3B | | | Alzey-Worms |
| DEB3C | | | Bad Dürkheim |
| DEB3D | | | Donnersbergkreis |
| DEB3E | | | Germersheim |
| DEB3F | | | Kaiserslautern, Landkreis |
| DEB3G | | | Kusel |
| DEB3H | | | Südliche Weinstraße |
| DEB3I | | | Ludwigshafen, Landkreis |
| DEB3J | | | Mainz-Bingen |
| DEB3K | | | Südwestpfalz |
| DEC | SAARLAND | | |
| DEC0 | | Saarland | |
| DEC01 | | | Stadtverband Saarbrücken |
| DEC02 | | | Merzig-Wadern |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|----------------|----------|-------------------------------------|
| DEC03 | | | Neunkirchen |
| DEC04 | | | Saarlouis |
| DEC05 | | | Saarpfalz-Kreis |
| DEC06 | | | Sankt Wendel |
| DED | SACHSEN | | |
| DED1 | | Chemnitz | |
| DED11 | | | Chemnitz, Kreisfreie Stadt |
| DED12 | | | Plauen, Kreisfreie Stadt |
| DED13 | | | Zwickau, Kreisfreie Stadt |
| DED14 | | | Annaberg |
| DED15 | | | Chemnitzer Land |
| DED16 | | | Freiberg |
| DED17 | | | Vogtlandkreis |
| DED18 | | | Mittlerer Erzgebirgskreis |
| DED19 | | | Mittweida |
| DED1A | | | Stollberg |
| DED1B | | | Aue-Schwarzenberg |
| DED1C | | | Zwickauer Land |
| DED2 | | Dresden | |
| DED21 | | | Dresden, Kreisfreie Stadt |
| DED22 | | | Görlitz, Kreisfreie Stadt |
| DED23 | | | Hoyerswerda, Kreisfreie Stadt |
| DED24 | | | Bautzen |
| DED25 | | | Meißen |
| DED26 | | | Niederschlesischer Oberlausitzkreis |
| DED27 | | | Riesa-Großenhain |
| DED29 | | | Sächsische Schweiz |
| DED28 | | | Löbau-Zittau |
| DED2A | | | Weißeritzkreis |
| DED2B | | | Kamenz |
| DED3 | | Leipzig | |
| DED31 | | | Leipzig, Kreisfreie Stadt |
| DED32 | | | Delitzsch |
| DED33 | | | Döbeln |
| DED34 | | | Leipziger Land |
| DED35 | | | Muldentalkreis |
| DED36 | | | Torgau-Oschatz |
| DEE | SACHSEN-ANHALT | | |
| DEE1 | | Dessau | |
| DEE11 | | | Dessau, Kreisfreie Stadt |
| DEE12 | | | Anhalt-Zerbst |
| DEE13 | | | Bernburg |
| DEE14 | | | Bitterfeld |
| DEE15 | | | Köthen |
| DEE16 | | | Wittenberg |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------------------|--------------------|------------------------------|
| DEE2 | | Halle | |
| DEE21 | | | Halle/Saale, Stadtkreis |
| DEE22 | | | Burgenlandkreis |
| DEE23 | | | Mansfelder Land |
| DEE24 | | | Merseburg-Querfurt |
| DEE25 | | | Saalkreis |
| DEE26 | | | Sangerhausen |
| DEE27 | | | Weißenfels |
| DEE3 | | Magdeburg | |
| DEE31 | | | Magdeburg, Kreisfreie Stadt |
| DEE32 | | | Aschersleben-Staßfurt |
| DEE33 | | | Bördekreis |
| DEE34 | | | Halberstadt |
| DEE35 | | | Jerichower Land |
| DEE36 | | | Ohrekreis |
| DEE37 | | | Stendal |
| DEE38 | | | Quedlinburg |
| DEE39 | | | Schönebeck |
| DEE3A | | | Wernigerode |
| DEE3B | | | Altmarkkreis Salzwedel |
| DEF | SCHLESWIG-HOLSTEIN | | |
| DEF0 | | Schleswig-Holstein | |
| DEF01 | | | Flensburg, Kreisfreie Stadt |
| DEF02 | | | Kiel, Kreisfreie Stadt |
| DEF03 | | | Lübeck, Kreisfreie Stadt |
| DEF04 | | | Neumünster, Kreisfreie Stadt |
| DEF05 | | | Dithmarschen |
| DEF06 | | | Herzogtum Lauenburg |
| DEF07 | | | Nordfriesland |
| DEF08 | | | Ostholstein |
| DEF09 | | | Pinneberg |
| DEF0A | | | Plön |
| DEF0B | | | Rendsburg-Eckernförde |
| DEF0C | | | Schleswig-Flensburg |
| DEF0D | | | Segeberg |
| DEF0E | | | Steinburg |
| DEF0F | | | Stormarn |
| DEG | THÜRINGEN | | |
| DEG0 | | Thüringen | |
| DEG01 | | | Erfurt, Kreisfreie Stadt |
| DEG02 | | | Gera, Kreisfreie Stadt |
| DEG03 | | | Jena, Kreisfreie Stadt |
| DEG04 | | | Suhl, Kreisfreie Stadt |
| DEG05 | | | Weimar, Kreisfreie Stadt |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------|--------|-----------------------------------|
| DEG06 | | | <i>Eichsfeld</i> |
| DEG07 | | | <i>Nordhausen</i> |
| DEG09 | | | <i>Unstrut-Hainich-Kreis</i> |
| DEG0A | | | <i>Kyffhäuserkreis</i> |
| DEG0B | | | <i>Schmalkalden-Meiningen</i> |
| DEG0C | | | <i>Gotha</i> |
| DEG0D | | | <i>Sömmerda</i> |
| DEG0E | | | <i>Hildburghausen</i> |
| DEG0F | | | <i>Ilm-Kreis</i> |
| DEG0G | | | <i>Weimarer Land</i> |
| DEG0H | | | <i>Sonneberg</i> |
| DEG0I | | | <i>Saalfeld-Rudolstadt</i> |
| DEG0J | | | <i>Saale-Holzland-Kreis</i> |
| DEG0K | | | <i>Saale-Orla-Kreis</i> |
| DEG0L | | | <i>Greiz</i> |
| DEG0M | | | <i>Altenburger Land</i> |
| DEG0N | | | <i>Eisenach, Kreisfreie Stadt</i> |
| DEG0P | | | <i>Wartburgkreis</i> |

ΕΛΛΑΔΑ

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|---------------|----------------------------|-------------|
| GR | | | |
| GR1 | ΒΟΡΕΙΑ ΕΛΛΑΔΑ | | |
| GR11 | | Ανατολική Μακεδονία, Θράκη | |
| GR111 | | | Έβρος |
| GR112 | | | Ξάνθη |
| GR113 | | | Ροδόπη |
| GR114 | | | Δράμα |
| GR115 | | | Καβάλα |
| GR12 | | Κεντρική Μακεδονία | |
| GR121 | | | Ημαθία |
| GR122 | | | Θεσσαλονίκη |
| GR123 | | | Κιλκίς |
| GR124 | | | Πέλλα |
| GR125 | | | Πιερία |
| GR126 | | | Σέρρες |
| GR127 | | | Χαλκιδική |
| GR13 | | Δυτική Μακεδονία | |
| GR131 | | | Γρεβενά |
| GR132 | | | Καστοριά |
| GR133 | | | Κοζάνη |
| GR134 | | | Φλώρινα |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|----------------------|---------------|-----------------|
| GR14 | | Θεσσαλία | |
| GR141 | | | Καρδίτσα |
| GR142 | | | Λάρισα |
| GR143 | | | Μαγνησία |
| GR144 | | | Τρίκαλα |
| GR2 | ΚΕΝΤΡΙΚΗ ΕΛΛΑΔΑ | | |
| GR21 | | Ήπειρος | |
| GR211 | | | Άρτα |
| GR212 | | | Θεσπρωτία |
| GR213 | | | Ιωάννινα |
| GR214 | | | Πρέβεζα |
| GR22 | | Ιόνια Νησιά | |
| GR221 | | | Ζάκυνθος |
| GR222 | | | Κέρκυρα |
| GR223 | | | Κεφαλληνία |
| GR224 | | | Λευκάδα |
| GR23 | | Δυτική Ελλάδα | |
| GR231 | | | Αιτωλοακαρνανία |
| GR232 | | | Αχαΐα |
| GR233 | | | Ηλεία |
| GR24 | | Στερεά Ελλάδα | |
| GR241 | | | Βοιωτία |
| GR242 | | | Εύβοια |
| GR243 | | | Ευρυτανία |
| GR244 | | | Φθιώτιδα |
| GR245 | | | Φωκίδα |
| GR25 | | Πελοπόννησος | |
| GR251 | | | Αργολίδα |
| GR252 | | | Αρκαδία |
| GR253 | | | Κορινθία |
| GR254 | | | Λακωνία |
| GR255 | | | Μεσσηνία |
| GR3 | ΑΤΤΙΚΗ | | |
| GR30 | | Αττική | |
| GR300 | | | Αττική |
| GR4 | ΝΗΣΙΑ ΑΙΓΑΙΟΥ, ΚΡΗΤΗ | | |
| GR41 | | Βόρειο Αιγαίο | |
| GR411 | | | Λέσβος |
| GR412 | | | Σάμος |
| GR413 | | | Χίος |
| GR42 | | Νότιο Αιγαίο | |
| GR421 | | | Δωδεκάνησος |
| GR422 | | | Κυκλάδες |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------|--------|----------|
| GR43 | | Κρήτη | |
| GR431 | | | Ηράκλειο |
| GR432 | | | Λασιθί |
| GR433 | | | Ρεθύμνη |
| GR434 | | | Χανιά |

ESPAÑA

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|---------------------|----------------------------|------------|
| ES | | | |
| ES1 | NOROESTE | | |
| ES11 | | Galicia | |
| ES111 | | | A Coruña |
| ES112 | | | Lugo |
| ES113 | | | Ourense |
| ES114 | | | Pontevedra |
| ES12 | | Principado de Asturias | |
| ES120 | | | Asturias |
| ES13 | | Cantabria | |
| ES130 | | | Cantabria |
| ES2 | NORESTE | | |
| ES21 | | País Vasco | |
| ES211 | | | Álava |
| ES212 | | | Guipúzcoa |
| ES213 | | | Vizcaya |
| ES22 | | Comunidad Foral de Navarra | |
| ES220 | | | Navarra |
| ES23 | | La Rioja | |
| ES230 | | | La Rioja |
| ES24 | | Aragón | |
| ES241 | | | Huesca |
| ES242 | | | Teruel |
| ES243 | | | Zaragoza |
| ES3 | COMUNIDAD DE MADRID | | |
| ES30 | | Comunidad de Madrid | |
| ES300 | | | Madrid |
| ES4 | CENTRO (E) | | |
| ES41 | | Castilla y León | |
| ES411 | | | Ávila |
| ES412 | | | Burgos |
| ES413 | | | León |
| ES414 | | | Palencia |
| ES415 | | | Salamanca |
| ES416 | | | Segovia |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|----------|----------------------|-------------------------------|
| ES417 | | | <i>Soria</i> |
| ES418 | | | <i>Valladolid</i> |
| ES419 | | | <i>Zamora</i> |
| ES42 | | Castilla-La Mancha | |
| ES421 | | | <i>Albacete</i> |
| ES422 | | | <i>Ciudad Real</i> |
| ES423 | | | <i>Cuenca</i> |
| ES424 | | | <i>Guadalajara</i> |
| ES425 | | | <i>Toledo</i> |
| ES43 | | Extremadura | |
| ES431 | | | <i>Badajoz</i> |
| ES432 | | | <i>Cáceres</i> |
| ES5 | ESTE | | |
| ES51 | | Cataluña | |
| ES511 | | | <i>Barcelona</i> |
| ES512 | | | <i>Girona</i> |
| ES513 | | | <i>Lleida</i> |
| ES514 | | | <i>Tarragona</i> |
| ES52 | | Comunidad Valenciana | |
| ES521 | | | <i>Alicante/Alacant</i> |
| ES522 | | | <i>Castellón/Castelló</i> |
| ES523 | | | <i>Valencia/València</i> |
| ES53 | | Illes Balears | |
| ES530 | | | <i>Illes Balears</i> |
| ES6 | SUR | | |
| ES61 | | Andalucía | |
| ES611 | | | <i>Almería</i> |
| ES612 | | | <i>Cádiz</i> |
| ES613 | | | <i>Córdoba</i> |
| ES614 | | | <i>Granada</i> |
| ES615 | | | <i>Huelva</i> |
| ES616 | | | <i>Jaén</i> |
| ES617 | | | <i>Málaga</i> |
| ES618 | | | <i>Sevilla</i> |
| ES62 | | Región de Murcia | |
| ES620 | | | <i>Murcia</i> |
| ES63 | | Ceuta y Melilla | |
| ES631 | | | <i>Ceuta</i> |
| ES632 | | | <i>Melilla</i> |
| ES7 | CANARIAS | | |
| ES70 | | Canarias | |
| ES701 | | | <i>Las Palmas</i> |
| ES702 | | | <i>Santa Cruz de Tenerife</i> |

FRANCE

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|-----------------|-------------------|-------------------|
| FR | | | |
| FR1 | ÎLE DE FRANCE | | |
| FR10 | | Île de France | |
| FR101 | | | Paris |
| FR102 | | | Seine-et-Marne |
| FR103 | | | Yvelines |
| FR104 | | | Essonne |
| FR105 | | | Hauts-de-Seine |
| FR106 | | | Seine-Saint-Denis |
| FR107 | | | Val-de-Marne |
| FR108 | | | Val-d'Oise |
| FR2 | BASSIN PARISIEN | | |
| FR21 | | Champagne-Ardenne | |
| FR211 | | | Ardennes |
| FR212 | | | Aube |
| FR213 | | | Marne |
| FR214 | | | Haute-Marne |
| FR22 | | Picardie | |
| FR221 | | | Aisne |
| FR222 | | | Oise |
| FR223 | | | Somme |
| FR23 | | Haute-Normandie | |
| FR231 | | | Eure |
| FR232 | | | Seine-Maritime |
| FR24 | | Centre | |
| FR241 | | | Cher |
| FR242 | | | Eure-et-Loir |
| FR243 | | | Indre |
| FR244 | | | Indre-et-Loire |
| FR245 | | | Loir-et-Cher |
| FR246 | | | Loiret |
| FR25 | | Basse-Normandie | |
| FR251 | | | Calvados |
| FR252 | | | Manche |
| FR253 | | | Orne |
| FR26 | | Bourgogne | |
| FR261 | | | Côte-d'Or |
| FR262 | | | Nièvre |
| FR263 | | | Saône-et-Loire |
| FR264 | | | Yonne |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|----------------------|----------------------|------------------------------|
| FR3 | NORD — PAS-DE-CALAIS | | |
| FR30 | | Nord — Pas-de-Calais | |
| FR301 | | | <i>Nord</i> |
| FR302 | | | <i>Pas-de-Calais</i> |
| FR4 | EST | | |
| FR41 | | Lorraine | |
| FR413 | | | <i>Moselle</i> |
| FR411 | | | <i>Meurthe-et-Moselle</i> |
| FR412 | | | <i>Meuse</i> |
| FR414 | | | <i>Vosges</i> |
| FR42 | | Alsace | |
| FR421 | | | <i>Bas-Rhin</i> |
| FR422 | | | <i>Haut-Rhin</i> |
| FR43 | | Franche-Comté | |
| FR431 | | | <i>Doubs</i> |
| FR432 | | | <i>Jura</i> |
| FR433 | | | <i>Haute-Saône</i> |
| FR434 | | | <i>Territoire de Belfort</i> |
| FR5 | OUEST | | |
| FR51 | | Pays de la Loire | |
| FR511 | | | <i>Loire-Atlantique</i> |
| FR512 | | | <i>Maine-et-Loire</i> |
| FR513 | | | <i>Mayenne</i> |
| FR514 | | | <i>Sarthe</i> |
| FR515 | | | <i>Vendée</i> |
| FR52 | | Bretagne | |
| FR521 | | | <i>Côtes-d'Armor</i> |
| FR522 | | | <i>Finistère</i> |
| FR523 | | | <i>Ille-et-Vilaine</i> |
| FR524 | | | <i>Morbihan</i> |
| FR53 | | Poitou-Charentes | |
| FR531 | | | <i>Charente</i> |
| FR532 | | | <i>Charente-Maritime</i> |
| FR533 | | | <i>Deux-Sèvres</i> |
| FR534 | | | <i>Vienne</i> |
| FR6 | SUD-OUEST | | |
| FR61 | | Aquitaine | |
| FR611 | | | <i>Dordogne</i> |
| FR612 | | | <i>Gironde</i> |
| FR613 | | | <i>Landes</i> |
| FR614 | | | <i>Lot-et-Garonne</i> |
| FR615 | | | <i>Pyrénées-Atlantiques</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------------|----------------------------|--------------------------------|
| FR62 | | Midi-Pyrénées | |
| FR621 | | | <i>Ariège</i> |
| FR622 | | | <i>Aveyron</i> |
| FR623 | | | <i>Haute-Garonne</i> |
| FR624 | | | <i>Gers</i> |
| FR625 | | | <i>Lot</i> |
| FR626 | | | <i>Hautes-Pyrénées</i> |
| FR627 | | | <i>Tarn</i> |
| FR628 | | | <i>Tarn-et-Garonne</i> |
| FR63 | | Limousin | |
| FR631 | | | <i>Corrèze</i> |
| FR632 | | | <i>Creuse</i> |
| FR633 | | | <i>Haute-Vienne</i> |
| FR7 | CENTRE-EST | | |
| FR71 | | Rhône-Alpes | |
| FR711 | | | <i>Ain</i> |
| FR712 | | | <i>Ardèche</i> |
| FR713 | | | <i>Drôme</i> |
| FR714 | | | <i>Isère</i> |
| FR715 | | | <i>Loire</i> |
| FR716 | | | <i>Rhône</i> |
| FR717 | | | <i>Savoie</i> |
| FR718 | | | <i>Haute-Savoie</i> |
| FR72 | | Auvergne | |
| FR721 | | | <i>Allier</i> |
| FR722 | | | <i>Cantal</i> |
| FR723 | | | <i>Haute-Loire</i> |
| FR724 | | | <i>Puy-de-Dôme</i> |
| FR8 | MÉDITERRANÉE | | |
| FR81 | | Languedoc-Roussillon | |
| FR811 | | | <i>Aude</i> |
| FR812 | | | <i>Gard</i> |
| FR813 | | | <i>Hérault</i> |
| FR814 | | | <i>Lozère</i> |
| FR815 | | | <i>Pyrénées-Orientales</i> |
| FR82 | | Provence-Alpes-Côte d'Azur | |
| FR821 | | | <i>Alpes-de-Haute-Provence</i> |
| FR822 | | | <i>Hautes-Alpes</i> |
| FR823 | | | <i>Alpes-Maritimes</i> |
| FR824 | | | <i>Bouches-du-Rhône</i> |
| FR825 | | | <i>Var</i> |
| FR826 | | | <i>Vaucluse</i> |
| FR83 | | Corse | |
| FR831 | | | <i>Corse-du-Sud</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | |
|-------|--------------------------|--------|--------------------|-------------------|
| FR832 | DÉPARTEMENTS D'OUTRE-MER | | <i>Haute-Corse</i> | |
| FR9 | | | | |
| FR91 | | | Guadeloupe | |
| FR910 | | | | <i>Guadeloupe</i> |
| FR92 | | | Martinique | |
| FR920 | | | | <i>Martinique</i> |
| FR93 | | | Guyane | |
| FR930 | | | | <i>Guyane</i> |
| FR94 | | | Réunion | |
| FR940 | | | | <i>Réunion</i> |

IRELAND

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | |
|-------|---------|--------|-----------------------------|-------------------------|
| IE | IRELAND | | | |
| IE0 | | | | |
| IE01 | | | Border, Midland and Western | |
| IE011 | | | | <i>Border</i> |
| IE012 | | | | <i>Midland</i> |
| IE013 | | | | <i>West</i> |
| IE02 | | | Southern and Eastern | |
| IE021 | | | | <i>Dublin</i> |
| IE022 | | | | <i>Mid-East</i> |
| IE023 | | | | <i>Mid-West</i> |
| IE024 | | | | <i>South-East (IRL)</i> |
| IE025 | | | | <i>South-West (IRL)</i> |

ITALIA

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | |
|-------|------------|--------|---------------|-----------------------------|
| IT | NORD OVEST | | | |
| IT1 | | | | |
| IT11 | | | Piemonte | |
| IT111 | | | | <i>Torino</i> |
| IT112 | | | | <i>Vercelli</i> |
| IT113 | | | | <i>Biella</i> |
| IT114 | | | | <i>Verbano-Cusio-Ossola</i> |
| IT115 | | | | <i>Novara</i> |
| IT116 | | | | <i>Cuneo</i> |
| IT117 | | | | <i>Asti</i> |
| IT118 | | | | <i>Alessandria</i> |
| IT12 | | | Valle d'Aosta | |
| IT120 | | | | <i>Valle d'Aosta</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|----------------|-----------------------|---------------------------|
| IT13 | | Liguria | |
| IT131 | | | <i>Imperia</i> |
| IT132 | | | <i>Savona</i> |
| IT133 | | | <i>Genova</i> |
| IT134 | | | <i>La Spezia</i> |
| IT2 | LOMBARDIA | | |
| IT20 | | Lombardia | |
| IT201 | | | <i>Varese</i> |
| IT202 | | | <i>Como</i> |
| IT203 | | | <i>Lecco</i> |
| IT204 | | | <i>Sondrio</i> |
| IT205 | | | <i>Milano</i> |
| IT206 | | | <i>Bergamo</i> |
| IT207 | | | <i>Brescia</i> |
| IT208 | | | <i>Pavia</i> |
| IT209 | | | <i>Lodi</i> |
| IT20A | | | <i>Cremona</i> |
| IT20B | | | <i>Mantova</i> |
| IT3 | NORD EST | | |
| IT31 | | Trentino-Alto Adige | |
| IT311 | | | <i>Bolzano-Bozen</i> |
| IT312 | | | <i>Trento</i> |
| IT32 | | Veneto | |
| IT321 | | | <i>Verona</i> |
| IT322 | | | <i>Vicenza</i> |
| IT323 | | | <i>Belluno</i> |
| IT324 | | | <i>Treviso</i> |
| IT325 | | | <i>Venezia</i> |
| IT326 | | | <i>Padova</i> |
| IT327 | | | <i>Rovigo</i> |
| IT33 | | Friuli-Venezia Giulia | |
| IT331 | | | <i>Pordenone</i> |
| IT332 | | | <i>Udine</i> |
| IT333 | | | <i>Gorizia</i> |
| IT334 | | | <i>Trieste</i> |
| IT4 | EMILIA-ROMAGNA | | |
| IT40 | | Emilia-Romagna | |
| IT401 | | | <i>Piacenza</i> |
| IT402 | | | <i>Parma</i> |
| IT403 | | | <i>Reggio nell'Emilia</i> |
| IT404 | | | <i>Modena</i> |
| IT405 | | | <i>Bologna</i> |
| IT406 | | | <i>Ferrara</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | |
|-------|----------------|---------------|--------------|-----------------|
| IT407 | CENTRO (I) | Toscana | Ravenna | |
| IT408 | | | Forlì-Cesena | |
| IT409 | | | Rimini | |
| IT5 | | | | |
| IT51 | | | | |
| IT511 | | | | Massa-Carrara |
| IT512 | | | | Lucca |
| IT513 | | | | Pistoia |
| IT514 | | | | Firenze |
| IT515 | | | | Prato |
| IT516 | | | | Livorno |
| IT517 | | | | Pisa |
| IT518 | | | | Arezzo |
| IT519 | | | | Siena |
| IT51A | | | | Grosseto |
| IT52 | | | | Umbria |
| IT521 | | | | Perugia |
| IT522 | | | | Terni |
| IT53 | | | | Marche |
| IT531 | | | | Pesaro e Urbino |
| IT532 | | Ancona | | |
| IT533 | | Macerata | | |
| IT534 | | Ascoli Piceno | | |
| IT6 | LAZIO | | | |
| IT60 | | Lazio | | |
| IT601 | | | Viterbo | |
| IT602 | | | Rieti | |
| IT603 | | | Roma | |
| IT604 | | | Latina | |
| IT605 | | | Frosinone | |
| IT7 | ABRUZZO-MOLISE | | | |
| IT71 | | Abruzzo | | |
| IT711 | | | L'Aquila | |
| IT712 | | | Teramo | |
| IT713 | | | Pescara | |
| IT714 | | | Chieti | |
| IT72 | | Molise | | |
| IT721 | | | Isernia | |
| IT722 | | | Campobasso | |
| IT8 | CAMPANIA | | | |
| IT80 | | Campania | | |
| IT801 | | | Caserta | |
| IT802 | | | Benevento | |
| IT803 | | | Napoli | |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | | | |
|-------|-----------------|-----------------|------------------|-----------------|---------------------------|----------------|
| IT804 | SUD | Puglia | <i>Avellino</i> | | | |
| IT805 | | | <i>Salerno</i> | | | |
| IT9 | | | Basilicata | <i>Foggia</i> | | |
| IT91 | | | | <i>Bari</i> | | |
| IT911 | | | | <i>Taranto</i> | | |
| IT912 | | | | <i>Brindisi</i> | | |
| IT913 | | | | <i>Lecce</i> | | |
| IT914 | | | | Calabria | <i>Potenza</i> | |
| IT915 | | | | | <i>Matera</i> | |
| IT92 | | | | | <i>Cosenza</i> | |
| IT921 | | | | | <i>Crotone</i> | |
| IT922 | | | | | <i>Catanzaro</i> | |
| IT93 | | | | Sicilia | <i>Vibo Valentia</i> | |
| IT931 | | | | | <i>Reggio di Calabria</i> | |
| IT932 | | | | | Sicilia | <i>Trapani</i> |
| IT933 | | | | | | <i>Palermo</i> |
| IT934 | | | | | | <i>Messina</i> |
| IT935 | | | <i>Agrigento</i> | | | |
| ITA | | | SARDEGNA | Sardegna | <i>Caltanissetta</i> | |
| ITA0 | | | | | <i>Enna</i> | |
| ITA01 | <i>Catania</i> | | | | | |
| ITA02 | <i>Ragusa</i> | | | | | |
| ITA03 | <i>Siracusa</i> | | | | | |
| ITA04 | Sardegna | <i>Sassari</i> | | | | |
| ITA05 | | <i>Nuoro</i> | | | | |
| ITA06 | | <i>Oristano</i> | | | | |
| ITA07 | | <i>Cagliari</i> | | | | |
| ITA08 | | | | | | |
| ITA09 | | | | | | |
| ITB | | | | | | |
| ITB0 | | | | | | |
| ITB01 | | | | | | |
| ITB02 | | | | | | |
| ITB03 | | | | | | |
| ITB04 | | | | | | |

LUXEMBOURG (GRAND-DUCHÉ)

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------------------------|--------------------------|---------------------------------|
| LU | LUXEMBOURG (GRAND-DUCHÉ) | Luxembourg (Grand-Duché) | |
| LU0 | | | |
| LU00 | | | |
| LU000 | | | <i>Luxembourg (Grand-Duché)</i> |

NEDERLAND

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|-----------------|---------------|-------------------------------------|
| NL | | | |
| NL1 | NOORD-NEDERLAND | | |
| NL11 | | Groningen | |
| NL111 | | | Oost-Groningen |
| NL112 | | | Delfzijl en omgeving |
| NL113 | | | Overig Groningen |
| NL12 | | Friesland | |
| NL121 | | | Noord-Friesland |
| NL122 | | | Zuidwest-Friesland |
| NL123 | | | Zuidoost-Friesland |
| NL13 | | Drenthe | |
| NL131 | | | Noord-Drenthe |
| NL132 | | | Zuidoost-Drenthe |
| NL133 | | | Zuidwest-Drenthe |
| NL2 | OOST-NEDERLAND | | |
| NL21 | | Overijssel | |
| NL211 | | | Noord-Overijssel |
| NL212 | | | Zuidwest-Overijssel |
| NL213 | | | Twente |
| NL22 | | Gelderland | |
| NL221 | | | Veluwe |
| NL222 | | | Achterhoek |
| NL223 | | | Arnhem/Nijmegen |
| NL224 | | | Zuidwest-Gelderland |
| NL23 | | Flevoland | |
| NL230 | | | Flevoland |
| NL3 | WEST-NEDERLAND | | |
| NL31 | | Utrecht | |
| NL310 | | | Utrecht |
| NL32 | | Noord-Holland | |
| NL321 | | | Kop van Noord-Holland |
| NL322 | | | Alkmaar en omgeving |
| NL323 | | | IJmond |
| NL324 | | | Agglomeratie Haarlem |
| NL325 | | | Zaanstreek |
| NL326 | | | Groot-Amsterdam |
| NL327 | | | Het Gooi en Vechtstreek |
| NL33 | | Zuid-Holland | |
| NL331 | | | Agglomeratie Leiden en Bollenstreek |
| NL332 | | | Agglomeratie 's-Gravenhage |
| NL333 | | | Delft en Westland |
| NL334 | | | Oost-Zuid-Holland |
| NL335 | | | Groot-Rijnmond |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | |
|-------|----------------|---------------|------------------------------|--------------------------------|
| NL336 | ZUID-NEDERLAND | Zeeland | <i>Zuidoost-Zuid-Holland</i> | |
| NL34 | | | | |
| NL341 | | | | <i>Zeeuwsch-Vlaanderen</i> |
| NL342 | | | <i>Overig Zeeland</i> | |
| NL4 | | Noord-Brabant | | |
| NL41 | | | | |
| NL411 | | | | <i>West-Noord-Brabant</i> |
| NL412 | | | | <i>Midden-Noord-Brabant</i> |
| NL413 | | | | <i>Noordoost-Noord-Brabant</i> |
| NL414 | | | | <i>Zuidoost-Noord-Brabant</i> |
| NL42 | | Limburg (NL) | | |
| NL421 | | | | <i>Noord-Limburg</i> |
| NL422 | | | | <i>Midden-Limburg</i> |
| NL423 | | | | <i>Zuid-Limburg</i> |
| | | | | |

ÖSTERREICH

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | |
|-------|---------------|------------------|-------------------------------|--------------------------------|
| AT | ÖSTÖSTERREICH | Burgenland | | |
| AT1 | | | | |
| AT11 | | | | <i>Mittelburgenland</i> |
| AT111 | | | <i>Nordburgenland</i> | |
| AT112 | | | <i>Südburgenland</i> | |
| AT113 | | Niederösterreich | | |
| AT12 | | | | |
| AT121 | | | | <i>Mostviertel-Eisenwurzen</i> |
| AT122 | | | | <i>Niederösterreich-Süd</i> |
| AT123 | | | | <i>Sankt Pölten</i> |
| AT124 | | | | <i>Waldviertel</i> |
| AT125 | | | <i>Weinviertel</i> | |
| AT126 | | | <i>Wiener Umland/Nordteil</i> | |
| AT127 | | | <i>Wiener Umland/Südteil</i> | |
| AT13 | | Wien | | |
| AT130 | | | <i>Wien</i> | |
| AT2 | SÜDÖSTERREICH | Kärnten | | |
| AT21 | | | | |
| AT211 | | | | <i>Klagenfurt-Villach</i> |
| AT212 | | | <i>Oberkärnten</i> | |
| AT213 | | | <i>Unterkärnten</i> | |
| AT22 | | Steiermark | | |
| AT221 | | | | <i>Graz</i> |
| AT222 | | | | <i>Liezen</i> |
| AT223 | | | | <i>Östliche Obersteiermark</i> |
| AT224 | | | <i>Oststeiermark</i> | |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | | | | |
|-------|----------------|----------------|--------------------------|--------|-----------------|-----------|-----------------------|
| AT225 | WESTÖSTERREICH | Oberösterreich | West- und Südsteiermark | | | | |
| AT226 | | | Westliche Obersteiermark | | | | |
| AT3 | | | Salzburg | Lungau | Innviertel | | |
| AT31 | | | | | Linz-Wels | | |
| AT311 | | | | | Mühlviertel | | |
| AT312 | | | | | Steyr-Kirchdorf | | |
| AT313 | | | | | Traunviertel | | |
| AT314 | | | | | Tirol | Außerfern | Lungau |
| AT315 | | | | | | | Pinzgau-Pongau |
| AT32 | | | | | | | Salzburg und Umgebung |
| AT321 | | | | | | | Vorarlberg |
| AT322 | | | | | Osttirol | | |
| AT323 | | | Tiroler Oberland | | | | |
| AT33 | | | Tiroler Unterland | | | | |
| AT331 | | | Rheintal-Bodenseegebiet | | | | |
| AT332 | | | | | | | |
| AT333 | | | | | | | |
| AT334 | | | | | | | |
| AT335 | | | | | | | |
| AT34 | | | | | | | |
| AT341 | | | | | | | |
| AT342 | | | | | | | |

PORTUGAL

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | | |
|-------|------------|-----------------------|------------|---------------------|--|
| PT | CONTINENTE | Norte | | | |
| PT1 | | | Centro (P) | Minho-Lima | |
| PT11 | | | | Cávado | |
| PT111 | | | | Ave | |
| PT112 | | | | Grande Porto | |
| PT113 | | | | Tâmega | |
| PT114 | | | | Entre Douro e Vouga | |
| PT115 | | | | Douro | |
| PT116 | | | | Alto Trás-os-Montes | |
| PT117 | | | | Baixo Vouga | |
| PT118 | | Baixo Mondego | | | |
| PT12 | | Pinhal Litoral | | | |
| PT121 | | Pinhal Interior Norte | | | |
| PT122 | | Dão-Lafões | | | |
| PT123 | | Pinhal Interior Sul | | | |
| PT124 | | | | | |
| PT125 | | | | | |
| PT126 | | | | | |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|---------|-----------------------|-----------------------------|
| PT127 | | | <i>Serra da Estrela</i> |
| PT128 | | | <i>Beira Interior Norte</i> |
| PT129 | | | <i>Beira Interior Sul</i> |
| PT12A | | | <i>Cova da Beira</i> |
| PT13 | | Lisboa e Vale do Tejo | |
| PT131 | | | <i>Oeste</i> |
| PT132 | | | <i>Grande Lisboa</i> |
| PT133 | | | <i>Península de Setúbal</i> |
| PT134 | | | <i>Médio Tejo</i> |
| PT135 | | | <i>Lezíria do Tejo</i> |
| PT14 | | Alentejo | |
| PT141 | | | <i>Alentejo Litoral</i> |
| PT142 | | | <i>Alto Alentejo</i> |
| PT143 | | | <i>Alentejo Central</i> |
| PT144 | | | <i>Baixo Alentejo</i> |
| PT15 | | Algarve | |
| PT150 | | | <i>Algarve</i> |
| PT2 | AÇORES | | |
| PT20 | | Açores | |
| PT200 | | | <i>Açores</i> |
| PT3 | MADEIRA | | |
| PT30 | | Madeira | |
| PT300 | | | <i>Madeira</i> |

SUOMI/FINLAND

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------------|---------------|--------------------------|
| FI | | | |
| FI1 | MANNER-SUOMI | | |
| FI13 | | Itä-Suomi | |
| FI131 | | | <i>Etelä-Savo</i> |
| FI132 | | | <i>Pohjois-Savo</i> |
| FI133 | | | <i>Pohjois-Karjala</i> |
| FI134 | | | <i>Kainuu</i> |
| FI14 | | Väli-Suomi | |
| FI141 | | | <i>Keski-Suomi</i> |
| FI142 | | | <i>Etelä-Pohjanmaa</i> |
| FI143 | | | <i>Pohjanmaa</i> |
| FI144 | | | <i>Keski-Pohjanmaa</i> |
| FI15 | | Pohjois-Suomi | |
| FI151 | | | <i>Pohjois-Pohjanmaa</i> |
| FI152 | | | <i>Lappi</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------|-------------|-----------------|
| FI16 | | Uusimaa | |
| FI161 | | | Uusimaa |
| FI162 | | | Itä-Uusimaa |
| FI17 | | Etelä-Suomi | |
| FI171 | | | Varsinais-Suomi |
| FI172 | | | Satakunta |
| FI173 | | | Kanta-Häme |
| FI174 | | | Pirkanmaa |
| FI175 | | | Päijät-Häme |
| FI176 | | | Kymenlaakso |
| FI177 | | | Etelä-Karjala |
| FI2 | ÅLAND | | |
| FI20 | | Åland | |
| FI200 | | | Åland |

SVERIGE

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|---------|---------------------|---------------------|
| SE | | | |
| SE0 | SVERIGE | | |
| SE01 | | Stockholm | |
| SE010 | | | Stockholms län |
| SE02 | | Östra Mellansverige | |
| SE021 | | | Uppsala län |
| SE022 | | | Södermanlands län |
| SE023 | | | Östergötlands län |
| SE024 | | | Örebro län |
| SE025 | | | Västmanlands län |
| SE04 | | Sydsverige | |
| SE041 | | | Blekinge län |
| SE044 | | | Skåne län |
| SE06 | | Norra Mellansverige | |
| SE061 | | | Värmlands län |
| SE062 | | | Dalarnas län |
| SE063 | | | Gävleborgs län |
| SE07 | | Mellersta Norrland | |
| SE071 | | | Västernorrlands län |
| SE072 | | | Jämtlands län |
| SE08 | | Övre Norrland | |
| SE081 | | | Västerbottens län |
| SE082 | | | Norrbottnens län |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------|-------------------|-----------------------------|
| SE09 | | Småland med öarna | |
| SE091 | | | <i>Jönköpings län</i> |
| SE092 | | | <i>Kronobergs län</i> |
| SE093 | | | <i>Kalmar län</i> |
| SE094 | | | <i>Gotlands län</i> |
| SE0A | | Västsverige | |
| SE0A1 | | | <i>Hallands län</i> |
| SE0A2 | | | <i>Västra Götalands län</i> |

UNITED KINGDOM

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|------------|----------------------------------|--|
| UK | | | |
| UKC | NORTH EAST | | |
| UKC1 | | Tees Valley and Durham | |
| UKC11 | | | <i>Hartlepool and Stockton-on-Tees</i> |
| UKC12 | | | <i>South Teesside</i> |
| UKC13 | | | <i>Darlington</i> |
| UKC14 | | | <i>Durham CC</i> |
| UKC2 | | Northumberland and Tyne and Wear | |
| UKC21 | | | <i>Northumberland</i> |
| UKC22 | | | <i>Tyneside</i> |
| UKC23 | | | <i>Sunderland</i> |
| UKD | NORTH WEST | | |
| UKD1 | | Cumbria | |
| UKD11 | | | <i>West Cumbria</i> |
| UKD12 | | | <i>East Cumbria</i> |
| UKD2 | | Cheshire | |
| UKD21 | | | <i>Halton and Warrington</i> |
| UKD22 | | | <i>Cheshire CC</i> |
| UKD3 | | Greater Manchester | |
| UKD31 | | | <i>Greater Manchester South</i> |
| UKD32 | | | <i>Greater Manchester North</i> |
| UKD4 | | Lancashire | |
| UKD41 | | | <i>Blackburn with Darwen</i> |
| UKD42 | | | <i>Blackpool</i> |
| UKD43 | | | <i>Lancashire CC</i> |
| UKD5 | | Merseyside | |
| UKD51 | | | <i>East Merseyside</i> |
| UKD52 | | | <i>Liverpool</i> |
| UKD53 | | | <i>Sefton</i> |
| UKD54 | | | <i>Wirral</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|--------------------------|--|------------------------------------|
| UKE | YORKSHIRE AND THE HUMBER | | |
| UKE1 | | East Riding and North Lincolnshire | |
| UKE11 | | | Kingston upon Hull, City of |
| UKE12 | | | East Riding of Yorkshire |
| UKE13 | | | North and North East Lincolnshire |
| UKE2 | | North Yorkshire | |
| UKE21 | | | York |
| UKE22 | | | North Yorkshire CC |
| UKE3 | | South Yorkshire | |
| UKE31 | | | Barnsley, Doncaster and Rotherham |
| UKE32 | | | Sheffield |
| UKE4 | | West Yorkshire | |
| UKE41 | | | Bradford |
| UKE42 | | | Leeds |
| UKE43 | | | Calderdale, Kirklees and Wakefield |
| UKF | EAST MIDLANDS | | |
| UKF1 | | Derbyshire and Nottinghamshire | |
| UKF11 | | | Derby |
| UKF12 | | | East Derbyshire |
| UKF13 | | | South and West Derbyshire |
| UKF14 | | | Nottingham |
| UKF15 | | | North Nottinghamshire |
| UKF16 | | | South Nottinghamshire |
| UKF2 | | Leicestershire, Rutland and Northamptonshire | |
| UKF21 | | | Leicester |
| UKF22 | | | Leicestershire CC and Rutland |
| UKF23 | | | Northamptonshire |
| UKF3 | | Lincolnshire | |
| UKF30 | | | Lincolnshire |
| UKG | WEST MIDLANDS | | |
| UKG1 | | Herefordshire, Worcestershire and Warwickshire | |
| UKG11 | | | Herefordshire, County of |
| UKG12 | | | Worcestershire |
| UKG13 | | | Warwickshire |
| UKG2 | | Shropshire and Staffordshire | |
| UKG21 | | | Telford and Wrekin |
| UKG22 | | | Shropshire CC |
| UKG23 | | | Stoke-on-Trent |
| UKG24 | | | Staffordshire CC |
| UKG3 | | West Midlands | |
| UKG31 | | | Birmingham |
| UKG32 | | | Solihull |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 | |
|-------|-----------------------|--|---|--|
| UKG33 | EAST OF ENGLAND | East Anglia | <i>Coventry</i> | |
| UKG34 | | | <i>Dudley and Sandwell</i> | |
| UKG35 | | | <i>Walsall and Wolverhampton</i> | |
| UKH1 | | | <i>Peterborough</i> | |
| UKH11 | | | <i>Cambridgeshire CC</i> | |
| UKH12 | | | <i>Norfolk</i> | |
| UKH13 | | | <i>Suffolk</i> | |
| UKH14 | | | Bedfordshire and Hertfordshire | <i>Luton</i> |
| UKH2 | | | | <i>Bedfordshire CC</i> |
| UKH21 | | | | <i>Hertfordshire</i> |
| UKH22 | | | | Essex |
| UKH23 | | <i>Thurrock</i> | | |
| UKH3 | | Essex | <i>Essex CC</i> | |
| UKH31 | | | Inner London | <i>Inner London - West</i> |
| UKH32 | | | | <i>Inner London - East</i> |
| UKH33 | | Outer London | <i>Outer London - East and North East</i> | |
| UKI | | | Outer London | <i>Outer London - South</i> |
| UKI1 | | | | <i>Outer London - West and North West</i> |
| UKI11 | | | | Berkshire, Buckinghamshire and Oxfordshire |
| UKI12 | | | <i>Milton Keynes</i> | |
| UKI2 | | Berkshire, Buckinghamshire and Oxfordshire | <i>Buckinghamshire CC</i> | |
| UKI21 | | | <i>Oxfordshire</i> | |
| UKI22 | | Surrey, East and West Sussex | <i>Brighton and Hove</i> | |
| UKI23 | <i>East Sussex CC</i> | | | |
| UKI23 | <i>Surrey</i> | | | |
| UKI24 | <i>West Sussex</i> | | | |
| UKJ | SOUTH EAST | Hampshire and Isle of Wight | <i>Portsmouth</i> | |
| UKJ1 | | | <i>Southampton</i> | |
| UKJ11 | | | <i>Hampshire CC</i> | |
| UKJ12 | | | <i>Isle of Wight</i> | |
| UKJ13 | | Kent | <i>Medway</i> | |
| UKJ14 | | | <i>Kent CC</i> | |
| UKJ2 | | Kent | | |
| UKJ21 | | | | |
| UKJ22 | | | | |
| UKJ23 | | | | |
| UKJ24 | | | | |
| UKJ3 | | | | |
| UKJ31 | | | | |
| UKJ32 | | | | |
| UKJ33 | | | | |
| UKJ34 | | | | |
| UKJ4 | | | | |
| UKJ41 | | | | |
| UKJ42 | | | | |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|------------|---|---|
| UKK | SOUTH WEST | | |
| UKK1 | | Gloucestershire, Wiltshire and North Somerset | |
| UKK11 | | | <i>Bristol, City of</i> |
| UKK12 | | | <i>North and North East Somerset, South Gloucestershire</i> |
| UKK13 | | | <i>Gloucestershire</i> |
| UKK14 | | | <i>Swindon</i> |
| UKK15 | | | <i>Wiltshire CC</i> |
| UKK2 | | Dorset and Somerset | |
| UKK21 | | | <i>Bournemouth and Poole</i> |
| UKK22 | | | <i>Dorset CC</i> |
| UKK23 | | | <i>Somerset</i> |
| UKK3 | | Cornwall and Isles of Scilly | |
| UKK30 | | | <i>Cornwall and Isles of Scilly</i> |
| UKK4 | | Devon | |
| UKK41 | | | <i>Plymouth</i> |
| UKK42 | | | <i>Torbay</i> |
| UKK43 | | | <i>Devon CC</i> |
| UKL | WALES | | |
| UKL1 | | West Wales and The Valleys | |
| UKL11 | | | <i>Isle of Anglesey</i> |
| UKL12 | | | <i>Gwynedd</i> |
| UKL13 | | | <i>Conwy and Denbighshire</i> |
| UKL14 | | | <i>South West Wales</i> |
| UKL15 | | | <i>Central Valleys</i> |
| UKL16 | | | <i>Gwent Valleys</i> |
| UKL17 | | | <i>Bridgend and Neath Port Talbot</i> |
| UKL18 | | | <i>Swansea</i> |
| UKL2 | | East Wales | |
| UKL21 | | | <i>Monmouthshire and Newport</i> |
| UKL22 | | | <i>Cardiff and Vale of Glamorgan</i> |
| UKL23 | | | <i>Flintshire and Wrexham</i> |
| UKL24 | | | <i>Powys</i> |
| UKM | SCOTLAND | | |
| UKM1 | | North Eastern Scotland | |
| UKM10 | | | <i>Aberdeen City, Aberdeenshire and North East Moray</i> |
| UKM2 | | Eastern Scotland | |
| UKM21 | | | <i>Angus and Dundee City</i> |
| UKM22 | | | <i>Clackmannanshire and Fife</i> |
| UKM23 | | | <i>East Lothian and Midlothian</i> |
| UKM24 | | | <i>Scottish Borders, The</i> |
| UKM25 | | | <i>Edinburgh, City of</i> |
| UKM26 | | | <i>Falkirk</i> |

| CODE | NUTS 1 | NUTS 2 | NUTS 3 |
|-------|------------------|------------------------|---|
| UKM27 | | | <i>Perth and Kinross and Stirling</i> |
| UKM28 | | | <i>West Lothian</i> |
| UKM3 | | South Western Scotland | |
| UKM31 | | | <i>East and West Dunbartonshire, Helensburgh and Lomond</i> |
| UKM32 | | | <i>Dumfries and Galloway</i> |
| UKM33 | | | <i>East Ayrshire and North Ayrshire Mainland</i> |
| UKM34 | | | <i>Glasgow City</i> |
| UKM35 | | | <i>Inverclyde, East Renfrewshire and Renfrewshire</i> |
| UKM36 | | | <i>North Lanarkshire</i> |
| UKM37 | | | <i>South Ayrshire</i> |
| UKM38 | | | <i>South Lanarkshire</i> |
| UKM4 | | Highlands and Islands | |
| UKM41 | | | <i>Caithness and Sutherland and Ross and Cromarty</i> |
| UKM42 | | | <i>Inverness and Nairn and Moray, Badenoch and Strathspey</i> |
| UKM43 | | | <i>Lochaber, Skye and Lochalsh and Argyll and the Islands</i> |
| UKM44 | | | <i>Eilean Siar (Western Isles)</i> |
| UKM45 | | | <i>Orkney Islands</i> |
| UKM46 | | | <i>Shetland Islands</i> |
| UKN | NORTHERN IRELAND | | |
| UKN0 | | Northern Ireland | |
| UKN01 | | | <i>Belfast</i> |
| UKN02 | | | <i>Outer Belfast</i> |
| UKN03 | | | <i>East of Northern Ireland</i> |
| UKN04 | | | <i>North of Northern Ireland</i> |
| UKN05 | | | <i>West and South of Northern Ireland</i> |

*ANNEX II***Existing administrative units**

At NUTS level 1 for Belgium 'regio/régions' and for Germany 'Länder',

At NUTS level 2 for Belgium 'provincie/provinces', for Germany 'Regierungsbezirke', for Spain 'comunidades autónomas', for France 'régions', for Ireland 'regions', for Italy 'regioni', for the Netherlands 'provincies' and for Austria 'Bundesländer',

At NUTS level 3 for Belgium 'arrondissements', for Denmark 'Amter', for Germany 'Kreise/kreisfreie Städte', for Greece 'nomoi', for Spain 'provincias', for France 'départements', for Ireland 'regional authority regions', for Italy 'provincia' and for Sweden 'län'.

*ANNEX III***Existing local administrative units**

For Belgium 'Gemeenten/Communes', for Denmark 'Kommuner', for Germany 'Gemeinden', for Greece 'Demosi/Koinotites', for Spain 'Municipios', for France 'Communes', for Ireland 'administrative counties', for Italy 'Comuni', for Luxembourg 'Communes', for the Netherlands 'Gemeenten', for Austria 'Gemeinden', for Portugal 'Freguesias', for Finland 'Kunnat', for Sweden 'Kommuner' and for the United Kingdom 'Wards'.

Proposal for a Council Regulation on the common organisation of the market in ethyl alcohol of agricultural origin

(2001/C 180 E/09)

COM(2001) 101 final — 2001/0055(CNS)

(Submitted by the Commission on 23 February 2001)

THE COUNCIL OF THE EUROPEAN UNION,

should send the Commission the information necessary to draw up a market balance for agricultural alcohol.

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

(7) The creation of a single Community market in alcohol requires the establishment of trade arrangements at the Community's external borders. Trade arrangements involving a system of import duties should, in principle, stabilise the Community market. Those trade arrangements must be based on the agreements concluded during the Uruguay Round of multilateral trade negotiations.

Whereas:

(8) In order to be able to monitor trade movements on a permanent basis, provision should be made for an import and export licence scheme with the lodging of a security to ensure that the transactions for which such licences are requested are actually carried out.

(1) The operation and development of the common market in agricultural products should be accompanied by the establishment of a common agricultural policy to include in particular a common organisation of agricultural markets, which may take various forms depending on the product.

(9) It is appropriate to confer on the Commission the power to open and administer tariff quotas resulting from international agreements concluded in accordance with the Treaty or from other legislative acts of the Council.

(2) The aim of the common agricultural policy is to achieve the objectives set out in Article 33 of the Treaty. This can be accomplished through the introduction of tools to improve monitoring of developments both on the internal market and in trade with third countries.

(10) In addition to the system described above, and to the extent necessary for its proper working, provision should be made for regulating or, when the situation on the market so requires, prohibiting the use of inward and outward processing arrangements.

(3) The processing of certain agricultural raw materials into ethyl alcohol is closely linked with the economy of those raw materials. It can contribute in large measure to enhancing their value and may be of particular economic and social importance for the economy of certain regions of the Community or may be a significant source of income for the producers of the raw materials concerned. It also permits the disposal of products of unsatisfactory quality and short-term surpluses that may cause temporary problems in certain sectors.

(11) The system of customs duties makes it possible to dispense with all other protective measures at the Community's external borders. However, the internal market and duty mechanism could, in exceptional circumstances, prove defective. In such cases, so as not to leave the Community market without defence against disturbances that might ensue, the Community should be able to take all necessary measures without delay. All such measures must comply with the obligations arising from the World Trade Organisation Agreements.

(4) A common organisation of the market in ethyl alcohol of agricultural origin should be established for the first time.

(5) The marketing of alcohol from alcohol-producing products which have been the subject of intervention measures or other specific measures is covered by special procedures under the regulations relating to those products in order to ensure adequate competition and to prevent any disturbance of the traditional alcohol market.

(12) The achievement of a single market would be jeopardised by the grant of certain types of aid. The Treaty provisions governing the appraisal of aid granted by Member States and the prohibition of aid incompatible with the common market should be extended to alcohol of agricultural origin.

(6) For the purpose of monitoring developments on the market in alcohol of agricultural origin, Member States

- (13) Since the measures required for the implementation of this Regulation are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, the measures concerned should be adopted in accordance with the procedure laid down in Article 4 of that Decision.
- (14) The common organisation of the market in alcohol of agricultural origin must take proper and simultaneous account of the objectives set out in Articles 33 and 131 of the Treaty.
- (15) The common organisation of the market in alcohol of agricultural origin must also comply with the agreements concluded in accordance with Article 300(2) of the Treaty, in particular those forming part of the Agreement establishing the World Trade Organisation and more specifically the Agreement on Technical Barriers to Trade.
- (16) In order to guarantee the smooth operation of the arrangements, the Commission should be permitted to adopt transitional measures. The Commission should also be authorised to resolve specific practical problems on a temporary and exceptional basis.
- (17) In applying this Regulation, account should be taken of the fact that, with the exception of the spirit drinks sector, the Community ethyl alcohol market is supplied with ethyl alcohol of both agricultural and non-agricultural origin without any restriction. Consequently, the measures for applying this Regulation must not lead to any discrimination between the two types of alcohol,

HAS ADOPTED THIS REGULATION:

Article 1

Products covered

1. A common organisation of the market in ethyl alcohol of agricultural origin covering the following products is established.

| CN code | Description |
|------------------------------------|---|
| ex 2207 10 00 | Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher, of agricultural origin |
| ex 2207 20 00 | Ethyl alcohol and other spirits, denatured, of any strength, of agricultural origin |
| ex 2208 90 91 and ex 2208 90 99 | Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol., of agricultural origin |

2. For the purposes of this Regulation:

- (a) 'Ethyl alcohol of agricultural origin' means the liquid obtained by distillation or osmosis, after fermentation of certain sugars under the action of yeast or other ferments, of alcohol-producing agricultural products, excluding spirit drinks as defined in Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks ⁽²⁾;
- (b) 'Ethyl alcohol and other spirits, denatured, of agricultural origin' means liquids to which certain substances have deliberately been added, making them unfit for human consumption but not affecting their suitability for industrial use;
- (c) 'Alcohol-producing agricultural products' means products falling within Chapters 7, 8, 10, 11, 12 and 23 and headings Nos 1701, 1702, 1703, 2008, 2009, 2204, 2205 and 2206 of the combined nomenclature.

TITLE I

INTERNAL MARKET

Article 2

Definitions

The method of production and the characteristics of alcohol obtained from a specific alcohol-producing product of agricultural origin may be laid down in accordance with the procedure referred to in Article 12(2).

Article 3

Information

1. The Member States shall send the Commission the following information:

- before the end of the month following a quarter and for the quarter in question: the production of alcohol of agricultural origin expressed as hectolitres of pure alcohol, broken down by alcohol-producing product used,
- before the end of March and for the previous year: the volume of alcohol of agricultural origin disposed of expressed as hectolitres of pure alcohol, broken down by sector of destination (spirit drinks, perfumes-cosmetics, pharmaceuticals, vinegar industry, other industrial uses),

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 160, 12.6.1989, p. 1. Regulation last amended by Regulation (EC) No 3378/94 (OJ L 366, 31.12.1994, p. 1).

— before the end of March: the stocks of alcohol of agricultural origin available in the Member State at the end of the previous year,

— before the end of March: forecast production for the current year.

2. On the basis of the information referred to in paragraph 1 and any other information available, the Commission shall draw up a Community balance for the market in alcohol of agricultural origin for the previous year and an estimated balance for the current year.

3. Before the end of April, the Commission shall notify the Member States of the balances referred to in paragraph 2.

TITLE II

TRADE WITH THIRD COUNTRIES

Article 4

Import and export licences

1. All imports into the Community of the products referred to in Article 1(1) may be subject to the presentation of an import licence. All exports of those products may be subject to the presentation of an export licence.

2. Member States shall issue licences to all applicants, irrespective of their place of establishment within the Community, without prejudice to the provisions adopted for the application of Article 6.

Licences shall be valid throughout the Community.

3. Licences shall be issued subject to the lodging of a security guaranteeing that the products are imported or exported during the term of validity of the licence and, save in cases of *force majeure*, the security shall be forfeited in whole or in part if import or export is not carried out, or is only carried out partially, within that period.

4. The term of validity of the licences and other detailed rules for the application of this Article shall be laid down in accordance with the procedure referred to in Article 12(2).

5. In accordance with that same procedure, the Commission may decide that the arrangements provided for in this Article shall also cover products falling within CN code 2208 put up in containers of more than 2 litres and presenting all the characteristics of neutral alcohol as defined in Annex I to Regulation (EEC) No 1576/89.

Article 5

Application of Common Customs Tariff duties

Save as otherwise provided in this Regulation, the rates of duty in the Common Customs Tariff shall apply to the products listed in Article 1(1).

Article 6

Tariff quotas

1. Tariff quotas for the products covered by this Regulation resulting from agreements concluded in accordance with Article 300 of the Treaty or from any other act of the Council shall be opened and administered by the Commission in accordance with detailed rules adopted in accordance with the procedure referred to in Article 12(2).

2. Quotas may be administered using one of the following methods or a combination thereof:

(a) a method based on the chronological order in which applications are lodged (on a 'first come, first served' basis);

(b) a method of distribution in proportion to the quantities requested when the applications are lodged (the 'simultaneous examination' method);

(c) a method taking traditional trade patterns into account ('traditional importers/new arrivals' method).

Other suitable methods may be used. Such methods must avoid any discrimination among the traders concerned.

3. Where necessary, the method of administration shall take account of the supply needs of the Community market and of the need to preserve its equilibrium and may be based on methods used in the past for quotas similar to those referred to in paragraph 1, without prejudice to rights arising under the agreements concluded during the Uruguay Round of multi-lateral trade negotiations.

4. The detailed rules referred to in paragraph 1 shall provide for annual quotas, if necessary suitably phased over the year, and shall determine the administrative method to be used and where appropriate include provisions on:

(a) the guarantees covering the nature, provenance and origin of the product;

(b) the recognition of the document used for verifying the guarantees referred to in (a);

(c) the terms and conditions on which import licences are to be issued and their term of validity.

*Article 7***Inward processing arrangements**

To the extent necessary for the proper working of the common organisation of the market in alcohol, the Commission, in accordance with the procedure referred to in Article 12(2), may prohibit in whole or in part the use of inward processing arrangements for the manufacture of the products listed in Annex I to the Treaty.

*Article 8***Interpretation of the combined nomenclature**

1. The general rules for the interpretation of the combined nomenclature and the detailed rules for its application shall apply to the tariff classification of products covered by this Regulation; the tariff nomenclature resulting from the application of this Regulation is incorporated in the Common Customs Tariff.

2. Save as otherwise provided for in this Regulation or in provisions adopted pursuant hereto, the following shall be prohibited:

- (a) the levying of any charge having equivalent effect to a customs duty;
- (b) the application of any quantitative restriction or measure having equivalent effect.

*Article 9***Emergency measures in the event of serious disturbance**

1. If, by reason of imports or exports, the Community market in one or more of the products listed in Article 1 is affected by, or is threatened with, serious disturbance likely to jeopardise the achievement of the objectives set out in Article 33 of the Treaty, appropriate measures may be applied in trade with third countries until such disturbance or threat of disturbance has ceased.

In deciding whether the situation warrants the application of such measures, account shall be taken, in particular, of the quantities for which import licences have been issued or applied for and the figures given in the balance for the marketing year concerned.

The Council, acting in accordance with the procedure laid down in Article 37(2) of the Treaty, shall adopt general rules for the application of this paragraph and shall define the circumstances and limits within which Member States may adopt protective measures.

2. If the situation referred to in paragraph 1 arises, the Commission shall, at the request of a Member State or on its

own initiative, decide upon the necessary measures, which shall be communicated to the Member States and be immediately applicable. The Commission shall take decisions on requests from Member States within three working days of their receipt.

3. Measures decided upon by the Commission may be referred to the Council by any Member State within three working days of their notification. The Council shall meet immediately. It may, acting by a qualified majority, confirm, amend or repeal the measure in question within one month of the date of referral.

4. This Article shall be applied having regard to the obligations arising from agreements concluded in accordance with Article 300(2) of the Treaty.

TITLE III

GENERAL PROVISIONS*Article 10***National aid**

Articles 87, 88 and 89 of the Treaty shall apply to production of and trade in the products covered by this Regulation.

*Article 11***Communication between the Member States and the Commission**

The Member States and the Commission shall exchange all information necessary for the application of this Regulation. Detailed rules for the communication of such information, including the nature and presentation of that information, the deadlines for transmission and the distribution of the information received, shall be adopted in accordance with the procedure referred to in Article 12(2).

*Article 12***Management Committee**

1. The Commission shall be assisted by the Management Committee for Wine (hereafter referred to as 'the Committee'), established by Article 74 of Regulation (EC) No 1493/1999.

2. Where reference is made to this paragraph, the management procedure laid down in Article 4 of Decision 1999/468/EC shall apply, in compliance with Article 7(3) thereof.

3. The period provided for in Article 4(3) of Decision 1999/468/EC shall be one month.

Article 13

The Committee may consider any other question referred to it by its Chairman either on his or her own initiative or at the request of the representative of a Member State.

*Article 14***Compliance with the Treaty and international agreements**

This Regulation shall be applied taking proper and simultaneous account of the objectives set out in Articles 33 and 131 of the Treaty.

TITLE IV

TRANSITIONAL AND FINAL PROVISIONS*Article 15***Transitional measures**

The Commission shall adopt, in accordance with the procedure referred to in Article 12:

(a) the measures required to facilitate the transition to the arrangements established by this Regulation;

(b) the measures required to resolve specific problems. Such measures, if duly justified, may derogate from certain provisions of this Regulation.

*Article 16***Entry into force**

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

It shall apply from ...

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

Amended proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 ⁽¹⁾

(2001/C 180 E/10)

(Text with EEA relevance)

COM(2001) 118 final — 2000/0070(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 23 February 2001)

⁽¹⁾ OJ C 274 E, 26.9.2000, p. 113.

INITIAL PROPOSAL

AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 308 thereof,

Having regard to the proposal from the Commission, presented after consulting the Administrative Commission on Social Security for Migrant Workers,

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

Having regard to the opinion of the Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Unchanged

Whereas:

(1) It is appropriate to make certain amendments to Council Regulations (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽¹⁾ and (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽²⁾. These amendments are linked to changes which Member States have made to their social security legislation.

⁽¹⁾ OJ L 149, 5.7.1971, p. 2. Regulation as updated by Regulation (EC) No 118/97 (OJ L 28, 30.1.1997, p. 1) and last amended by Regulation (EC) No 1399/1999 (OJ L 164, 30.6.1999, p. 1).

⁽²⁾ OJ L 74, 27.3.1972, p. 1. Regulation as updated by Regulation (EC) No 118/97 (OJ L 28, 30.1.1997, p. 1) and last amended by Regulation (EC) No 1399/1999 (OJ L 164, 30.6.1999, p. 1).

⁽¹⁾ OJ C 367, 20.12.2000, p. 18.

INITIAL PROPOSAL

AMENDED PROPOSAL

- (2) Following the notification by the French Government to the President of the Council of a declaration making Regulation (EEC) No 1408/71 applicable to the two French supplementary pension schemes ARRCO and AGIRC, it seems appropriate to facilitate the application of Regulation (EEC) No 1408/71 to the schemes by adding new points to Annexes IV Part C and Annex VI, chiefly to take account of the supplementary nature of these schemes by comparison with the basic regimes, and of the fact that the benefits they grant are calculated on the basis of the number of pension points acquired, independent of the periods completed.
- (3) It is appropriate to clarify that benefits of the Austrian statutory pre-retirement scheme are to be granted according to the provisions of Title III Chapter 3 of Regulation (EEC) No 1408/71.
- (4) To take account of the judgment of the Court of Justice of the European Communities of 11 June 1998 in Case C-275/96 Kuusijärvi v Riksförsäkringsverket ⁽¹⁾, section 'N. SWEDEN' of Annex VI should be amended.
- (5) It is appropriate to amend Article 34(5) of Regulation (EEC) No 574/72 in order to separate it from Article 34(4) and hence no longer to refer to the reimbursement procedure subject to a ceiling where the expenses have been incurred during a stay in a Member State which does not provide for rates of reimbursement.
- (6) It is necessary to amend Article 93(1) of Regulation (EEC) No 574/72 to take account of Council Regulation (EC) No 307/1999 ⁽²⁾, extending Regulation (EEC) No 1408/71 to students.
- (7) It is appropriate to amend Article 107 of Regulation (EEC) No 574/72 following the introduction of the Euro on 1 January 1999.
- (8) In order to attain the objective of free movement for workers, it is necessary and appropriate to amend the rules relating to the coordination of national social security schemes through a Community legal instrument that is binding and directly applicable in each Member State.
- (9) With the exception of Article 42, the Treaty does not provide, for the adoption of this Regulation, powers other than those under Article 308,
- (3) It is appropriate to clarify that benefits of the Austrian statutory special assistance scheme are to be granted according to the provisions of Title III Chapter 3 of Regulation (EEC) No 1408/71.
- Unchanged

⁽¹⁾ [1998] ECR I-3419.

⁽²⁾ OJ L 38, 12.2.1999, p. 1.

INITIAL PROPOSAL

AMENDED PROPOSAL

HAVE ADOPTED THIS REGULATION:

Article 1

Annexes IV and VI to Regulation (EEC) No 1408/71 are amended in accordance with the Annex to this Regulation.

Annexes IIa, IV and VI to Regulation (EEC) No 1408/71 are amended in accordance with the Annex to this Regulation.

Article 2

Unchanged

Regulation (EEC) No 574/72 is amended as follows:

1. Article 34(5) is replaced by the following:

'5. If the legislation of the State of stay does not provide for rates of reimbursement, the competent institution may effect the reimbursement in accordance with the rates it administers, without the agreement of the person concerned being necessary. In any case, the amount of reimbursement shall not exceed the amount of the expenses actually incurred.'

2. Article 93(1) is replaced by the following:

'1. The actual amount of benefits in kind provided pursuant to Article 19(1) and (2) of the Regulation to employed and self-employed persons and to members of their families residing in the territory of the same Member State, and benefits in kind provided pursuant to Articles 21(2), 22, 22a, 22b, 25(1), (3) and (4), 26, 31, 34a or 34b of the Regulation, shall be refunded by the competent institution to the institution which provided the said benefits as shown in the accounts of that institution.'

3. Article 107 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. For the purposes of the following provisions:

(a) Regulation: Article 12(2), (3) and (4), Article 14d(1), Article 19(1)(b), last sentence, Article 22(1)(ii), last sentence, Article 25(1)(b), penultimate sentence, Article 41(1)(c) and (d), Article 46(4), Article 46a(3), Article 50, Article 52(b), last sentence, Article 55(1)(ii), last sentence, Article 70(1), first subparagraph, Article 71(1)(a)(ii) and (b)(ii), penultimate sentence;

INITIAL PROPOSAL

AMENDED PROPOSAL

(b) implementing Regulation: Article 34(1), (4) and (5);
the rate for the conversion into a currency of amounts denominated in another currency shall be the rate calculated by the Commission and based on the monthly average, during the reference period specified in paragraph 2, of reference rates of exchange of currencies published by the European Central Bank.'

(b) Paragraph 3 is deleted.

Article 3

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

Article 1, as far as the changes to Section E. France of Annex IV, Part C and Annex VI to Regulation (EEC) No 1408/71 are concerned, shall apply as from 1 January 2000.

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

Unchanged

ANNEX

Annexes IV and VI to Regulation (EEC) No 1408/71 are amended as follows:

Annexes IIa, IV and VI to Regulation (EEC) No 1408/71 are amended as follows:

1. In Annex IV, Part C, Section 'E. FRANCE', the word 'None' is replaced by the following:

'All applications for pension benefits or survivor's benefits under supplementary pension schemes for employees.'

1. In Annex IIa, Section 'O. UNITED KINGDOM', indents (c) and (g) are amended as follows:

'(c) Working Families' Tax Credit (Social Security Contributions and Benefits Act 1992, section 123(1)(b), Social Security Contributions and Benefits (Northern Ireland) Act 1992, section 122(1)(b), and Tax Credits Act 1999).

(g) Disabled Persons' Tax Credit (Social Security Contributions and Benefits Act 1992, section 123(1)(c), Social Security Contributions and Benefits (Northern Ireland) Act 1992, section 122(1)(c), and Tax Credits Act 1999).'

2. In Annex IV, Part C, Section 'E. FRANCE', the word 'None' is replaced by the following:

'All applications for pension benefits or survivor's benefits under supplementary pension schemes for employees, with the exception of applications for old-age pensions or surviving partner's pensions or surviving partner's pension under the supplementary pension scheme for flying personnel employed in civil aviation.'

INITIAL PROPOSAL

AMENDED PROPOSAL

2. Annex VI is amended as follows:

(a) Section 'E. FRANCE' is amended as follows:

(i) In point 3, the following indent is added:

'— The preceding conditions also hold good when applying to other Member States' nationals the provisions which allow a French employed worker pursuing his activity outside France to voluntarily join a French supplementary pension scheme for employed workers either directly or via his employer.'

(ii) Point 5 is replaced by the following:

'5. For the calculation of the theoretical amount referred to in Article 46(2)(a) of the Regulation, in basic or complementary schemes in which old-age pensions are calculated on the basis of retirement points, the competent institution shall take into account, in respect of each of the years of insurance completed under the legislation of any other Member State, the number of retirement points arrived at by dividing the number of retirement points acquired under the legislation it applies by the number of years corresponding to these points.'

(iii) The following point 9 is added:

'9. The French legislation applicable to an employed worker or a former employed worker for the purposes of applying Chapter 3 of Title III of the Regulation is deemed to apply both to the basic old-age insurance scheme(s) and to the supplementary pension scheme(s) to which the person concerned has been subject.'

(b) In Section 'K. AUSTRIA', the following point 7 is added:

'7. Special assistance under the Special Assistance Act (SUG) of 30 November 1973 shall be considered as an old-age pension for the purposes of applying the Regulation'.

(c) In Section 'N. SWEDEN', point 1 is replaced by the following:

'1. For the application of Article 72 of the Regulation, a person's entitlement to parental benefit shall be determined by regarding employment periods completed in another Member State as being based on the same average income as the Swedish employment periods with which they are aggregated.'

3. Annex VI is amended as follows:

Unchanged

Proposal for a Decision of the European Parliament and of the Council concerning the multiannual framework programme 2002-2006 of the European Community for research, technological development and demonstration activities aimed at contributing towards the creation of the European Research Area

(2001/C 180 E/11)

(Text with EEA relevance)

COM(2001) 94 final — 2001/0053(COD)

(Submitted by the Commission on 26 February 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 166(1) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty

Whereas:

- (1) Article 163 of the Treaty gives the Community the objective of strengthening the scientific and technological bases of Community industry and encouraging it to become more competitive at international level, while promoting research activities deemed necessary by virtue of other Community policies.
- (2) Pursuant to Article 165 of the Treaty, the Community and its Member States are required to coordinate their research and technological development activities so as to ensure that national policies and Community policy are mutually consistent.
- (3) Article 166 of the Treaty provides for the adoption of a multiannual framework programme setting out all Community research, technological development and demonstration (RTD) activities.
- (4) In 2000 the Commission submitted two communications, respectively on the prospects for and the objectives of creating a European Research Area ⁽¹⁾, and on making a reality of the European Research Area and guidelines for EU research activities in the period 2002-2006 ⁽²⁾. In 2000 the Commission also submitted a communication on 'Innovation in a knowledge-driven economy' ⁽³⁾.

(5) The European Councils in Lisbon in March 2000 and Santa Maria de Feira in June 2000 adopted conclusions aimed at the rapid establishment of a European research and innovation area with a view to job creation and economic growth.

(6) The European Parliament ⁽⁴⁾ ⁽⁵⁾, the Council ⁽⁶⁾ ⁽⁷⁾, the Economic and Social Committee ⁽⁸⁾ and the Committee of the Regions ⁽⁹⁾ have also supported the creation of the European Research Area.

(7) On 19 October 2000 the Commission submitted the conclusions of the external assessment of the implementation and results of the Community activities carried out in the five years preceding that assessment, accompanied by its observations ⁽¹⁰⁾.

(8) It is therefore necessary to adopt a framework programme for the period 2002-2006 capable of exercising a structuring effect on research and technological development in Europe and making a significant contribution to bringing about the European Research Area.

(9) In accordance with Article 166(1) of the Treaty, it is necessary to set the scientific and technological objectives and priorities for the activities envisaged, the maximum overall amount, the detailed rules for the Community's financial participation in the programme for the period 2002-2006, as well as the respective shares for each of the activities envisaged, and to indicate the broad lines of the activities in question, while respecting the objective of protecting the financial interests of the Community.

(10) The Joint Research Centre is called on to contribute to the implementation of the framework programme, in particular in those areas in which it can offer objective and independent expertise and in which it can play a role in the implementation of other Community policies.

⁽⁴⁾ Resolution of 18 May 2000 PE 290.465, p. 48.

⁽⁵⁾ Resolution of 15 February 2001.

⁽⁶⁾ Resolution of 15 June 2000, OJ C 205, 19.7.2000, p. 1.

⁽⁷⁾ Resolution of 16 November 2000, OJ C 374, 28.12.2000, p. 1.

⁽⁸⁾ Opinion of 24 May 2000, OJ C 204, 18.7.2000, p. 70.

⁽⁹⁾ Opinion of 12 April 2000, OJ C 226, 8.8.2000, p. 18.

⁽¹⁰⁾ COM (2000) 659 final, 19.10.2000.

⁽¹⁾ COM(2000) 6 final, 18.1.2000.

⁽²⁾ COM(2000) 612 final, 4.10.2000.

⁽³⁾ COM(2000) 567 final, 20.9.2000.

- (11) Research activities carried out within the framework programme should respect fundamental ethical principles, notably those which appear in the Charter of Fundamental Rights of the European Union.
- (12) Following the Commission Communication 'Women and Science' ⁽¹⁾ and the Resolutions of the Council ⁽²⁾ and the European Parliament ⁽³⁾ on this theme, an action plan is being implemented in order to reinforce and increase the place and role of women in science and research.
- (13) The Commission should submit regular progress reports on the implementation of the framework programme for 2002-2006 and, in good time and before submitting its proposal for the next framework programme, have an independent assessment carried out of the implementation of the activities undertaken,

HAVE DECIDED AS FOLLOWS:

Article 1

1. A multiannual framework programme for Community research, technological development and demonstration activities, hereinafter referred to as the 'framework programme 2002-2006' is hereby adopted for the period 2002-2006.

2. The framework programme 2002-2006 shall comprise all Community activities envisaged in Article 164 of the Treaty.

3. Annex I sets out the scientific and technological objectives and the related priorities and indicates the broad lines of the activities envisaged.

Article 2

1. The maximum overall amount for Community financial participation in the entire framework programme 2002-2006 shall be EUR 16,270 billion: the proportion assigned to each of the activities is fixed in Annex II.

2. The detailed rules for financial participation by the Community shall be governed by the Financial Regulation applicable to the General Budget of the European Communities, supplemented by Annex III.

Article 3

All the research activities carried out under the framework programme 2002-2006 must be carried out in compliance with fundamental ethical principles.

Article 4

Progress with implementing the framework programme 2002-2006, and in particular progress towards achieving its objectives and meeting its priorities, shall be presented in detail in the report to be published by the Commission each year pursuant to Article 173 of the Treaty.

Article 5

Before submitting its proposal for the next framework programme, the Commission shall have an assessment carried out by independent high-level experts of the implementation of Community activities during the five years preceding that assessment. The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions.

Article 6

The framework programme 2002-2006 is open to the participation of:

- the EEA countries, in accordance with the conditions established in the EEA agreements;
- the central and eastern European candidate countries (CEEC), in accordance with the conditions established in the Europe Agreements, in the additional protocols thereto and in the decisions of the respective Association Councils;
- Cyprus, Malta and Turkey, on the basis of bilateral agreements to be concluded with these countries;
- Switzerland and Israel, on the basis of bilateral agreements to be concluded with these countries.

⁽¹⁾ COM(1999) 76.

⁽²⁾ Resolution of 20 May 1999, OJ C 201, 16.7.1999.

⁽³⁾ Resolution of 3 February 2000, PE 284.656.

ANNEX 1

SCIENTIFIC AND TECHNOLOGICAL OBJECTIVES AND BROAD LINES OF THE ACTIVITIES

Activities under the framework programme for research and technological development (2002-2006) will be carried out in accordance with the three general objectives set out in the Treaty:

- strengthening the scientific and technological bases of Community industry;
- encouraging it to become more competitive;
- promoting research activities deemed necessary by virtue of other Chapters of the Treaty.

In order to achieve these objectives more effectively, the framework programme will be restructured around three targets:

1. integrating European research;
2. structuring the European Research Area;
3. strengthening the foundations of the European Research Area.

The activities carried out in order to achieve the last two targets are intended to structure various dimensions of the European Research Area that are closely connected with research and constitute its environment, as well as helping to establish or consolidate the foundations underpinning its operation. They will therefore be implemented across the whole field of science and technology.

The activities carried out to further the first objective, which will represent the bulk of the efforts deployed under the framework programme, are intended to integrate research efforts and activities on a European scale. They will be carried out:

- in a limited number of priority thematic areas exclusively by means of strongly integrating and powerful instruments: networks of excellence, integrated projects and EU participation in national research programmes implemented jointly pursuant to Article 169 of the Treaty;
- in areas related to the anticipation of EU science and technology needs in the form of certain specific needs of EU policies or new emerging needs;
- in the field of science and technology as a whole in the case of complementary research activities for SMEs.

International cooperation activities will be an integral part of the activities carried out under the first target of the framework programme. They may take the form:

- in the priority thematic areas:
 - of initiatives aimed at securing for Europe a leading role in international research efforts on global issues, and ensuring a coherent contribution by Europe to these;
 - of integrated bilateral cooperation activities with third countries ⁽¹⁾ or groups of third countries;
 - of participation of third country researchers and organisations in projects and networks in areas of particular interest to those countries.
- as regards anticipating EU science and technology needs, of specific cooperation activities with certain third countries or groups of third countries.

As a fundamental and general principle, the rule of support on the basis of competitive calls for proposals and the evaluation of the scientific and technological quality of those proposals by means of peer review will be used to implement the bulk of the activities under the framework programme.

⁽¹⁾ Third countries: countries that are not members of the EU and are not associated with the Framework Programme. The countries associated with the Framework Programme, whose organisations and researchers can, by virtue of this, participate in Framework Programme activities under the same conditions as those of the Member States of the EU are: the European Economic Area countries, the candidate countries, Switzerland and Israel.

1. INTEGRATING EUROPEAN RESEARCH

1.1. **Priority thematic areas of research**

The activities carried out under this part of the framework programme are intended to assemble a critical mass of resources and support a high level of integration of research capacities in Europe in areas in which this is especially necessary on account of the particular importance of those areas for the competitiveness of European industry or the major political and social implications of the issues in question.

Seven priority thematic areas have been selected.

1.1.1. **Genomics and biotechnology for health**

Objective

The activities carried out in this area are intended to help Europe exploit, by means of an integrated research effort, breakthroughs achieved in decoding the genomes of living organisms, more particularly for the benefit of public health and citizens and to increase the competitiveness of the European biotechnology industry.

Justification of the effort and European added value

'Post-genomic' research based on analysis of the human genome and genomes of model (animal, plant and microbial) organisms, will culminate in numerous applications in various sectors, and notably in the development of new diagnostic tools and new treatments capable of helping to combat diseases that are not at present under control, offering major potential markets.

However, this work requires considerable and sustained financial outlay. In the United States, public and private spending on post-genomic research is rising steadily and significantly: nearly 2 billion dollars of public-sector funding per annum, essentially managed by the NIH ⁽¹⁾ (the total budget for which will increase by 14,4 % in 2001) and twice as much industrial funding.

Europe's spending on research is at present much lower and less coherent. The launching of publicly funded research programmes on post-genome research in several Member States is a big step in the right direction. All in all, however, the efforts made are inadequate and dispersed.

European industry also spends much less on research than US industry does: 70 % of genomics companies are located in the United States and a substantial and increasing proportion of European private-sector investment is made in that country.

To enable the EU to improve its position in this area and benefit fully from the economic and social spin-offs of the expected developments, it is necessary both to increase investment significantly and integrate the research activities conducted in Europe within a coherent effort.

Actions envisaged

The Community activities carried out to this end will address the following aspects:

- Fundamental knowledge and basic tools for functional genomics:
 - gene expression and proteomics;
 - structural genomics;
 - comparative genomics and population genetics;
 - bioinformatics;
- Application of knowledge and technologies in the field of genomics and biotechnology for health:
 - technological platforms for the development of new diagnostic, prevention and therapeutic tools;
 - support for innovative research in genomics start-up companies.
- Application of medical genomics knowledge and technologies in the following fields:
 - combating cancer, degenerative diseases of the nervous system, cardiovascular diseases and rare diseases;

⁽¹⁾ National Institutes of Health

- combating resistance to drugs;
- studying human development, the brain and the ageing process.

A broader approach will be pursued with regard to combating the three poverty-linked infectious diseases (Aids, malaria and tuberculosis) which have priority in terms of disease control at EU and international level.

1.1.2. **Information Society technologies**

Objective

The activities carried out in this area, pursuant to the conclusions of the Lisbon European Council and the objectives of the *e*-Europe initiative, are intended to stimulate the development in Europe of technologies and applications at the heart of the creation of the Information Society in order to increase the competitiveness of European industry and allow European citizens in all EU regions the possibility of benefiting fully from the development of the knowledge-based society.

Justification of the effort and European added value

At the dawn of the 21st century, information and communication technologies are revolutionising the functioning of the economy and society, and are generating new ways of producing, trading and communicating. The effort devoted to these technologies in Europe is still insufficient, particularly when compared with the United States. In that country, public and private sector funding combined is three times as much for this sector as the corresponding spending in Europe.

This has become the EU's second most important sector of the economy, with an annual market of EUR 2 000 billion and employing more than 2 million persons in Europe, a number that is steadily rising.

Industrial and commercial successes of the kind that Europe has achieved in mobile communications as a result of the GSM standard will not be repeated unless a concerted effort is made to invest a critical mass of research resources in this area, by integrating public and private sector efforts on a European scale.

The objective of ambient intelligence

With a view to exerting maximum impact in economic and social terms, effort should focus on the future generation of those technologies in which computers, interfaces and networks will be more integrated into the everyday environment and will render accessible, through easy and 'natural' interactions, a multitude of services and applications. This vision of 'ambient intelligence' seeks to place the user, the human being, at the centre of the future development of the knowledge-based society.

Community actions will concentrate on the technological priorities that will make it possible to realise this vision. They will aim at mobilising the community of researchers around targeted initiatives, such as the development of the next generations of mobile communication systems, so as to achieve medium and long-term objectives while being able to react to the new needs and demands of markets as well as public policy.

Actions envisaged

The actions undertaken will therefore address the following technological priorities:

Integrating research into technological areas of priority interest for citizens and businesses.

Completing and building on progress expected in the development of basic technologies, research aimed at finding solutions for major societal and economic challenges and, accordingly, focusing on:

- ambient intelligence systems offering access to the information society for all, whatever their age and situation, as well as interactive and intelligent systems for health, mobility, security, leisure, preservation of the cultural heritage and environmental monitoring;
- electronic and mobile commerce, as well as technologies for secure transactions and infrastructures, new tools and new methods of work, technologies for learning and systems for corporate knowledge management, for integrated business management and for *e*-government;

- large-scale distributed systems and platforms, including GRID-based systems that provide effective solutions to complex problems in areas such as the environment, energy, health, transport and industrial design.

Communication and computing infrastructures

Information access, transmission, storage, distribution and location systems intended to meet the growing needs for the connectivity and processing of information, with the research effort relating to communication and computing infrastructure addressing as a matter of priority:

- the new generations of wireless and mobile communications systems and networks; satellite communications systems; all-optical technologies; integration and management of communication networks; capacity-enhancing technologies necessary for the development of systems, infrastructures and services, in particular for audiovisual applications;
- software technologies and architectures assuring multifunctional services and distributed systems; engineering and control of complex and large-scale systems to ensure reliability and robustness.

Components and microsystems

Miniaturised and low-cost components based on new materials and integrating extended functionalities, with the effort focusing on:

- the design and production of micro- and opto-electronic and photonic components,
- nanoelectronics, microtechnologies and microsystems, and multidisciplinary research into new materials and quantum devices; new computing models and concepts.

Information management and interfaces

Research into information management tools and interfaces, with a view to enabling easier interaction everywhere and at all times with knowledge-based services and applications, addressing:

- knowledge representation and management systems based on context and semantics, including cognitive systems, as well as tools for creating, organising, sharing and disseminating digital content;
- multisensorial interfaces capable of understanding and interpreting the natural expression of human beings through words, gestures and the various senses, virtual environments, as well as multilingual and multicultural systems indispensable to the establishment of the knowledge-based society on a European scale.

1.1.3. Nanotechnologies, intelligent materials, and new production processes

Objective

The activities carried out in this area are intended to help Europe achieve a critical mass of capacities needed to develop and exploit, especially for greater eco-efficiency, leading-edge technologies for the knowledge- and intelligence-based products, services and manufacturing processes of the years to come.

Justification of the effort and European added value

Manufacturing industry in Europe at present produces goods and services valued at around EUR 4 000 billion a year. In an increasingly competitive world market, it must maintain and increase its competitiveness while meeting the requirements of sustainable development. To do so, it is necessary to put substantial effort into the design, development and dissemination of advanced technologies: nanotechnologies, knowledge-based materials and new production processes.

Lying at the frontier of quantum engineering, materials technology and molecular biology, and one of the foreseeable hubs of the next industrial revolution, nanotechnologies are attracting considerable investment on the part of the EU's competitors (500 million dollars of public funding in 2001 in the United States, i.e. twice as much as current spending there and five times as much as Europe spends at present).

Europe has significant expertise in certain sectors such as nanomanufacturing and nanochemistry, and needs to increase and coordinate its investment effort in this area.

Where materials are concerned, the aim is to develop intelligent materials which are expected to add considerable value in terms of applications in sectors such as transport, energy and the biomedical sector and for which there is a potential market of several tens of billions of euros.

The development of flexible, integrated and clean production systems will also require a substantial research effort concerning the application of new technologies to manufacturing and management.

A c t i o n s e n v i s a g e d

Nanotechnologies:

- long-term interdisciplinary research into understanding phenomena, mastering processes and developing research tools;
- supramolecular architectures and macromolecules;
- nano-biotechnologies;
- nanometre-scale engineering techniques to create materials and components;
- development of handling and control devices and instruments;
- applications in areas such as health, chemistry, energy, optics and the environment.

Intelligent materials:

- development of fundamental knowledge;
- technologies associated with the production and transformation of new materials;
- support engineering.

New production processes:

- the development of flexible and intelligent manufacturing systems incorporating advances in virtual manufacturing technologies, interactive decision-aid systems and high-precision engineering;
- systems research needed for waste management and hazard control;
- development of new concepts optimising the life-cycle of industrial systems, products and services.

1.1.4. **Aeronautics and space**

O b j e c t i v e

The aim of activities carried out in this area is two-fold: to consolidate, by integrating its research efforts, the position of the European aerospace industry vis-à-vis increasingly strong world competition; and to help exploit the potential of European research in this sector with a view to improving safety and environmental protection.

J u s t i f i c a t i o n o f t h e e f f o r t a n d E u r o p e a n a d d e d v a l u e

The aerospace industry consists of two technologically and economically separate sectors but they are closely associated on account of their industrial and political implications and the stakeholders involved and they are examples of European economic and commercial success stories. However, US investment in aerospace is three to six times higher, depending on the sector.

In an increasingly demanding competitive environment, foreseeable aviation requirements worldwide correspond to some 14 000 new aircraft over the next 15 years, representing a market worth EUR 1 000 billion. The efforts made to integrate industrial capacities and development activities which have brought about European successes in this area now need to be matched by similar efforts to integrate research into priority themes and subjects.

With this aim in view, the 'Vision for 2020' ⁽¹⁾ report of eminent European personalities in this sector of industry recommends optimising European, national and private sector research efforts around a common vision and a strategic research agenda.

⁽¹⁾ 'European Aeronautics: A Vision for 2020' (Report of the Group of Personalities).

On space, following on from the Commission's communication 'Europe and space: Turning to a new chapter' ⁽¹⁾, the EU will support research designed to make use of space for the benefit of markets and society.

A c t i o n s e n v i s a g e d

Aeronautics

Community aeronautical research activities will address research and technological development activities necessary to:

- increase the competitiveness of the European industry with regard to commercial aircraft, engines and equipment;
- reduce environmental nuisances and loads (CO₂ and NO_x emissions, noise);
- increasing aircraft safety in the context of the substantial rise in air traffic;
- increase the capacity and safety of the aviation system, in support of a 'Single European Sky' (air traffic control and management systems).

Space

Community space activities carried out in close coordination with the ESA, the other space agencies and industry, in order to strengthen the coherence of the very major investment involved, will address the implementation of:

- the Galileo satellite navigation project;
- the GMES platform for monitoring for environment and security;
- advanced research needed to integrate the space segment and the Earth segment in the field of communications.

1.1.5. **Food safety and health risks**

O b j e c t i v e

The activities carried out in this area are intended to help establish the integrated scientific and technological bases needed to develop a system of production and distribution of safe and healthy food and control food-related risks, relying in particular on biotechnology tools, as well as health risks associated with environmental changes.

J u s t i f i c a t i o n o f t h e e f f o r t a n d E u r o p e a n a d d e d v a l u e

The recent food crises, and in particular BSE, have highlighted both the complexity of food safety issues and the fact that in most cases they have international and cross-border implications. The integration of the European internal market as regards agriculture and food makes it necessary to address the problems that arise in this area, and hence to carry out related research, on a European scale. It is against this background that the European Food Authority will shortly be established.

Citizens and consumers expect that research will help to guarantee that the food and products marketed are safe and healthy and can be consumed in total safety.

This requires the availability of the most complete, precise and up to date scientific knowledge. Apart from the public health aspect, the prosperity of a sector representing some EUR 600 billion in terms of annual turnover and 2,6 million jobs is at stake.

Europe also needs to be able to make a substantial contribution to the research efforts on these issues, which now arise at world level, as well as a coherent contribution to the international debate on them, based on the most precise and complete knowledge.

The same remarks apply to the various aspects of the problems associated with the health impact of environmental changes which are a source of growing concern for European citizens, and which often manifest themselves on an international scale. For all these reasons, but also in order to derive the benefit of the combination of the best sources of expertise available in complex areas, the research in question should be carried out at European level in such a way as to ensure genuine coordination of national activities.

⁽¹⁾ COM(2000) 597.

A c t i o n s e n v i s a g e d

Community activities will cover research relating to various aspects of the control of health risks and links between health and food:

- methods of analysis and detection of chemical contaminants and pathogenic micro-organisms (viruses, bacteria, parasites, and new agents of the prion type);
- impact of animal feed, and the use of sub-products of different origins for that feed, on human health;
- 'traceability' processes, in particular relating to genetically modified organisms, including those based on recent biotechnology developments;
- safer production methods and healthier foodstuffs, including those based on biotechnologies and on organic farming processes;
- epidemiology of food-related diseases and genetic susceptibilities;
- impact of food, and in particular products containing genetically modified organisms, on health;
- environmental health risks, with emphasis being placed on cumulative risks, transmission routes to human beings, long-term effects and exposure to small doses, as well as the impact on particularly sensitive groups, and especially children.

1.1.6. **Sustainable development and global change** ⁽¹⁾

O b j e c t i v e

The activities carried out in this area are intended to strengthen the scientific and technological capacities needed for Europe to be able to implement sustainable development and make a significant contribution to the international efforts to understand and control global change and preserve the equilibrium of ecosystems.

J u s t i f i c a t i o n o f t h e e f f o r t a n d E u r o p e a n a d d e d v a l u e

The global implementation of sustainable development requires more particularly:

- the design, development and dissemination of technologies making it possible to ensure more rational use of natural resources, less waste production and a reduction in the impact of economic activity on the environment;
- a better understanding of the mechanisms of global change, and in particular climate change and our related forecasting capacities.

Where technology is concerned, as highlighted in the Commission Green Paper 'Towards a European strategy for the security of energy supply' ⁽²⁾, two areas concerned as a matter of priority are energy and transport, which are responsible for over 80 % of total emissions of greenhouse gases and more than 90 % of CO₂ emissions.

Under the Kyoto Protocol, the EU is required to reduce its greenhouse gas emissions by 8 % compared with the 1990 levels in the period 2008-2012.

Achieving this objective in the short term requires a major large-scale effort to deploy technologies currently under development.

Above and beyond this objective, the long-term implementation of sustainable development in the coming decades makes it necessary to ensure the availability, under economic conditions, of the most appropriate energy sources and carriers in this respect. This will require a sustained longer-term research effort.

Medium and long-term research efforts will also be necessary to develop the sustainable European transport system that is likely to be mentioned as a priority objective for the EU in the White Paper on the Common Transport Policy currently being prepared by the Commission.

On the study of climate change, the efforts made today at world level represent some EUR 2 billion per annum. Europe spends EUR 500 million compared with EUR 900 million in the case of the United States.

⁽¹⁾ The priority objectives for nuclear research are set out in the Annex 'Scientific and technological objectives' of the proposal for the Euratom Framework Programme.

⁽²⁾ COM(2000) 769.

The European Union is a party to the international agreements in the various areas associated with global change such as the Kyoto Protocol on Climate change and the UN Conventions on Biodiversity and Desertification. It has a duty to make a substantial and coherent contribution to the efforts made through the major international research programmes on these themes.

Action by the Community can help to ensure this vital coordination of Europe's contribution to the world effort.

A c t i o n s e n v i s a g e d

Technologies for sustainable development

The Community's effort in the short and medium term will concentrate on a limited number of large-scale actions in the following areas:

- renewable energy sources, energy savings and energy efficiency, especially in the urban environment, as well as clean transport, with the development of new vehicle concepts in particular for road transport, as well as the development of alternative motor fuels;
- intelligent transport, especially in the form of technologies making possible a rebalancing as well as the integration and increasing intermodality of different modes of transport, for example by means of innovations in the management of the logistic chain (in particular containers).

Turning to the longer term, activities will concentrate as a matter of priority on:

- fuel cells for stationary applications and in transport;
- hydrogen technology;
- new concepts in solar photovoltaic technologies and advanced uses of biomass.

Global change

Community activities will address the following aspects as a matter of priority:

- impact and mechanisms of greenhouse gas emissions on climate and carbon sinks (oceans, forests and soil);
- water cycle;
- biodiversity, protection of genetic resources, operation of terrestrial and marine ecosystems and interactions between human activities and the latter;
- mechanisms of desertification and natural disasters connected with climate change;
- global climate change observation systems.

1.1.7. **Citizens and governance in the European knowledge-based society**

O b j e c t i v e

The activities carried out in this area are intended to mobilise in a coherent effort, in all their wealth and diversity, European research capacities in economic, political, social and human sciences with a view to understanding and addressing issues related to the emergence of the knowledge-based society and new forms of relationships between its citizens and institutions.

J u s t i f i c a t i o n o f t h e e f f o r t a n d E u r o p e a n a d d e d v a l u e

At the European Councils in Lisbon in March 2000 and Nice in November 2000, the European Union set itself the ambitious objective of becoming 'the most competitive and dynamic knowledge-based economy in the world, capable of sustained economic growth providing more and better jobs and greater social cohesion'.

In this perspective, the European Council in Lisbon underlined that 'human resources are Europe's main strength', stressing the need for Europe's education and training systems to 'adjust both to the needs of the knowledge-based society and to the need to raise the level of employment and improve quality'.

Europe's transition towards a knowledge-based economy and society, and its sustainable development in the interests of the quality of life of all citizens will be all the easier if it takes place in a way which is properly understood and managed. This requires a substantial research effort concerning the issues of integrated and sustainable economic and social progress based on the fundamental values of justice and solidarity which characterise the European model of society. In this respect, economic, political, social and human sciences research should more particularly help to ensure the harnessing and exploitation of an exponentially increasing quantity of information and knowledge and an understanding of the processes at work in this area.

In Europe, this issue arises in particular in connection with the functioning of democracy and new forms of governance, and in the general context of this. What is at stake is the relationship between citizens and institutions in a complex political and decision-making environment characterised by the coexistence of national, regional and European decision-making levels and the increasing role of civil society and its representatives in the political debate.

Issues such as these have a clear and intrinsic European dimension, and there is much to be gained by examining them from a global perspective.

This European dimension is only just starting to be taken into account in research conducted at national level, and is not yet receiving all the attention that it requires.

It seems highly appropriate to address these aspects on the European scale. What is more, action taken at EU level will make it possible to ensure the requisite degree of methodological coherence and guarantee that full benefit is derived from the rich variety of approaches existing in Europe and European diversity.

A c t i o n s e n v i s a g e d

Action by the Community will focus on the following themes:

Knowledge-based society

- improving the production, transmission and utilisation of knowledge in Europe;
- options and choices for the development of a knowledge-based society serving the EU objectives set at the Lisbon and Nice European Councils, in particular as regards improving the quality of life, employment and labour market policies, life-long education and training, and strengthening social cohesion and sustainable development;
- variety of transition dynamics towards the knowledge-based society at local, national and regional level.

Citizenship, democracy and new forms of governance

- consequences of European integration and enlargement of the EU for democracy, the concept of legitimacy, and the functioning of the institutions;
- redefinition of areas of competence and responsibility, and new forms of governance;
- security issues connected with the resolution of conflicts and restoration of peace and justice;
- emergence of new forms of citizenship and identities, forms and impact of cultural diversity in Europe.

In operational terms, Community activities will focus on support for:

- transnational research and comparative studies and the coordinated development of statistics and qualitative and quantitative indicators;
- interdisciplinary research in support of public policies;
- the establishment and exploitation on a European scale of research infrastructures and data and knowledge bases.

1.2. Anticipating the EU's scientific and technological needs

The activities carried out under this heading are intended to:

- respond to the scientific and technological needs of the policies of the Community and of the Union in all the areas corresponding to those policies, including the priority thematic areas which do not require recourse to the three major instruments used in the priority areas but which require specific actions and methods of intervention;

- respond flexibly and rapidly to emerging scientific and technological needs and major unforeseeable developments, as well as needs appearing at the frontiers of knowledge, more specifically in multithematic and interdisciplinary areas, including areas linked to the priority areas.

These activities will be carried out in the following areas and will address the following themes:

1.2.1. *Activities carried out on the basis of calls for proposals*

These will cover two non-exclusive categories of research:

- research necessary for the formulation, implementation and enforcement of Community and EU policies:
 - research in support of the implementation of common policies such as the common agricultural policy and the common fisheries policy;
 - research in support of EU policy objectives such as, for example, those set out in the 6th Environment Programme ⁽¹⁾ and the Green Paper 'Towards a European Strategy for the Security of Energy Supply' ⁽²⁾;
 - research in support of the objectives set for the EU by the European Council, for example the objectives set by the Lisbon and Feira European Councils with regard to economic policy, Information Society and e-Europe, enterprise, social policy and employment, education and training, including the requisite statistical methods and tools;
 - research necessary for other Community or EU policies in areas such as, for example, health, in particular public health, regional development, trade, external relations and development aid or justice and home affairs;
- research that responds to needs in new, interdisciplinary and multidisciplinary areas or areas at the leading edge of knowledge, especially in order to help European research cope with unexpected major developments, including in areas linked to the priority fields.

The activities carried out in these areas will be implemented under the following conditions, on the basis of the following principles and with the help of the following mechanisms:

- The activities concerned will essentially take the form of:
 - specific targeted projects generally of a limited scale carried out in partnerships of a size commensurate with the needs to be met;
 - the networking of research activities carried out at national level, where the existing capacities in the Member States need to be mobilised in order to achieve the objectives.

In certain duly justified cases, where the objectives in question can be better achieved by these means, limited use may be made of the instruments used in the priority thematic areas such as the networks of excellence or, where appropriate, the integrated projects.

- The choice of research topics, areas and subjects will be made by the Commission on the basis of assessment by an internal group of users, taking account of the opinion of an independent consultative body made up of high-level scientific and industrial experts.
- For the implementation of these activities, recourse may be had to a two-step mechanism: calls for expressions of interest open to any entity or organisation in the EU to identify needs precisely and then evaluate them; calls for proposals on themes selected on this basis.
- Of the projects judged to be of sufficient scientific and technical quality by peer review, the Commission will select those most likely to help support the policies it is responsible for implementing.
- In accordance with their spirit and objective, the activities carried out under this heading will be implemented on the basis of annual decisions.

⁽¹⁾ COM(2001) 31.

⁽²⁾ COM(2000) 769.

These activities will also comprise in particular:

— *Specific research activities for SMEs*

SMEs will participate in the framework programme essentially in the context of the activities carried out in the priority thematic areas.

Carried out in support of European competitiveness and enterprise and innovation policy, these specific actions are intended to help European SMEs in traditional or new areas to boost their technological capacities and develop their ability to operate on a European and international scale.

These actions, which may be carried out in the entire field of science and technology, will take the form of:

— *Collective research activities*

Large-scale medium-term research activities carried out by technical research centres for industrial associations or industry groupings in entire sectors of industry dominated by SMEs at the European level;

— *Cooperative research activities*

Research activities carried out by research centres for a number of SMEs in different European countries on themes of common interest or by high-tech SMEs in collaboration with research centres and universities;

— *Specific international cooperation activities:*

These specific activities, carried out in support of the EU's foreign policy and development aid policy, will be in the field of cooperation with, in particular:

— *Mediterranean third countries;*

— *Russia and the States of the CIS;*

— *Developing countries.*

1.2.2. **Joint Research Centre activities** ⁽¹⁾

In accordance with its mission of providing scientific and technical support for EU policies, the JRC will focus on priority themes relating to the formulation and implementation of sectoral policies. The activities carried out will have a strong European dimension, and will draw on a range of specific expertise.

These activities will be carried out by the JRC within its areas of specific competence, for which it has special or even unique facilities, as well as in the areas in which its impartiality in terms of national and private sector interests allows it to conduct as efficiently as possible research activities related to the formulation and implementation of Community policies, and the performance of the resulting tasks, some of which are the Commission's responsibility.

The JRC will carry out these activities in close cooperation and by networking with scientific circles, national research organisations and businesses in Europe.

The essential common denominator of the JRC's activities will be the safety of citizens in its different aspects: health, environment, nuclear safety, public security, combating fraud.

To these ends, two specific research areas have been selected (a third being covered by the activities to be carried out by way of Euratom actions):

— *Food, chemical products and health:*

Food safety and quality, in particular to combat BSE; genetically modified organisms; chemical products; biomedical applications (more particularly establishment of references in this area).

⁽¹⁾ The JRC's activities in the field of nuclear research are described in the Annex 'Scientific and technological objectives' to the proposal for a Euratom Framework Programme. The JRC will also carry out activities in connection with the structuring of the European Research Area, and will be able to participate in all the research activities under the Framework Programme carried out on the basis of calls for proposals in the priority areas and under the heading 'Anticipating the EU's scientific and technological needs'. It will carry out a limited amount of exploratory research in connection with those activities.

— *Environment and sustainability:*

Climate change (carbon cycle, modelling, impacts) and technologies for sustainable development (renewable energy sources, tools for the integration of policies); protection of the European environment; development of reference measurements and networks; technical support for the objectives of GMES.

Three types of activities of a general nature will also be carried out:

— *Technology foresight:*

Technological and economic foresight work based on the activities of European networks;

— *Reference materials and measurements⁽¹⁾:*

The Community Reference Bureau (BCR) and certified reference materials: validation and qualification of chemical measurement methods.

— *Public security and combating fraud:*

Detection of anti-personnel mines; prevention of natural and technological hazards; networks in support of cybersecurity in the EU; fraud control technologies.

2. STRUCTURING THE EUROPEAN RESEARCH AREA

2.1. **Research and innovation**

Objective

These activities are intended to stimulate technological innovation, utilisation of research results, transfer of knowledge and technologies and the setting-up of technology businesses in the Community and in all its regions.

Justification of the effort and European added value

Europe's comparatively poor ability to transform the results of research work and scientific and technological breakthroughs into industrial, economic and commercial successes is one of its most notable weaknesses. Actions to stimulate business innovation at European level can help to raise the overall level of Europe's performance and increase European capacities in this area, by helping businesses and innovators in their efforts to operate on a European scale and on international markets, and by giving stakeholders in all regions of the EU the benefit of the experience and knowledge acquired in other regions through initiatives undertaken at this level.

Actions envisaged

Activities will be carried out under this heading to complement activities relating to innovation included in those carried out under the heading 'Integrating research'.

These will be in the form of actions providing general support to innovation, complementing and in liaison with national and regional activities, with a view to increasing the coherence of efforts in this area.

The activities carried out in this area will take the form of support for:

- networking of stakeholders in the European innovation system and carrying out analyses and studies in order to promote exchanges of experience and good practice;
- actions to encourage transregional cooperation regarding innovation and support for the setting-up of technology businesses, as well as for the preparation of regional strategies in this area;
- actions to experiment with new tools and new approaches concerning technological innovation;
- establishment or consolidation of information services and in particular electronic services, such as Cordis, and assistance services relating to innovation (technology transfer, protection of intellectual property, access to risk capital);

⁽¹⁾ Metrology activities in the nuclear field are described in the Annex 'Scientific and technological objectives' to the proposal for a Euratom Framework Programme.

- economic and technological intelligence activities (analyses of technological developments, applications and markets and processing and dissemination of information which may help researchers, entrepreneurs, and in particular SMEs, and investors in their decision-making);
- analysis and evaluation of innovation activities carried out in the framework of Community research projects and exploitation of lessons which can be drawn from innovation policies.

Some of these activities will be carried out in liaison with those of the EIB (in particular by means of the EIF) under its 'Innovation 2000 Initiative' as well as the Structural Funds.

2.2. **Human resources and mobility**

Objective

The activities carried out under this heading are intended to support the development of abundant world class human resources in all the regions of the Community by promoting transnational mobility for training purposes, the development of expertise or the transfer of knowledge, in particular between different sectors; supporting the development of excellence; and helping to make Europe more attractive to third country researchers. This should be done with the aim of making the most of the potential offered by all sectors of the population, especially women, taking appropriate measures for this purpose.

Justification of the effort and European added value

Promoting transnational mobility is a simple, particularly effective and powerful means of boosting European excellence as a whole, as well as its distribution in the different regions of the EU. It creates opportunities for significantly improving the quality of the training of researchers, promotes the circulation and exploitation of knowledge, and helps to establish world-class centres of excellence that are attractive throughout Europe. EU level action in this area (as in human resources in general) leading to the attainment of critical mass will inevitably have a major impact.

Actions envisaged

These activities, which will be carried out in the whole field of science and technology, will take in particular the following forms:

- global support measures for universities, research centres, businesses and networks, for the hosting of European and third country researchers;
- individual support measures for European researchers for the purposes of mobility to another European or a third country, and for top-class third-country researchers wishing to come to Europe;
- mechanisms for return to the countries and regions of origin, as well as professional (re-)integration mechanisms, in particular linked to the granting of global and individual support;
- financial contribution to national or regional programmes in support of researcher mobility open to researchers from other European countries;
- support for European research teams of the highest level of excellence, more particularly for leading edge or interdisciplinary research activities;
- scientific prizes for work of excellence carried out by a researcher having received EU financial support for mobility.

2.3. **Research infrastructures**

Objective

The activities carried out under this heading are intended to help establish a fabric of research infrastructures of the highest level in Europe and to promote their optimum use on a European scale.

Justification of the effort and European added value

The development of a European approach with regard to research infrastructures, and the carrying out of activities in this area at EU level, can make a significant contribution to boosting European research potential and its exploitation: by helping to ensure wider access to the infrastructures existing in the different Member States and increasing the complementarity of the facilities in place; by promoting the development or establishment of infrastructures ensuring a service on a European scale, as well as optimum construction choices in European terms and in terms of regional technological development.

A c t i o n s e n v i s a g e d

These activities will be carried out in the whole field of science and technology, including in the priority thematic areas. The need for European research in all areas and disciplines to have a high-capacity and high-speed communication infrastructure (based more particularly on GRID-type architectures), as well as electronic publishing services, will in particular receive special attention. These activities, which will be defined and carried out using the scientific advice of the European Science Foundation in particular, will take the form of support for:

- transnational access to research infrastructures;
- implementing integrated activities, by means of European-scale infrastructures or consortia of infrastructures, making it possible to ensure the provision of services on a European scale and possibly covering, in addition to transnational access, the establishment and operation of cooperation networks, and the execution of joint research projects; raising the level of the performance of the infrastructures concerned;
- carrying out feasibility studies and work in preparation for the creation of new European scale infrastructures;
- optimising of European infrastructures by providing limited support for the development of new infrastructures. This support may supplement contributions from the EIB or the Structural Funds to the funding of these infrastructures; the feasibility studies should systematically explore the possibilities of such a contribution.

2.4. Science/society

O b j e c t i v e

The activities carried out under this heading are intended to encourage the development of harmonious relations between science and society and the opening-up of innovation in Europe as a result of the establishment of new relations and an informed dialogue between researchers, industrialists, political decision-makers and citizens.

J u s t i f i c a t i o n o f t h e e f f o r t a n d E u r o p e a n a d d e d v a l u e

Science/society issues need to a large extent to be addressed at European level on account of their strong European dimension. This is bound up with the fact that very often they arise on a European scale (as the example of food safety problems shows), with the importance of being able to benefit from the often complementary experience and knowledge required in the different countries and with the need to take into account the variety of views on them, which reflects European cultural diversity.

A c t i o n s e n v i s a g e d

In line with the Commission Staff Working Paper 'Science, Society and Citizens in Europe' ⁽¹⁾, the activities carried out in this area in the whole field of science and technology will particularly address the following themes:

- Bringing research closer to society: Science and governance; scientific advice; involvement of society in research; foresight;
- Ensuring that use of scientific and technological progress takes place in a responsible fashion: risk; expertise; implementing the precautionary principle; European reference system; ethics;
- Stepping up the science/society dialogue: new forms of dialogue; knowledge of science by citizens; young people's interest in scientific careers; women in science and research.

They will take the form of activities in support of:

- networking and establishment of structural links between the institutions and activities concerned at national, regional and European level;
- exchange of experience and good practice;
- carrying out specific research;

⁽¹⁾ SEC(2000) 1973.

- high-profile awareness-raising initiatives such as prizes and competitions;
- establishing data and information bases and carrying out studies, in particular statistical and methodological studies, on the different themes.

3. STRENGTHENING THE FOUNDATIONS OF THE EUROPEAN RESEARCH AREA

Objective

The activities carried out under this heading are intended to step up the coordination and to support the coherent development of research and innovation-stimulation policies and activities in Europe.

Justification of the effort and European added value

Making a reality of the European Research Area depends first and foremost on improving the coherence and coordination of research and innovation activities and policies conducted at national, regional and European level. Action by the Community can help to promote efforts to this end, as well as to lay the foundations in terms of the information, knowledge and analyses that are essential for the successful completion of this project.

Actions envisaged

These activities, to be carried out in the whole field of science and technology, will take the following forms:

- To step up the coordination of research activities carried out in Europe, at both national and European level, financial support for:
 - the mutual opening-up of national programmes;
 - networking of research activities conducted at national level;
 - scientific and technological cooperation activities carried out in other European cooperation frameworks, in particular the cooperation activities of the European Science Foundation;
 - collaboration and joint initiatives of specialised European scientific cooperation organisations such as CERN, EMBL, ESO and the ESA ⁽¹⁾.

These actions will be implemented in the general context of efforts undertaken to optimise the overall performance of European scientific and technological cooperation and ensure that its different components, including COST and Eureka, are complementary.

- In order to support the coherent development of research and innovation policies in Europe:
 - carrying out analyses and studies, and work relating to scientific and technological foresight, statistics and indicators;
 - setting-up and support for the operation of specialised working groups and forums for concertation and political debate;
 - support for work on the benchmarking of research and innovation policies at national, regional and European level;
 - support for carrying out work on the mapping of scientific and technological excellence in Europe;
 - support for carrying out the work needed to improve the regulatory and administrative environment for research and innovation in Europe.

⁽¹⁾ CERN: European Organisation for Nuclear Research; EMBL: European Molecular Biology Laboratory; ESO: European Southern Observatory; ESA: European Space Agency.

ANNEX II

MAXIMUM OVERALL AMOUNT, RESPECTIVE SHARES AND INDICATIVE BREAKDOWN

The maximum overall financial amount and the respective shares of the various activities as referred to in Article 164 of the EC Treaty are as follows:

| | EUR million |
|---|-----------------------|
| First activity ⁽¹⁾ : | 13 570 |
| Second activity ⁽²⁾ : | 600 |
| Third activity ⁽³⁾ : | 300 |
| Fourth activity ⁽⁴⁾ : | 1 800 |
| Maximum overall amount ^(*) | 16 270 |
| (*) Indicative breakdown: | |
| 1. Integrating research ⁽⁵⁾ ⁽⁶⁾ | 12 770 |
| — Genomics and biotechnology for health | 2 000 |
| — Information Society technologies | 3 600 |
| — Nanotechnologies, intelligent materials, new production processes | 1 300 |
| — Aeronautics and space | 1 000 |
| — Food safety and health risks | 600 |
| — Sustainable development and global change | 1 700 |
| — Citizens and governance in the European knowledge-based society | 225 |
| — Anticipating the EU's scientific and technological needs ⁽⁷⁾ | 2 345 |
| 2. Structuring the European Research Area | 3 050 |
| — Research and innovation | 300 |
| — Human resources | 1 800 |
| — Research infrastructures | 900 |
| — Science/society | 50 |
| 3. Strengthening the foundations of the European Research Area | 450 |
| — Support for the coordination of activities | 400 |
| — Support for the coherent development of policies | 50 |
| Total | 16 270 ⁽⁸⁾ |

⁽¹⁾ Covering the activities carried out under the heading 'Integrating research', with the exception of international cooperation activities; research infrastructures, and the theme 'Science/Society' carried out under the heading 'Structuring the European Research Area', and activities carried out under the heading 'Strengthening the foundations of European Research Area'.

⁽²⁾ Covering the international cooperation activities carried out under the heading 'Integrating research', in the priority areas and under the heading of anticipating the EU's scientific and technological needs.

⁽³⁾ Covering the specific activities on the theme 'Research and innovation' carried out under the heading 'Structuring the European Research Area' in addition to innovation activities carried out under the heading 'Integrating research'.

⁽⁴⁾ Covering the activities concerning human resources and support for mobility carried out under the heading 'Structuring the European Research Area'.

⁽⁵⁾ The aim is to allocate at least 15 % of the financial resources assigned to this heading to SMEs.

⁽⁶⁾ Including EUR 600 million in total for international cooperation activities.

⁽⁷⁾ Including EUR 715 million for JRC activities.

⁽⁸⁾ To which should be added the sum of EUR 1,230 million under the Euratom Framework Programme, broken down indicatively as follows: Treatment and storage of nuclear waste EUR 150 million; Controlled thermonuclear fusion EUR 700 million (of which EUR 200 million is foreseen for participation in the ITER project); other activities EUR 50 million; JRC activities EUR 330 million (of which EUR 110 million for the treatment and storage of waste).

ANNEX III

INSTRUMENTS AND DETAILED RULES FOR COMMUNITY FINANCIAL PARTICIPATION

To help bring about the European Research Area, the Community will contribute financially, under the specific programmes, to the research and technological activities, including demonstration activities, carried out in the priority thematic areas of the framework programme as well as in other areas and other themes in the field of science and technology.

The Community's financial contribution to these activities, which will incorporate measures to encourage innovation, will be carried out by means of a range of instruments described below.

1. INSTRUMENTS**1.1. Instruments to integrate research****1.1.1. Networks of excellence**

In the priority thematic areas of research under the framework programme, financial contribution to networks of excellence

Support to these networks is intended to promote excellence in Europe by means of a deep and lasting integration of excellence capacities existing in universities, research centres and industries in several Member States into a critical mass of expertise by creating 'virtual centres of excellence'.

Integration will be ensured by means of a joint programme of activities representing a substantial part of the activities of the entities networked. The entities will need to have or acquire the operational autonomy necessary to gradually integrate their activities with those of other entities.

The programmes of activities, representing an order of magnitude of several millions of euros per annum, will be defined on the basis of precise research themes and topics, but not on the basis of pre-defined objectives or results. Implementing them will entail the gradual integration of the work programmes in the areas concerned, a precise breakdown of activities, a significant volume of exchanges of personnel, and intensive use of electronic information and communication networks and virtual and interactive working methods. These programmes will necessarily and in a verifiable manner involve activities to manage, transfer and exploit the knowledge produced.

The networks of excellence will be selected on the basis of calls for proposals.

Opening up participation in the networks of excellence to researchers from other European countries than those of the associated entities will be encouraged by means of measures in support of mobility. Participation in the networks of excellence will in addition be open to third country organisations and European scientific cooperation organisations.

1.1.2. Integrated projects

In the priority thematic areas of research of the framework programme, financial contribution to integrated projects

These projects, representing an order of magnitude of up to several tens of millions of euros, will be carried out by consortia often involving intense university/industry collaboration.

The projects may cover 'risky' research and will in all cases have clearly defined objectives in terms of scientific and technological knowledge or products, processes or services. The integrated projects may in some cases be made up of clusters dedicated to different aspects of one and the same objective, integrated into a single action by industry and public sector research partners on the basis of a regularly updated timetable.

Carrying them out will necessarily and in a verifiable manner entail activities relating to dissemination, transfer and exploitation of knowledge as well as analysis and evaluation of the economic and social impact of the technologies concerned and the factors involved in their successful exploitation.

They will preferably be carried out on the basis of overall financing plans involving significant mobilisation of public and private sector funding, and recourse to other collaboration or funding schemes, in particular Eureka and the instruments of the EIB and the EIF.

The integrated projects will be selected on the basis of calls for proposals. Participation in them will be open to third country organisations and organisations for European scientific cooperation. There will be specific measures to encourage SME participation.

The networks of excellence and the integrated projects will be administered by the participants with a high level of autonomy. They will in particular have the possibility:

- of associating other partners with the activities that they undertake;
- of defining projects of limited scale as components of their programmes of activity and launching calls for proposals;
- of adapting the content of those programmes according to needs.

The implementation of the programmes of activities carried out by the networks of excellence and in the context of the integrated projects will be regularly evaluated.

1.1.3. **Participation in national programmes carried out jointly**

In the priority thematic areas of research of the framework programme, financial contribution to national programmes carried out jointly pursuant to Article 169 of the Treaty.

The programmes concerned will be clearly identified programmes implemented by governments or national research organisations. Their joint implementation will entail recourse to a specific implementation structure. This may be achieved by means of harmonised work programmes and common, joint or coordinated calls for proposals. In appropriate cases, the development or operation of common infrastructures may be involved.

The Community may contribute financially to the programmes carried out jointly. Where those programmes are open to other European countries, the Community may also support the participation of researchers, teams or institutions from those countries.

1.1.4. **Anticipating the EU's scientific and technological needs**

The instruments for implementing the activities carried out under the heading 'Anticipating the EU's scientific and technological needs' are described in Annex 1.

1.2. **Instruments to structure the European Research Area**

The instruments for implementing the activities carried out in the following areas are described in Annex 1:

- research and innovation;
- human resources and mobility;
- research infrastructures;
- science/society.

1.3. **Instruments to strengthen the foundations of the European Research Area**

The instruments for implementing the activities carried out under this heading are described in Annex 1.

2. **DETAILED RULES FOR FINANCIAL PARTICIPATION BY THE COMMUNITY**

The Community will contribute financially towards implementing the instruments defined below in compliance with the Community framework for State aid to research and development, as well as international rules in this area, and in particular the WTO Agreement on Subsidies and Countervailing Measures. It will need to be possible to adjust the scale and form of financial participation under the framework programme on a case-by-case basis, in particular if funding from other public sector sources is available, including other sources of Community financing such as the EIB and EIF.

In the case of participation of bodies from regions lagging in development, when a project receives the maximum intensity of co-financing authorised under the framework programme or an overall grant, an additional contribution from the Structural Funds, pursuant to Council Regulation (EC) No 1260/99⁽¹⁾, could be granted.

In the case of participation of bodies from the candidate countries, an additional contribution from the pre-accession financial instruments could be granted under similar conditions.

Financial participation by the Community will be granted in compliance with the principle of co-financing, with exception of financing for studies, conferences and public tenders. Depending on the nature of the different instruments, financial participation by the Community may be of an overall nature or take the form of a grant to the budgets for each of the steps in the implementation of the instruments.

⁽¹⁾ OJ L 161, 26.6.1999.

Financial participation by the Community will, as a general principle, be decided following open calls for proposals or invitation to tender procedures.

The Community may also contribute in the form of grants to the capital needed to develop research infrastructures.

The Commission will carry out the research activities in such a way as to ensure the protection of the Community's financial interests by means of effective controls and, if irregularities are detected, by means of dissuasive and proportionate penalties.

In the decisions adopting the specific programmes implementing this Framework Programme, there can be no derogations from the rules set out in the table below.

| Instruments | Financial participation by the Community under the framework programme |
|--|--|
| Integrating research ⁽¹⁾ | |
| 1. Financial contribution to networks of excellence. | The Community may award an overall grant on the basis of the results from implementation of a common programme of activities. |
| 2. Financial contribution to integrated projects. | The Community may award a grant to the budget of these projects corresponding to a maximum of 50 % of their total cost. |
| 3. Financial contribution to national programmes carried out jointly. | The Community may award a grant to the budget of jointly-executed activities corresponding to a maximum of 50 % of their total cost; it may cover on an overall basis the participation of third country researchers and organisations in the activities. |
| 4. Financial contribution to activities carried out in order to anticipate the EU's scientific and technological needs, including specific research activities for SMEs and specific international cooperation activities. | The Community may award a grant to the budget of these activities corresponding to a maximum of 50 % of their total cost and assume responsibility for the entire budget of the JRC. |
| Structuring the European Research Area | |
| 1. Financial contribution to activities to promote interaction between research and innovation. | The Community may award a grant for the budget for these activities. |
| 2. Financial contribution to the development of human resources and increased mobility. | The fellowships and support for excellence will be of a global nature. |
| 3. Financial contribution in support of research infrastructures. | The Community may award a grant to the budgets for the preparatory technical work, including feasibility studies, to a maximum of 50 % of their total cost; it may award an overall grant for transnational access and network development activities and, on the basis of the results, for the implementation of integrated initiatives; it may award a grant to the budgets for the development of new infrastructures corresponding to a maximum of 10 % of their total cost. |
| 4. Financial contribution towards the development of harmonious relations between science and society. | The Community may award a grant for the budgets for these initiatives. |
| Strengthening the foundations of the European Research Area | |
| 1. Financial contribution to coordination activities. | The Community may award a grant for the budgets for these activities. |
| 2. Financial contribution to measures in support of the coherent development of research policies. | The Community may award a grant for the budgets for these measures. |

⁽¹⁾ In the three categories of activities undertaken under 'Integrating research' Community funding can cover the participation of bodies and researchers from third countries.

Proposal for a Council Decision concerning the multiannual framework programme 2002-2006 of the European Atomic Energy Community (Euratom) for research and training activities aimed at contributing towards the creation of the European Research Area

(2001/C 180 E/12)

(Text with EEA relevance)

COM(2001) 94 final — 2001/0054(CNS)

(Submitted by the Commission on 26 February 2001)

THE COUNCIL OF THE EUROPEAN UNION,

of the Regions ⁽⁹⁾ have also supported the creation of the European Research Area.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 7 thereof,

(5) On 19 October 2000 ⁽¹⁰⁾ the Commission submitted the conclusions of an external assessment of the implementation and results of the Community activities carried out in the five years preceding that assessment, accompanied by its observations.

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

(6) It is therefore necessary to adopt a new framework programme for the period 2002-2006 aimed at making a contribution to bringing about the European Research Area.

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

Whereas:

(1) A multiannual framework programme covering all research activities, including demonstration and training activities in the field of nuclear energy, to be implemented by means of research and training programmes, may be adopted pursuant to Article 7 of the Treaty.

(7) The framework programme 2002-2006 sets out the scientific and technological objectives and priorities of the activities envisaged and indicates the broad lines of those activities which will be implemented in compliance with the objective of protecting the Community's financial interests.

(2) In 2000 the Commission submitted two communications, respectively on the prospects for and the objectives of creating a European Research Area ⁽¹⁾, and on making a reality of the European Research Area and guidelines for EU research activities in the period 2002-2006 ⁽²⁾. In 2000 the Commission also submitted a communication on 'Innovation in a knowledge-driven economy' ⁽³⁾.

(8) A financial reference amount within the meaning of point 34 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and improving the budgetary procedure ⁽¹¹⁾ is included in this Decision for the entire duration of the framework programme without thereby affecting the powers of the budgetary authority as defined in the Treaty.

(3) The European Councils in Lisbon in March 2000 and Santa Maria de Feira in June 2000 adopted conclusions aimed at the rapid establishment of a European Research and Innovation Area with a view to job creation and economic growth.

(9) The Joint Research Centre (JRC) is called on to help implement the framework programme, in particular in those areas in which it can offer objective and independent expertise and in which it can play a role in the implementation of other Community policies.

(4) The European Parliament ⁽⁴⁾, ⁽⁵⁾, the Council ⁽⁶⁾, ⁽⁷⁾, the Economic and Social Committee ⁽⁸⁾ and the Committee

(10) Research activities carried out within the framework programme should respect fundamental ethical principles, notably those which appear in the Charter of Fundamental Rights of the European Union.

⁽¹⁾ COM(2000) 6 final, 18.1.2000.

⁽²⁾ COM(2000) 612 final, 4.10.2000.

⁽³⁾ COM(2000) 567 final, 20.9.2000.

⁽⁴⁾ Resolution of 18 May 2000, PE 290.465, p. 48.

⁽⁵⁾ Resolution of 15 February 2001.

⁽⁶⁾ Resolution of 15 June 2000, OJ C 205, 19.7.2000, p. 1.

⁽⁷⁾ Resolution of 16 November 2000, OJ C 374, 28.12.2000, p. 1.

⁽⁸⁾ Opinion of 24 May 2000, OJ C 204, 18.7.2000, p. 70.

⁽⁹⁾ Opinion of 12 April 2000, OJ C 226, 8.8.2000, p. 18.

⁽¹⁰⁾ COM(2000) 659 final, 19.10.2000.

⁽¹¹⁾ OJ C 172, 18.6.1999, p. 1.

(11) Following the Commission Communication 'Women and Science' ⁽¹⁾ and the Resolutions of the Council ⁽²⁾ and the European Parliament ⁽³⁾ on this theme, an Action Plan is being implemented in order to boost and increase the place and role of women in science and research in Europe.

(12) It is appropriate that the Commission should submit regular progress reports on the implementation of the framework programme 2002-2006 and that it should have an independent assessment carried out concerning the implementation of the activities in good time and before submitting its proposal for the next framework programme.

(13) The Scientific and Technical Committee has been consulted by the Commission and has delivered its opinion,

HAS DECIDED AS FOLLOWS:

Article 1

1. A multiannual framework programme for research and training activities in the field of nuclear energy, hereinafter referred to as the 'framework programme 2002-2006' is hereby adopted for the period 2002-2006.

2. The framework programme 2002-2006 shall comprise all research, technological development, international cooperation, dissemination and exploitation activities as well as training in the following fields:

- treatment and storage of waste;
- controlled thermonuclear fusion;
- other Euratom activities;
- the Joint Research Centre's Euratom activities.

3. The Annex sets out the scientific and technological objectives and the related priorities and indicates the broad lines of the activities envisaged.

Article 2

1. The financial reference amount for the implementation of this framework programme for the period 2002-2006 shall be EUR 1 230 million, of which EUR 150 million for the treatment and storage of waste, EUR 700 million for controlled thermonuclear fusion, EUR 50 million for other Euratom activities, and EUR 330 million for the Joint Research Centre's Euratom activities.

2. The detailed rules for financial participation by the Community shall be governed by the Financial Regulation applicable to the General Budget of the European Communities, supplemented where appropriate by the research and training programme(s) which the Council will adopt in order to implement this Decision.

Article 3

All the research activities carried out under the framework programme 2002-2006 shall be carried out in compliance with fundamental ethical principles.

Article 4

Progress with implementing the framework programme 2002-2006, and in particular progress towards achieving its objectives and meeting its priorities, shall be presented in detail in the report to be published by the Commission each year pursuant to Article 7 of the Treaty.

Article 5

Before submitting its proposal for the next framework programme, the Commission shall have an assessment carried out by independent high-level experts of the implementation of Community activities during the five years preceding that assessment. The Commission shall communicate the conclusions thereof, accompanied by its observations, to the European Parliament, the Council and the Economic and Social Committee.

Article 6

The framework programme 2002-2006 is open to the participation of:

- the EEA countries, in accordance with the conditions established in the EEA agreements;
- the central and eastern European candidate countries (CEEC), in accordance with the conditions established in the Europe Agreements, in the additional protocols thereto and in the decisions of the respective Association Councils;
- Cyprus, Malta and Turkey, on the basis of bilateral agreements to be concluded with these countries;
- Switzerland and Israel, on the basis of bilateral agreements to be concluded with these countries.

⁽¹⁾ COM(1999) 76.

⁽²⁾ Resolution of 20 May 1999, OJ C 201, 16.7.1999.

⁽³⁾ Resolution of 3 February 2000, PE 284.656.

ANNEX

SCIENTIFIC AND TECHNOLOGICAL OBJECTIVES

1. PRIORITY THEMATIC AREAS OF RESEARCH

1.1. **Waste treatment and storage**

Nuclear fission energy today supplies 35 % of electricity in the EU. It is an element in the debate on how to combat climate change and reduce Europe's dependence on imported energy. The power plants at present in operation will continue to be operated for at least 20 years.

Looking to the longer term, new technologies for the safe exploitation of nuclear fission energy could be developed in order to meet European energy needs in the decades ahead in such a way as to take into account the requirements of sustainable development.

The exploitation of nuclear fission energy for energy production is now encountering the problem of waste, and more particularly the individual implementation of technical solutions for the management of long-lived waste.

European public and private sector research efforts with regard to nuclear waste treatment and storage technologies are significant. Through its coordination effects, EU action in this area makes it possible to assemble them into a critical mass and ensure the coherence of the guidelines adopted by the waste management organisations and industries concerned.

EU action will cover both the immediate problem of waste storage and the longer term question of reducing its impact. In this connection, it will address the following aspects:

- research into processes for long term storage in deep geological strata, with the networking of the activities carried out on various sites in the three main types of geological formations envisaged;
- research aimed at reducing the impact of waste, more particularly as a result of the development of new concepts for reactors producing less waste and the development of technologies to reduce the hazards associated with waste by means of partitioning and transmutation techniques.

1.2. **Controlled thermonuclear fusion**

Controlled thermonuclear fusion is one of the long term options for energy supply in conditions of sustainable development, in particular for the centralised supply of base-load electricity.

For reasons bound up with the complexity of fundamental knowledge in physics and the technological problems to be resolved, the developments needed for the possible application of fusion for energy production will necessarily take the form of a process in several steps each of which, possibly taking several tens of years, has an impact on the next.

The efforts deployed in the context of the integrated European research programme on controlled thermonuclear fusion implemented by the EU have enabled Europe to become a world leader in the field of research into fusion by magnetic confinement.

The progress made on the research and the results obtained, in particular with the European JET Tokamak, now make it possible to consider moving on to the 'Next Step': the production of a machine capable of producing fusion reactions in conditions comparable to that of an energy production reactor.

The completion of the preparatory work on the detailed design of the 'Next Step' in the context of the ITER international cooperation project makes it possible to take a decision about the launching of this project and the construction of the machine.

The objective of this will be to demonstrate the scientific and technological feasibility of fusion energy production. The precise arrangements for implementing the project will depend on the outcome of the negotiations at present under way in the framework of international cooperation and subsequent developments, more particularly the decisions taken concerning Europe's contribution to the ITER project and the site where the machine is to be installed. An appropriate legal framework will need to be established.

EU participation in the ITER initiative requires the implementation of an accompanying programme including the following elements:

- Operation of the JET machine in such a way as to derive benefit from the improvements currently being made, as well as possible participation in the research activities needed to complete the decommissioning of JET at the end of its life cycle.
- The continuation of research into fusion physics and technology, including: study and evaluation of alternative magnetic confinement formulas, with in particular the continuation of the construction of the Wendelstein 7-X 'stellarator' and operation of the existing installations in the Euratom Associations; coordinated activities regarding technological research, in particular research into materials for fusion.

Realising the 'Next Step' will mobilise significant human and financial resources. The current efforts of Euratom's European partners with regard to fusion should be adjusted accordingly, once a decision is taken about the construction of ITER.

2. OTHER ACTIVITIES IN THE FIELD OF NUCLEAR SAFETY AND SAFEGUARDS

On the basis of calls for proposals and in support of EU policies in the fields of health, energy and the environment:

- Research in the field of radiation protection, more particularly with regard to the quantification of the risks associated with low levels of exposure;
- Studies of innovative concepts for new and safer processes for the exploitation of nuclear energy;
- Education and training concerning nuclear safety and radiation protection.

3. ACTIVITIES OF THE JOINT RESEARCH CENTRE

In accordance with its task of providing scientific and technical support for EU policies, the JRC will focus its activities on the following fields:

3.1. Nuclear safety and security

Waste treatment and storage, in particular separation and transmutation techniques for long-lived actinides; radiation protection; safety of existing reactors (with priority for reactors in the candidate countries), as well as reactors of the new generation; control of fissile materials and support for their non-proliferation; monitoring the decommissioning of obsolete nuclear installations.

3.2. Measurements and reference materials

Radionuclide metrology, in particular in the case of low activity and round robin tests in the framework of networks of laboratories of excellence; interaction between neutrons and matter for the generation of base data for studies concerning the transmutation of waste and the development of new systems.

Proposal for a Council Regulation amending Regulation (EC) No 2201/96 on the common organisation of the markets in processed fruit and vegetable products

(2001/C 180 E/13)

COM(2001) 111 final — 2001/0052(CNS)

(Submitted by the Commission on 26 February 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Council Regulation (EC) No 2699/2000 ⁽¹⁾ amends Title I of Council Regulation (EC) No 2201/96 ⁽²⁾ and accordingly adjusts, without changing the content, the provisions governing the aid scheme for the processing of dried figs and prunes derived from d'Ente plums. The scheme, which was previously included in Articles 2 to 6 of Regulation (EC) No 2201/96, is now established by Article 6a of that Regulation. To take account of this new presentation, the text of Article 31 of Regulation (EC) No 2201/96, which identifies the expenditure to be funded by the Guarantee Section of the European Agriculture Guidance and Guarantee Fund (EAGGF), must be amended.
- (2) The reference in Article 31 to Regulation (EEC) No 729/70 ⁽³⁾, which has been repealed, must be replaced by a reference to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Article 31 of Regulation (EC) No 2201/96 is replaced by the following:

'Article 31

Expenditure incurred under Article 2, Article 6a, Article 7, Article 9(4) and (5) and Article 10(3) shall be deemed to be intervention to stabilise the agricultural markets within the meaning of point (b) of Article 1(2) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ^(*).

^(*) OJ L 160, 26.6.1999, p. 103.'

Article 2

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

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

⁽¹⁾ OJ L 311, 12.12.2000, p. 9.

⁽²⁾ OJ L 297, 21.11.1996, p. 29. Regulation last amended by Regulation (EC) No 2699/2000 (OJ L 311, 12.12.2000, p. 9).

⁽³⁾ OJ L 94, 28.4.1970, p. 13. Regulation last amended by Regulation (EC) No 1287/95 (OJ L 125, 8.6.1995, p. 1).

⁽⁴⁾ OJ L 160, 26.6.1999, p. 103.

Amended proposal for a Decision of the European Parliament and of the Council on Community incentive measures in the field of employment ⁽¹⁾

(2001/C 180 E/14)

(Text with EEA relevance)

COM(2001) 124 final — 2000/0195(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 28 February 2001)

⁽¹⁾ OJ C 337 E, 28.11.2000, p. 242.

INITIAL PROPOSAL

AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular Article 129 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Article 3 of the Treaty sets out that the activities of the Community shall include the promotion of co-ordination between employment policies of the Member States with a view to enhancing their effectiveness by developing a co-ordinated strategy for employment.
- (2) Title VIII of the Treaty, and particularly Article 127 thereof, establishes that the Community shall complement the action of Member States where necessary; and that the objective of a high level of employment shall be taken into consideration in the formulation and implementation of Community policies and activities.
- (3) Title VIII of the Treaty, and particularly Article 128 thereof, establishes the procedures by which Member States and the Community shall work towards developing a co-ordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce and labour markets responsive to economic change; in particular, that the Council adopts guidelines for achieving the objective of developing a co-ordinated strategy for employment and may make recommendations to the Member States; and that the Council and the Commission make a joint annual report to the European Council on the employment situation.

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(4) The Extraordinary European Council Meeting on Employment in Luxembourg, 20 and 21 November 1997, launched an overall strategy for employment, the European Employment Strategy, encompassing the coordination of Member States' employment policies on the basis of commonly-agreed employment guidelines (the Luxembourg process), the continuation and development of a co-ordinated macro-economic policy and an efficient internal market, with a view to laying the foundations for sustainable growth, new dynamism and a climate of confidence conducive to boosting employment; this strategy also involves the harnessing in a more systematic way of all Community policies in support of employment, both framework policies and support policies.

(5) The European Council of Lisbon has agreed a new strategic goal for the Union to build a competitive and dynamic knowledge-based economy capable of sustaining economic growth with more and better jobs and greater social cohesion and so to regain the conditions for full employment. To this end, it has set a new range of targets and benchmarks and introduced them in a new open method of coordination at all levels coupled with a stronger guiding and coordination role for the European Council, to ensure more coherent strategic direction and effective monitoring of progress. Moreover, it requested that the mid-term review of the Luxembourg process should give a new impetus by enriching the guidelines with more concrete targets establishing closer links with other relevant policy areas.

(5a) A specific strength of the European Employment Strategy is that Member States co-operate on employment policy, while retaining the right to take decisions appropriate to their individual circumstances. Another strength is that they learn from the experiences of others, including the ways in which they involve the social partners, local and regional authorities and the general public.

(6) Article 129 enables the Council to adopt incentive measures designed to encourage co-operation between Member States and to support their action in the field of employment through initiatives aimed at developing exchanges of information and best practices, providing comparative analysis and advice as well as promoting innovative approaches and evaluating experiences, in particular by recourse to pilot projects.

Unchanged

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AMENDED PROPOSAL

- (7) In the past, the European Parliament has strongly supported Community activities in support of employment.
- (8) The European Council has determined that comparable and reliable statistics and indicators in the field of employment and the labour market should be defined and collected.
- (9) Council Decision 2000/98/EC of 24 January 2000 established the Employment Committee on the basis of Article 130 of the Treaty to promote co-ordination between the Member States on employment and labour market policies ⁽¹⁾.
- (10) A financial reference amount has been included in this Decision, without prejudice to the powers of the budgetary authority as they are defined by the Treaty.
- (11) Council Decision 98/171/EC of 23 February 1998 on Community activities concerning analysis, research and co-operation in the field of employment and the labour market which currently provides for such activities will cease to apply on 31 December 2000 ⁽²⁾.
- (12) The present Decision shall provide for the continuation and development of the activities launched on the basis of Council Decision 98/171/EC.
- (13) In compliance with Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾, measures for the implementation of this Decision should be adopted by use of the advisory procedure provided for in Article 3 of that Decision,

- (7) The European Parliament which has in the past strongly supported Community activities in the field of employment plays an important role in European employment policy and is consulted in accordance with Treaty provisions.

Unchanged

HAVE DECIDED AS FOLLOWS:

Article 1

Establishment of Community activities

1. Community activities concerning analysis, research and co-operation among the Member States in the field of employment and the labour market shall be carried out in the period from 1 January 2001 to 31 December 2005.
2. These activities shall also contribute to the development of the co-ordinated strategy for employment through the analysis, monitoring and support of actions carried out in the Member States, with due regard for the latter's responsibilities in this field.

⁽¹⁾ OJ L 29, 4.2.2000, p. 21.

⁽²⁾ OJ L 63, 4.3.1998, p. 26.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

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*Article 2***Objectives**

1. The activities referred to in this Decision are those directly linked to the implementation of the Employment Title of the TEC. Their main task is the development, planning, monitoring, follow-up to, and evaluation of, the European Employment Strategy with a strong forward-looking emphasis.

2. In particular, it aims at fostering co-operation between Member States in analysis, research and monitoring of labour market policy, identifying best practices and promoting exchanges and transfers of information and experience, developing the approach and contents of the European Employment Strategy, and enacting an active information policy in this domain.

2. In particular, it aims at fostering co-operation between Member States in analysis, research and monitoring of labour market policy, identifying best practices and promoting exchanges and transfers of information and experience, developing the approach and contents of the European Employment Strategy, including ways of co-operating with the social partners and relevant local and regional authorities and implementing an active and transparent information policy.

*Article 3***Community measures**

Unchanged

1. With a view to achieving the objectives referred to in Article 2, The Community measures will cover the following activities:

1. Activities which, within the agreed policy aim of raising the employment rate, underpin a more strategic approach to employment policy in the EU through analysis and evaluation of employment trends, framework policy conditions, assessment of policy options and the impact of community policies. To the maximum possible extent, analysis will be gender-specific.
2. Activities aimed at providing support for Member States efforts in evaluating their National Action Plans in a consistent and co-ordinated manner; a special evaluation exercise will be completed by the 5-year anniversary of the Luxembourg Job Summit, at the end of the first period of the implementation of the guidelines.

2. Activities aimed at providing support for Member States efforts in evaluating in a consistent and coordinated manner their National Action Plans including the way in which the Social Partners and relevant regional and local authorities have been involved in their implementation; a special evaluation exercise will be completed by the 5-year anniversary of the Luxembourg Job Summit, at the end of the first period of the implementation of the guidelines.

- 2a. A quantitative and qualitative evaluation of the effects of the European Employment Strategy in general, and analysis of the consistency of the European Employment Strategy with general economic policy, as well as other policy areas.

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3. Activities aimed at bringing together and exchanging experiences in Member States, both in terms of the pillars and of individual guidelines, as defined in the annual Employment Policy Guidelines for the Member States. Increasing this cooperation will help Member States in developing their employment policies in the light of the lessons learned.

4. Activities aimed at the monitoring of the European Employment Strategy in the Member States, in particular through the European Employment Observatory.

5. Technical and scientific work needed for developing common indicators, improving and completing statistics, benchmarking performances and the exchange of information on best practices, inasmuch as this is more cost effective to undertake at Community level rather than at the level of individual Member States.

6. Prospective analysis on policy areas of importance to the Commission and Member States, for the development of the European Employment Strategy, through forward analysis, new fields of research and the mainstreaming of the employment impact of Community policies.

7. Activities to support the input of European Union presidencies to create a special focus on priority elements of the Strategy, special events of high international importance or of general interest to the Union and the Member States.

2. In implementing the measures referred to in paragraph 1, the Commission shall take into account the statistical data, studies and project reports available from international organisations such as the Organisation for Economic Cooperation and Development (OECD) and the International Labour Organisation (ILO).

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3. Activities aimed at bringing together and exchanging experiences in Member States, including at local and regional level, both in terms of the pillars and of individual guidelines, as defined in the annual Employment Policy Guidelines for the Member States. Increasing this cooperation will help Member States in developing their employment policies in the light of the lessons learned.

Unchanged

6. Prospective analysis on policy areas of importance to the Commission and Member States, for the development of the European Employment Strategy, including studies on local employment strategies and initiatives, through forward analysis, new fields of research and the mainstreaming of the employment impact of Community policies.

Unchanged

2. Under the above activities, attention will be paid to the efforts of the Member States with regard to equal opportunities for men and women in employment and labour markets including efforts with regard to the integration of men and women into working life on a continuing basis, and promoting family-friendly employment policies.

3. In implementing the measures referred to in paragraph 1, the Commission shall take into account the statistical data, studies and project reports available from international organisations such as the Organisation for Economic Cooperation and Development (OECD) and the International Labour Organisation (ILO).

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Article 4

Unchanged

Outputs

The output of the activities mentioned in Article 3 will vary according to the type of activity involved. They will include the *Employment in Europe* report and other publications, working documents, reports to be submitted to the Council and the Commission — in particular the Joint Employment Report —, national seminars for example in preparation of the National Action Plans, seminars on employment policy or the organisation of important international events on priority topics or of general importance. Greater use will be made of Internet facilities for dissemination of results (web publishing, Internet chats and seminars) and as a tool to foster cooperation and exchange of information.

1. The output of the activities mentioned in Article 3 will vary according to the type of activity involved. They will include the *Employment in Europe* report and other publications, working documents, reports to be submitted to the Council and the Commission — in particular the Joint Employment Report —, national seminars for example in preparation of the National Action Plans, seminars on employment policy or the organisation of important international events on priority topics or of general importance. Improved dissemination of results will include making greater use of Internet facilities (web publishing, Internet chats and seminars) for fostering exchange of information and cooperation.

2a. With a view to improving transparency, the Commission shall ensure that the evaluation of the National Action Plans for employment and the annual employment report are made accessible to the general public.

Article 5

Unchanged

Consistency and complementarity

The Commission shall ensure that the measures implemented under this Decision and the other relevant Community programmes and initiatives (such as the social inclusion programme and the Framework programme for research, technological development and demonstration activities) are consistent with each other and complementary. The outcomes of other Community initiatives could be used as inputs into the actions covered by this Decision, and results from the activities mentioned in this decision could be used as inputs in other Community initiatives.

The Commission shall in cooperation with the Member States ensure overall consistency with other Union and Community policies, instruments and actions, in particular the relevant activities relating to research, equality between men and women, social inclusion, culture, education, training and youth policy and in the field of the Community's external relations.

Article 6

Unchanged

Participation of third countries (elarg)

1. The activities shall be open to participation by:

- the countries of the European Economic Area,
- the candidate countries of Central and Eastern Europe (CEECs), in accordance with the conditions established in the Europe Agreements, in their additional protocols, and in the decisions of the respective Association Councils,
- Cyprus, Malta and Turkey on the basis of bilateral agreements to be concluded with these countries,

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— other Mediterranean countries in the context of the European Union's relations with those countries.

2. The cost of the participation referred to in paragraph 1 shall be borne either by the countries concerned or under the Community budget headings covering implementation of the cooperation, association or partnership agreements with those countries in the area concerned.

*Article 7***Implementation**

1. The Commission shall implement these activities in accordance with this Decision.

2. The Commission shall be assisted by an advisory committee composed of the representatives of the Member States and chaired by the representative of the Commission (hereinafter referred to as 'the Committee').

3. Where reference is made to this paragraph, the advisory procedure laid down in Article 3 of Council Decision 1999/468/EC shall apply, in compliance with Article 7, paragraph 3 and Article 8.

4. The representative of the Commission shall in particular consult the Committee on:

— the general guidelines for the implementation of the programme;

— the annual budgets and the distribution of funding between measures;

— the annual plan of work for the implementation of the programme's actions, and the Commission proposals for selection criteria for financial support.

5. To ensure the consistency and complementarity of this programme with other measures referred to in Article 5, the Commission shall keep the Committee regularly informed about other relevant Community action. Where appropriate, the Commission shall establish regular and structured co-operation between this Committee and the committees established for other relevant policies, instruments and actions.

*Article 8***Links to be established**

The Commission shall establish the necessary links with the Employment Committee as well as with the social partners within the framework of the activities referred to in this Decision.

The Commission shall inform the European social partners at their request of the results of its implementing activities.

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*Article 9***Financing**

1. The financial reference amount for the implementation of the Community activities referred to in this Decision for the period 1 January 2001 to 31 December 2005 shall be EUR 55 000 000.
2. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.
3. The Commission may have recourse to technical and/or administrative assistance, to the mutual benefit of the Commission and of the beneficiaries, as well as to support expenditure.

*Article 10***Evaluation and Reporting**

1. The Commission shall identify performance indicators for the actions, monitor achievement of interim results, and carry out independent evaluations in the third year (mid-term) and early during the last year (ex-post) of the programme. The evaluations shall particularly assess the impact achieved and the efficiency of the use of resources, and provide decision-oriented recommendations for adjustments and the eventual extension of the programme.
2. The Commission shall make the results of actions undertaken and the evaluation reports publicly available.
3. In the light of the evaluations, the Commission may propose an extension of the programme.
4. The Commission shall submit an interim report on the results of the activities to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions by 31 December 2003 at the latest, and a final report by 31 December 2006 at the latest. It shall incorporate into these reports information on Community financing within the framework of the programme and on consistency and complementarity with other relevant programmes, actions and initiatives, as well as the relevant evaluation results.

*Article 11***Publication**

This Decision shall be published in the *Official Journal of the European Communities*.

Amended proposal for a Directive of the European Parliament and of the Council amending Council Directive 96/22/EC concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists ⁽¹⁾

(2001/C 180 E/15)

(Text with EEA relevance)

COM(2001) 131 *final* — 2000/0132(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 6 March 2001)

⁽¹⁾ OJ C 337 E, 28.11.2000, p. 163.

INITIAL PROPOSAL

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular Article 152(4)(b) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

(1) Point (a) of Article 3 of Council Directive 96/22/EC ⁽¹⁾ requires Member States to prohibit the administration to farm animals of substances having, *inter alia*, an oestrogenic, androgenic or gestagenic action. Administration of those substances to farm animals may only be authorised for therapeutic purposes or zootechnical treatment, in accordance with the provisions of Articles 4, 5 and 7 of the Directive.

(2) Article 11(2) of Directive 96/22/EC requires Member States to prohibit the importation from third countries of farm or aquaculture animals to which substances or products referred to in point (a) of Article 3 have been administered, unless those products were administered in compliance with the provisions and requirements laid down in Articles 4, 5 and 7 of the Directive, as well as of meat or products obtained from animals the importation of which is prohibited under point (a) of Article 3 thereof.

⁽¹⁾ OJ L 125, 23.5.1996, p. 3.

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- (3) In the light of the results of a dispute settlement case brought before the World Trade Organisation (WTO) by the United States of America and by Canada (the *Hormones* case) ⁽¹⁾ and the recommendations made in that respect by the WTO Dispute Settlement Body on 13 February 1998, the Commission immediately initiated a complementary risk assessment, in accordance with the requirements of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) ⁽²⁾, as interpreted by the Appellate Body in the *Hormones* case, of the six hormonal substances (oestradiol 17 β , testosterone, progesterone, trenbolone acetate, zeranol and melengestrol acetate) whose administration for animal growth promotion purposes is prohibited by Directive 96/22/EC.
- (4) In parallel, the Commission initiated and funded a number of specific scientific studies and research projects on these six hormones in order to obtain as much as possible of the missing scientific information, as identified in the interpretations and findings of the WTO panel and Appellate Body reports in the *Hormones* case. Moreover, the Commission addressed specific requests to the USA, Canada and other third countries, which authorise the use of these six hormones for animal growth promotion, and published an open call for documentation ⁽³⁾ requesting any interested party, including the industry, to provide any relevant and recent scientific data and information in their possession to be taken into account in the complementary risk assessment.
- (5) On 30 April 1999, as requested by the Commission, the Scientific Committee on Veterinary Measures relating to Public Health (SCVPH) issued an opinion concerning the assessment of potential adverse effects to human health from hormone residues in bovine meat and meat products ⁽⁴⁾. The major conclusions of that opinion were, first, that, as concerns excess intake of hormone residues and their metabolites, and in view of the intrinsic properties of hormones and the epidemiological findings, a risk to the consumer has been identified with different levels of conclusive evidence for the six hormones evaluated. Second, for the six hormones endocrine, developmental, immunological, neurobiological, immunotoxic, genotoxic and carcinogenic effects could be envisaged and, of the various susceptible risk groups, prepubertal children is the group of greatest concern and, third, in view of the intrinsic properties of the hormones and taking into account epidemiological findings, no threshold levels and, therefore, no Acceptable Daily Intake (ADI) can be established for any of the six hormones evaluated when they are administered to bovine animals for growth promotion purposes.

⁽¹⁾ WT/DS26/R/USA and WT/DS48/R/CAN (panel reports), and AB-1997-4 (Appellate Body report).

⁽²⁾ OJ L 336, 23.12.1994, p. 40.

⁽³⁾ OJ C 56, 26.2.1999, p. 17.

⁽⁴⁾ Commission Document XXIV/B3/SC4 of 30 April 1999.

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- (6) As regards, in particular, oestradiol 17 β , the SCVPH assessment is that a substantial body of recent evidence suggests that it has to be considered as a complete carcinogen, as it exerts both tumour initiating and tumour promoting effects and that the data currently available does not make it possible to give a quantitative estimate of the risk.
- (7) As regards the other five hormones (testosterone, progesterone, trenbolone acetate, zeranol and melengestrol acetate), the SCVPH assessment is that, in spite of the individual toxicological and epidemiological data available, which were taken into account, the current state of knowledge does not make it possible to give a quantitative estimate of the risk to consumers.
- (8) Subsequent to the opinion of the SCVPH of 30 April 1999, new and more recent scientific information was made available to the Commission from the United Kingdom's Veterinary Products Committee, in October 1999, the Committee on Veterinary Medicinal Products of the EC, in December 1999, and the Joint FAO/WHO Expert Committee on Food Additives (JECFA), in February 2000, for some of the six hormones under consideration). All this latest scientific information was brought to the attention of the SCVPH, which reviewed it and, on 3 May 2000, concluded that it did not provide convincing data and arguments requiring revision of the conclusions drawn in its opinion of 30 April 1999.
- (9) As regards, in particular, oestradiol 17 β , this substance can potentially be used in all farm animals and residue intake for all segments of the human population and in particular the susceptible groups at high risk can therefore be especially relevant. Avoiding such intake is important to safeguard human health. Moreover, the residues resulting from its use cannot be detected at present through the routine analytical methods available.
- (10) In accordance with the provisions of Articles 5.1 and 5.7 of the SPS Agreement, taking into account the results of the risk assessment and all other available pertinent information, it must be concluded that, in order to achieve the chosen level of health protection in the Community from the risks posed to human health by the consumption of residues found in meat derived from animals to which these hormones had been administered for growth promotion purposes, it is necessary to maintain the permanent prohibition laid down in Directive 96/22/EC on oestradiol 17 β and to continue provisionally to apply the prohibition on the other five hormones (testosterone, progesterone, trenbolone acetate, zeranol and melengestrol acetate). The provisional prohibition of these five hormones should apply while the Community seeks more complete scientific information from any source, which could shed light and clarify the gaps in the present state of knowledge on these substances, in accordance with Article 5.7 of the SPS Agreement.

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- (11) The use of certain of the above substances for therapeutic purposes or zootechnical treatment may, however, continue to be authorised under the strict conditions laid down in Directive 96/22/EC in order to prevent any misuse, save as regards oestradiol 17 β and its ester-like derivatives whose administration may only be authorised for therapeutic treatment to non-farm animals, in view of the results of the risk assessment.
- (12) In general, there are alternative treatments or strategies available to replace the use of oestradiol 17 β for therapeutic or zootechnical purposes; the real need for oestradiol 17 β for the treatment of specific limited conditions in individual animals will be identified by the Commission in association with competent authorities, with a view to developing appropriate alternative solutions before the entry into force of this Directive.
- (13) In order to ensure effective implementation of Directive 96/22/EC, provision should be made for the adaptation of its Annexes and the substances contained therein, as appropriate.
- (14) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (15) There is no other means that is reasonably available to the Community, taking into account technical and economic feasibility, to achieve the chosen level of health protection from the residues of these hormones in meat, and which is significantly less restrictive to international trade, and Directive 96/22/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 96/22/EC is amended as follows:

1. Articles 2 and 3 are replaced by the following:

'Article 2

Member States shall prohibit the placing on the market of the substances listed in Annex II for administering to animals, the meat and products of which are intended for human consumption, for purposes other than those provided for in point 2 of Article 4.

Article 3

Member States shall prohibit, for substances listed in Annex II, and shall provisionally prohibit, for substances listed in Annex III:

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

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- (a) the administering of those substances to a farm or aquaculture animal, by any means whatsoever;
- (b) the holding, except under official control, of animals referred to in (a) on a farm, the placing on the market or slaughter for human consumption of farm animals or of aquaculture animals which contain the substances referred to in Annex II and Annex III or in which the presence of such substances has been established, unless proof can be given that the animals in question have been treated in accordance with Articles 4 or 5;
- (c) the placing on the market for human consumption of aquaculture animals to which substances referred to above have been administered and of processed products derived from such animals;
- (d) the placing on the market of meat of the animals referred to in (b);
- (e) the processing of the meat referred to in (d).'

2. Article 4 is amended as follows:

- (a) In point 1, the words 'oestradiol 17 β ' are deleted.
- (b) The following paragraph is added:

'Member States shall prohibit oestradiol 17 β and its ester-like derivatives for use in growth promotion, for therapeutic purposes and zootechnical treatment except for therapeutic treatment under veterinary supervision of non-farm animals.'

3. In Article 5, the first sentence of the first paragraph is replaced by the following:

'Notwithstanding Article 3(a) and without prejudice to Article 2, Member States may authorise the administering to farm animals, for the purpose of zootechnical treatment, of veterinary medicinal products having an oestrogenic (other than oestradiol 17 β and its ester-like derivatives), androgenic or gestagenic action which are authorised in accordance with Directives 81/851/EEC and 81/852/EEC.'

4. In Article 7, paragraph 2 is replaced by the following:

'Meat or products from animals to which substances having an oestrogenic (other than oestradiol 17 β and its ester-like derivatives), androgenic or gestagenic action or beta-agonists have been administered in accordance with the dispensatory provisions of this Directive may not be placed on the market for human consumption unless the animals in question have been treated with veterinary medicinal products complying with the requirements of Article 6 and in so far as the withdrawal period laid down was observed before the animals were slaughtered.'

'Meat or products from animals to which substances having an oestrogenic (other than oestradiol 17 β and its ester-like derivatives), androgenic or gestagenic action or beta-agonists have been administered in accordance with the dispensatory provisions of this Directive may not be placed on the market for human consumption unless the animals in question have been treated with veterinary medicinal products complying with the requirements of Article 6 and in so far as the withdrawal period laid down for the product concerned was observed before the animals were slaughtered.'

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5. Article 8 is amended as follows:

- (a) In point 1, the words 'Articles 2 and 3(a)' are replaced by 'Articles 2 and 3'.
- (b) In point 2(a), the words 'under Article 2' are replaced by 'under Articles 2 and 3'.

Unchanged

6. Article 11 is amended as follows:

- (a) In paragraph 2(a)(i), the words 'point (a) of Article 2' are replaced by 'Annex II, List A'.
- (b) In paragraph 2(a)(ii), the words 'point (a) of Article 3' are replaced by 'Annex II, List B and Annex III'.
- (c) In paragraph 3, the words 'according to the procedure laid down in Article 33 of Council Directive 96/23/EC' are replaced by 'according to the procedure referred to in Article 11b(2)'.

7. The following Articles 11a and 11b are added:

Article 11a

- 1. Provisions in the Annexes may be amended and/or deleted in accordance with the procedure referred to in Article 11b(2).
- 2. With regard to the substances listed in Annex III, the Community will seek additional information and keep the measures under regular review.

- 2. With regard to the substances listed in Annex III, the Community will seek additional information, taking into account recent scientific data from any source and keep the measures under regular review.

Article 11b

- 1. The Commission shall be assisted by the Standing Veterinary Committee instituted by Article 1 of Council Decision 68/361/EEC (*) (hereinafter referred to as "the Committee").
- 2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

(*) OJ L 255, 18.10.1968, p. 23.'

Unchanged

8. The following Article 14a is added:

Article 14a

The provisions laid down in this Directive with regard to oestradiol 17 β shall not apply to farm animals for which it can be certified that, where oestradiol 17 β has been administered to them for therapeutical purposes or zootechnical treatment, this administration has taken place before 1 July 2001.'

INITIAL PROPOSAL

AMENDED PROPOSAL

9. The Annex to Directive 96/22/EC becomes 'Annex I' and Annexes II and III in the Annex to this Directive are added.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 2001 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

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

Article 4

This Directive is addressed to the Member States.

ANNEX

'ANNEX II

Unchanged

List of prohibited substances:

List A:

- Thyrostatics,
- Oestradiol 17 β and its ester-like derivatives,
- Stilbenes, stilbene derivatives, their salts and esters.

List B:

- Beta-agonists

ANNEX III

List of provisionally prohibited substances:

Substances having oestrogenic (other than oestradiol 17 β and its ester-like derivatives), androgenic or gestagenic action.

Proposal for a Council Regulation amending Regulation (EC) No 1267/1999 establishing an Instrument for Structural Policies for Pre-Accession

(2001/C 180 E/16)

COM(2001) 110 final — 2001/0058(CNS)

(Submitted by the Commission on 8 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Having regard to the opinion of the Committee of the Regions,

Whereas:

- (1) The first measures to benefit from Community assistance under the Instrument for Structural Policies for Pre-Accession (ISPA) established by Council Regulation (EC) No 1267/1999⁽¹⁾ were appraised and approved by the Commission in the course of 2000.
- (2) Certain provisions of Regulation (EC) No 1267/1999 should be amended in the light of experience acquired in appraising and approving measures to be financed under ISPA.
- (3) Co-financing of measures together with international financial institutions in particular and the use of private financing are key elements of the functioning of ISPA. In certain cases, access to sources of financing other than Community assistance is essential to allow the beneficiary countries to co-finance measures which fully meet the conditions for eligibility and the objectives of ISPA.
- (4) In order to allow or facilitate co-financing together with international financial institutions and/or private sources, provision must be made for the possibility of derogating, after examination on a case-by-case basis, from the general rules on participation in invitations to tender and contracts co-financed under ISPA.
- (5) Article 114(2) of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities⁽²⁾ stipulates that in exceptional cases and

with proper justification, it may be decided, on the basis of the specific conditions laid down in the basic instruments governing cooperation and in accordance with the appropriate authorisation procedures, to allow nationals of third countries to tender for contracts. Regulation (EC) No 1267/1999 is such a basic instrument.

- (6) In this connection, inspiration may usefully be drawn from certain provisions applicable under the PHARE programme established by Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of central and eastern Europe⁽³⁾.
- (7) A more precise definition of the concept of eligible expenditure is required to allow co-financing of ISPA measures by other sources of external aid.
- (8) The provisions of Regulation (EC) No 1267/1999 should moreover be adapted to take account of Council Decision 1999/468/EC of 28 June 1999 laying down procedures for the exercise of implementing powers conferred on the Commission⁽⁴⁾.
- (9) The Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 308,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1267/1999 is hereby amended as follows:

1. The following Article 6a is inserted:

'Article 6a

Award of contracts

1. In the case of measures for which the Community is the sole source of external aid, participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons of the Member States and of the countries referred to in the second subparagraph of Article 1(1).

⁽¹⁾ OJ L 161, 26.6.1999, p. 73.

⁽²⁾ OJ L 356, 31.12.1977, p. 1. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2673/1999 (OJ L 326, 18.12.1999, p. 1).

⁽³⁾ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 2666/2000 (OJ L 306, 7.12.2000, p. 1).

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

2. Paragraph 1 shall also apply to co-financing.

In the case of co-financing, however, the participation of third countries in invitations to tender and contracts may be authorised by the Commission, after examination on a case-by-case basis.'

2. The following paragraph 8 is added to Article 7:

'8. Where a measure is co-financed together with international financial institutions, expenditure meeting the rules for eligibility referred to in paragraph 7 but carried out in accordance with procedures appropriate to external sources of financing other than Community assistance and borne by those financial institutions may be used in calculating total eligible expenditure for that measure.'

3. Paragraphs 1, 2 and 3 of Article 14 are replaced by the following:

'1. The Commission shall be assisted by a committee, composed of representatives of the Member States and

chaired by the representative of the Commission (hereinafter referred to as "the Committee"). The European Investment Bank shall appoint a non-voting representative.

2. Where reference is made to this paragraph, the management procedure laid down in Article 4 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

3. The period provided for in Article 4(3) of Decision 1999/468/EC shall be one month.'

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*.

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

Proposal for a Council Regulation establishing a facility providing medium-term financial assistance for Member States' balances of payments

(2001/C 180 E/17)

COM(2001) 113 final — 2001/0062(CNS)

(Submitted by the Commission on 9 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the Commission proposal, submitted following consultation with the Economic and Financial Committee,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the European Central Bank,

Whereas:

- (1) The second subparagraph of Article 119(1) of the Treaty provides that, acting on a recommendation from the Commission made after consulting the Economic and Financial Committee, the Council will grant mutual assistance where a Member State is in difficulties or is seriously threatened with difficulties as regards its balance of payments. Article 119 does not define the instrument to be used for granting the mutual assistance envisaged.
- (2) It should be possible for the operation of lending to a Member State to take place soon enough to encourage that Member State to adopt, in good time in a situation where orderly exchange-rate conditions prevail, economic policy measures likely to prevent the occurrence of an acute balance-of-payments crisis and to support its efforts towards convergence.
- (3) Each loan to a Member State must be linked to the adoption by that Member State of economic policy measures designed to re-establish or ensure a sustainable balance-of-payments situation and to adapt it to the gravity of the balance-of-payments situation in that State and to the way in which it develops.
- (4) Appropriate procedures and instruments should be provided for in advance to enable the Community and Member States to ensure that, if required, financial medium-term assistance is provided quickly, especially where circumstances call for immediate action.
- (5) In order to finance assistance that has been granted, the Community needs to be able to use its creditworthiness to

borrow resources that will be placed at the disposal of the Member States concerned in the form of loans. Operations of this kind are necessary to the achievement of the objectives of the Community as defined in the Treaty, especially the harmonious development of economic activities in the Community as a whole.

- (6) To this end, a single facility providing medium-term financial assistance for Member States' balances of payments was established by Council Regulation (EEC) No 1969/88 ⁽¹⁾.
- (7) Since 1 January 1999 the Member States participating in the single currency no longer qualify for medium-term financial assistance. However, the financial assistance facility must be retained in order to meet not only the potential needs of the present Member States with a derogation as regards participation in the third stage of economic and monetary union but also the needs of new Member States until such time as they adopt the single currency.
- (8) The introduction of the single currency has led to a substantial reduction in the number of Member States eligible for the instrument. A downwards revision of the present ceiling of EUR 16 billion is therefore justified. The loan ceiling must, though, be kept at a sufficiently high level in order to satisfy properly the simultaneous needs of several Member States. A reduction in the loan ceiling from EUR 16 billion to EUR 12 billion seems apt to meet this need.
- (9) The glaring imbalance between the number of potential beneficiaries of the loans during the third stage of economic and monetary union and the number of countries capable of financing them makes it difficult to maintain direct financing of loans granted by all the other Member States. These loans should therefore be financed exclusively by way of recourse to capital markets and financial institutions, these having now attained a stage of development and maturity which should enable them to undertake such financing.
- (10) The arrangements for using the facility must also be clarified in the light of experience gained and account should be taken of the development of international financial markets and of the technical possibilities and constraints inherent in recourse to these sources of financing.

⁽¹⁾ OJ L 178, 8.7.1988.

- (11) It is for the Council to decide whether to grant a loan or appropriate financing facility, its average duration, its total amount and the amounts of the successive instalments. However, the characteristics of the instalments, in particular the currency, duration and type of interest rate, should be fixed by common agreement between the beneficiary Member State and the Commission. If the Commission takes the view that the loan characteristics desired by that Member State result in financing that is incompatible with the technical constraints imposed by capital markets or financial institutions, it must be able to propose alternative financing arrangements.
- (12) In order to finance loans granted under the present Regulation, the Commission must be authorised to contract on behalf of the European Community loans on capital markets or from financial institutions. The development of the financing techniques used on these markets or by these institutions has prompted widespread recourse to derivatives, and in particular debt and/or interest-rate swaps. If loans granted using the facility are to benefit from a more advantageous cost of financing, the Commission must also be able to avail itself of such financial products.
- (13) The financial assistance facility established by Regulation (EEC) No 1969/88 must be adapted accordingly. In the interests of clarity, that Regulation should be replaced.
- (14) For the adoption of the present Regulation, which provides for the granting of Community loans financed exclusively with funds raised on the capital markets and not by the other Member States, the Treaty offers no powers other than those of Article 308,

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community medium-term financial assistance facility enabling loans to be granted to one or more Member States which are experiencing, or are seriously threatened with, difficulties in their balance of current payments or capital movements shall be established. Only Member States with a derogation as regards participation in the third stage of economic and monetary union, as defined in Article 122 of the Treaty, may benefit from this Community facility.

The outstanding amount of loans to be granted to Member States under this facility shall be limited to EUR 12 billion in principal.

2. To this end, in accordance with a decision adopted by the Council pursuant to Article 3 and after consulting the Economic and Financial Committee, the Commission shall be empowered on behalf of the European Community to contract

loans on the capital markets or with financial institutions and debt and/or interest-rate swaps designed to transform these loans.

Article 2

Where a Member State with a derogation proposes to call upon sources of financing outside the Community which are subject to economic policy conditions, it shall first consult the Commission and the other Member States in order to examine, among other things, the possibilities available under the Community medium-term financial assistance facility. Such consultations shall be held within the Economic and Financial Committee.

Article 3

1. The medium-term financial assistance facility may be implemented by the Council on the initiative of:

- (a) the Commission, acting pursuant to Article 119 of the Treaty in agreement with the Member State seeking Community financing;
- (b) a Member State experiencing, or seriously threatened with, difficulties as regards its balance of current payments or capital movements.

2. The Council, after examining the situation in the Member State seeking medium-term financial assistance and the adjustment or back-up programme presented in support of its application, shall decide, as a rule during the same meeting:

- (a) whether to grant a loan or appropriate financing facility, its amount and its average duration;
- (b) the economic policy conditions attaching to the medium-term financial assistance with a view to re-establishing or ensuring a sustainable balance-of-payments situation;
- (c) the techniques for disbursing the loan or financing facility, the release or drawing-down of which shall, as a rule, be by successive instalments, the release of each instalment being subject to verification of the results achieved in implementing the programme in terms of the objectives set.

Article 4

In cases where restrictions on capital movements are introduced or re-introduced pursuant to Article 120 of the Treaty during the period of the financial assistance, its conditions and arrangements shall be re-examined pursuant to Article 119 of the Treaty.

Article 5

The Commission shall take the necessary measures to verify at regular intervals, in collaboration with the Economic and Financial Committee, that the economic policy of the Member State in receipt of a Community loan accords with the adjustment or back-up programme and with any other conditions laid down by the Council pursuant to Article 3. To this end, the Member State shall place all the necessary information at the disposal of the Commission. On the basis of the findings of such verification, the Commission, after the Economic and Financial Committee has delivered an opinion, shall decide on the release of further instalments.

The Council shall decide on any adjustments to be made to the initial economic policy conditions.

Article 6

Loans granted as medium-term financial assistance may be granted as consolidation of support made available by the European Central Bank under the very short-term financing facility.

Article 7

1. The borrowing and lending operations referred to in Article 1 shall be carried out using the same value date and shall not involve the Community in the transformation of maturities, in any exchange or interest-rate risk, or in any other commercial risk.

When the borrowings contracted by the Community are the subject of a debt or interest-rate swap, the commercial risk inherent in a transaction of that kind shall be minimised by recourse to a counterparty with a high-quality credit rating.

When the borrowings are expressed, payable or repayable in the currency of a Member State with a derogation, they may be concluded only after consultation with the competent authorities of that State.

The characteristics of the successive instalments released by the Community under the financial assistance facility shall be negotiated between the Member State and the Commission. Where the Commission takes the view that the characteristics desired by the Member State will lead to Community financing that runs counter to the technical constraints imposed by financial markets or is such as to tarnish the reputation of the Community as a borrower on those same markets, it reserves the right to withhold its agreement and propose an alternative solution.

Where a Member State receives a loan carrying an early repayment clause and decides to exercise this option, the Commission shall take the necessary steps.

2. At the request of the debtor Member State and where circumstances permit an improvement in the interest rate on the loan, the Commission may refinance all or part of its initial borrowings or restructure the corresponding financial conditions.

Refinancing or restructuring operations shall be carried out in accordance with the conditions set out in paragraph 1 and shall not have the effect of extending the average duration of the borrowing concerned or increasing the amount, expressed at the current exchange rate, of capital outstanding at the date of the refinancing or restructuring.

3. The costs incurred by the Community in concluding and carrying out each operation shall be borne by the beneficiary Member State.

4. The Economic and Financial Committee shall be kept informed of developments in the operations referred to in the third subparagraph of paragraph 1 and the first subparagraph of paragraph 2.

Article 8

For the application of the ceiling laid down in the second subparagraph of Article 1(1), the loan operation shall be recorded at the exchange rate of the day on which it is concluded. The repayment operation shall be recorded at the exchange rate of the day on which the corresponding loan was concluded.

Article 9

The Council shall adopt the decisions referred to in Articles 3 and 5, acting by qualified majority on a proposal from the Commission made after consulting the Economic and Financial Committee.

Article 10

The Commission shall make the necessary arrangements for the administration of the loans.

Article 11

Every three years the Council shall examine, on the basis of a report from the Commission and after the Economic and Financial Committee has delivered an opinion, whether the facility established still meets, in its principle, arrangements and ceiling, the need which led to its creation.

Article 12

Regulation (EEC) No 1969/88 is hereby repealed.

Article 13

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

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

Amended proposal for a Regulation of the European Parliament and of the Council on waste statistics

(2001/C 180 E/18)

(Text with EEA relevance)

COM(2001) 137 final — 1999/0010(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC-Treaty on 9 March 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) regular Community statistics on the production and management of waste from businesses and private households are required by the Community for monitoring the implementation of the three principles — waste prevention, maximisation of recovery and safe disposal — for waste policy;
- (2) the terms for the description of waste and waste management need to be defined in order to ensure the comparability of results in waste statistics;
- (3) waste policy has led to the establishment of a set of principles to be followed by waste producing units and waste management; whereas this requires the monitoring of waste at different points of the waste stream generation, collection, recovery and disposal;
- (4) Council Regulation (EC) 322/97 of 17 February 1997 on Community Statistics ⁽³⁾ constitutes the reference framework for the provisions of this Regulation;
- (5) to guarantee comparable results, waste statistics should be produced in accordance with the determined breakdown, in an appropriate form and within a fixed period of time from the end of the reference year;
- (6) in accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objectives of the proposed measure, namely to establish a framework for the production of Community statistics on waste cannot be sufficiently achieved by the Member States, by reason of the need to define terms of description of waste and waste management so as to ensure the comparability

bility of the statistics supplied by the Member States, and can therefore be better achieved by the Community; whereas this Regulation confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose;

- (7) Member States may need a transition period for the adaptation or establishment of their statistics on waste;
- (8) the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise if implementing powers conferred on the Commission ⁽⁴⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision;
- (9) the Statistical Programme Committee has been consulted by the Commission,

HAVE ADOPTED THIS REGULATION:

Article 1

Objectives

1. The objective of this Regulation is to establish a framework for the production of Community statistics on the generation, recovery and disposal of waste.
2. Member States and the Commission, within their respective fields of competence, shall produce Community statistics on the generation, recovery and disposal of waste, excluding radioactive waste, which is already covered by other legislation.
3. The statistics shall cover the following areas:
 - (a) Generation of waste according to Annex I;
 - (b) Recovery and disposal of waste according to Annex II;

In compiling the statistics, Member States and the Commission shall observe the equivalence between the European Waste Catalogue (EWC) established by Commission Decision 94/3/EC ⁽⁵⁾ and the substance-oriented aggregation, as set out in Annex III to this Regulation.

⁽¹⁾ OJ C 87, 29.3.1999, p. 22.

⁽²⁾ OJ C 329, 17.11.1999, p. 17.

⁽³⁾ OJ L 52, 22.2.1997, p. 1.

⁽⁴⁾ OJ L 184 17.7.1999, p. 23.

⁽⁵⁾ OJ L 5, 7.1.1994, p. 15.

Article 2

Definitions

For the purpose of this regulation:

- (a) 'Waste' shall mean any substance or object as defined in Article 1(a) of Council Directive 75/442/EEC ⁽¹⁾ as amended;
- (b) 'Separately collected fractions of waste' shall mean household and similar waste selectively collected in homogeneous fractions by public services, non-profit organisations and private enterprises acting in the field of organised waste collection;
- (c) 'Recycling' shall refer to the definition given in Art. 3(7) of Council Directive 94/62/EC ⁽²⁾;
- (d) 'Recovery' shall mean any of the operations provided for in Annex II.B to Directive 75/442/EEC as amended ⁽³⁾;
- (e) 'Disposal' shall mean any of the operations provided for in Annex II.A to Directive 75/442/EEC as amended ⁽⁴⁾;
- (f) 'Recovery or disposal facility' shall mean a facility that requires a permit or registration pursuant to Articles 9, 10, or 11 of Council Directive 75/442/EEC;
- (g) 'Hazardous waste' shall mean any waste as defined in Article 1(4) of Council Directive 91/689/EEC ⁽⁵⁾;
- (h) 'Non-hazardous waste' shall mean waste which is not covered by point (g);
- (i) 'Landfill' shall mean a waste disposal site as defined in Article 2 (g) of Council Directive 1999/31/EC ⁽⁶⁾;
- (j) 'Capacity of waste incineration facilities' shall mean the maximum capacity to incinerate waste in tonnes per annum, or in gigajoules;
- (k) 'Capacity of waste recycling facilities' shall mean the maximum capacity to recycle waste in tonnes per annum;
- (l) 'Capacity of landfills' shall mean the remaining capacity (at the end of the data reference year) of the landfill facility to dispose of waste in the future measured in cubic metres;
- (m) 'Capacity of other disposal facilities' shall mean the capacity of the facility to dispose of waste measured in tonnes per annum.

⁽¹⁾ OJ L 194, 25.7.1975, p. 39.

⁽²⁾ OJ L 365, 31.12.1994, p. 10.

⁽³⁾ OJ L 135, 6.6.1996, p. 32.

⁽⁴⁾ OJ L 135, 6.6.1996, p. 32.

⁽⁵⁾ OJ L 377, 31.12.1991, p. 20.

⁽⁶⁾ OJ L 182, 16.7.1999, p. 1.

Article 3

Collection of data

1. Member States shall, whilst complying with conditions as to quality and accuracy, acquire the data necessary for the specification of the characteristics listed in Annexes I and II by means of:

- surveys ⁽⁷⁾;
- administrative or other sources;
- statistical estimation procedures; or
- a combination of these means.

In order to reduce response burdens, the national authorities and the Commission shall, subject to the limits and the conditions fixed by each Member State and by the Commission in their respective spheres of competence, have access to administrative data sources.

2. In order to reduce the administrative burden on small enterprises, enterprises of less than 10 employees are excluded from surveys, unless they contribute significantly to the generation of waste.

3. Member States shall produce statistical results, following the breakdown stipulated in Annexes I and II. Given that economic structures and technical conditions relating to waste management schemes differ in the Member States, a decision by an individual Member State not to report certain items in the breakdown may be accepted, provided it is justified in the quality reports mentioned in Annexes I and II. In all cases, the total amount of waste for each item listed in sections 2(3) and 8(1) of Annex I shall be compiled.

4. The exclusions referred to in paragraphs (2) and (3) must be consistent with the coverage and quality objectives as referred to in Section 7, paragraph 1, of Annexes I and II.

5. Member States shall transmit the results, including confidential data, to Eurostat in an appropriate format and within a set period of time from the end of the respective reference periods, as laid down in Annexes I and II.

6. The treatment of confidential data and the transmission of such data as provided for in Article 3 (5) shall be carried out in accordance with the existing Community provisions governing statistical confidentiality.

⁽⁷⁾ In accordance with the subsidiarity principle, the question whether such surveys are to be compulsory or not is to be decided by the Member States.

*Article 4***Transitional period**

1. During a transitional period, which may not exceed two years, the Commission may at the request of the Member States and in accordance with the procedure set out in Article 7, grant a derogation from the provisions of Section 5 of Annexes I and II, wherever the national statistical systems require major adaptations.

2. This derogation can be granted only for the data of the first reference year.

*Article 5***Import and Export of Waste**

1. The Commission will draw up a programme for pilot studies to be carried out on a voluntary basis by Member States on the import and export of waste. The pilot studies will aim to assess the relevance and feasibility of obtaining data, and to evaluate the costs and benefits of collecting the data, and the burden on business.

(2) The Commission programme for pilot studies must be consistent with the contents of Annexes I and II, particularly the aspects related to the scope and coverage of wastes, waste categories for the classification of waste, reference years and periodicity taking into account the reporting obligations under Council Regulation 259/93 ⁽¹⁾.

3. The Commission shall finance up to 100 % of the costs for conducting the pilot studies.

4. On the basis of the conclusions of these pilot studies, the Commission will inform the European Parliament and the Council of the possibilities of compiling statistics for the activities and characteristics covered by the pilot studies for import and export of waste. The Commission may make a recommendation for a new Annex.

5. The pilot studies should be conducted within three years after the first reference year.

*Article 6***Implementation measures**

The measures necessary for the implementation of this instrument, relating to the subject matters referred to below shall be adopted in accordance with the procedure set out in Article 7. These shall include measures:

⁽¹⁾ OJ L 30, 6.2.1993, p. 1.

(a) for adjustment to economic and technical developments concerning the collection and statistical processing of data, the processing and the transmission of results;

(b) for adaptation of the specifications listed in Annexes I, II and III;

(c) for the production of results in accordance with Article 3(2), (3) and (4);

(d) for definition of the proper quality evaluation criteria and the contents of the quality reports as referred to in Section 7 of Annexes I and II of the present Regulation;

(e) for setting out the appropriate format for the transmission of results by Member States within 2 years from the date of entry into force of this Regulation;

(f) for compiling the list for granting transitional periods and derogations to Member States, as specified in Article 4;

(g) for implementation of the results of the pilot studies, as specified in Article 5(4), Annex I Section 2(4) and Annex II Section 8(3).

*Article 7***Comitology**

1. The Commission shall be assisted by the Statistical Programme Committee established by Decision 89/382/EEC, Euratom ⁽²⁾.

2. Where reference is made to this article, Article 5 of Decision 1999/468/EC ⁽³⁾ shall apply, in compliance with Articles 7(3) and 8 thereof. The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Commission shall transmit the measures submitted to the Statistical Programme Committee to the Committee for adaptation to scientific and technical progress of EC legislation instituted by Directive 91/156/EEC ⁽⁴⁾ related to waste.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

⁽⁴⁾ OJ L 78, 26.3.1991, p. 32.

*Article 8***Report**

1. The Commission shall, within five years after the date of entry into force of this Regulation and every three years thereafter, submit a report to the European Parliament and the Council on the statistics compiled pursuant to this Regulation and in particular on their quality and the burden on business.

2. The Commission shall, where appropriate, within three years after the date of entry into force of this Regulation,

submit to the European Parliament and the Council a proposal abolishing overlapping reporting obligations.

*Article 9***Entry Into Force**

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

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

ANNEX I

GENERATION OF WASTE**Section 1***Coverage*

The statistics are to be compiled for all activities classified within the coverage of the sections C to Q, except Division 12, of NACE REV. 1 ⁽¹⁾. These Sections cover all economic activities, except agriculture, hunting, forestry (A) and fishing (B), which are outside the domain of this Annex.

This annex also covers:

- waste generated by households;
- waste arising from recovery and/or disposal operations.

Section 2*Waste categories*

1. The waste categories for which statistics on waste generation are to be compiled are derived as aggregation from the European Waste Catalogue (EWC).
2. Each item in the EWC is attributed to the aggregated substance-oriented waste list tabled in paragraph 3 of this Section. The transposition table between EWC and substance-oriented aggregation is listed in Annex III.
3. Statistics on the following waste categories are to be produced:

Aggregates list (Page 1)

| Item No. | EWC-Stat/Version 2 | | Hazardous/Non-hazardous waste |
|----------|--------------------|---------------------------------|-------------------------------|
| | Code | Description | |
| 1 | 01.1 | Spent solvents | Non-hazardous |
| 2 | 01.1 | Spent solvents | Hazardous |
| 3 | 01.2 | Acid, alkaline or saline wastes | Non-hazardous |
| 4 | 01.2 | Acid, alkaline or saline wastes | Hazardous |
| 5 | 01.3 | Used oils | Non-hazardous |
| 6 | 01.3 | Used oils | Hazardous |
| 7 | 01.4 | Spent chemical catalysts | Non-hazardous |

⁽¹⁾ OJ L 83, 3.4.1993, p. 1.

| Item No. | EWC-Stat/Version 2 | | Hazardous/Non-hazardous waste |
|----------|--------------------|-----------------------------------|-------------------------------|
| | Code | Description | |
| 8 | 01.4 | Spent chemical catalysts | Hazardous |
| 9 | 02 | Chemical preparation wastes | Non-hazardous |
| 10 | 02 | Chemical preparation wastes | Hazardous |
| 11 | 03.1 | Chemical deposits and residues | Non-hazardous |
| 12 | 03.1 | Chemical deposits and residues | Hazardous |
| 13 | 03.2 | Industrial effluent sludges | Non-hazardous |
| 14 | 03.2 | Industrial effluent sludges | Hazardous |
| 15 | 05 | Health care and biological wastes | Non-hazardous |
| 16 | 05 | Health care and biological wastes | Hazardous |
| 17 | 06 | Metallic wastes | Non-hazardous |
| 18 | 06 | Metallic wastes | Hazardous |
| 19 | 07.1 | Glass wastes | Non-hazardous |
| 20 | 07.2 | Paper and cardboard wastes | Non-hazardous |
| 21 | 07.3 | Rubber wastes | Non-hazardous |
| 22 | 07.4 | Plastic wastes | Non-hazardous |
| 23 | 07.5 | Wood wastes | Non-hazardous |
| 24 | 07.6 | Textile wastes | Non-hazardous |
| 25 | 07.6 | Textile wastes | Hazardous |
| 26 | 08 | Discarded equipment | Non-hazardous |
| 27 | 08 | Discarded equipment | Hazardous |
| 28 | 08.1 | Discarded vehicles | Non-hazardous |
| 29 | 08.41 | Batteries and accumulators wastes | Non-hazardous |
| 30 | 08.41 | Batteries and accumulators wastes | Hazardous |
| 31 | 09 | Animal and vegetal wastes | Non-hazardous |

Aggregates list (Page 2)

| Item No. | EWC-Stat/Version 2 | | Hazardous/Non-hazardous waste |
|----------|------------------------|--|-------------------------------|
| | Code | Description | |
| 32 | 10.1 | Household and similar wastes | Non-hazardous |
| 33 | 10.2 | Mixed and undifferentiated materials | Non-hazardous |
| 34 | 10.3 | Sorting residues | Non-hazardous |
| 35 | 11 | Common sludges | Non-hazardous |
| 36 | 12.1, 12.2, 12.3, 12.5 | Mineral wastes (excluding contaminated soils and polluted dredging spoils) | Non-hazardous |
| 37 | 12.1, 12.2, 12.3, 12.5 | Mineral wastes (excluding contaminated soils and polluted dredging spoils) | Hazardous |
| 38 | 12.6 | Contaminated soils and polluted dredging spoils | Hazardous |
| 39 | 12.4 | Combustion wastes | Non-hazardous |

| Item No. | EWC-Stat/Version 2 | | Hazardous/Non-hazardous waste |
|----------|--------------------|--|-------------------------------|
| | Code | Description | |
| 40 | 12.4 | Combustion wastes | Hazardous |
| 41 | 13 | Solidified, stabilised or vitrified wastes | Non-hazardous |
| 42 | 13 | Solidified, stabilised or vitrified wastes | Hazardous |

4. Taking into account the reporting obligation under the European Parliament and Council Directive 94/62/EC ⁽¹⁾, the Commission shall draw up a programme for pilot studies to be carried out on a voluntary basis by Member States in order to assess the relevance of including packaging waste entries (EWC-Stat Version 2) in the breakdown list above. The Commission shall finance up to 100% of the costs for these pilot studies. On the basis of the conclusions of these pilot studies, the Commission will adopt the necessary implementation measures in accordance with the procedure set out in Article 7 of this Regulation.

Section 3

Characteristics

1. Characteristics for the waste categories:

For each waste category listed in Section 2 (3), the quantity of waste generated shall be compiled.

2. Regional characteristics:

Population or dwellings served by a collection scheme for mixed household and similar waste (NUTS II level).

Section 4

Reporting unit

1. The reporting unit to be used for all waste categories is 1 000 tonnes of (normal) wet waste. For the waste categories 'sludge' an additional figure for dry matter should be provided.
2. The reporting unit for regional characteristics should be the percentage of the population or dwellings.

Section 5

First reference year and periodicity

1. The first reference year is the second calendar year following the publication of the Regulation in the Official Journal.
2. Member States shall furnish data for every third year after the first reference year.

Section 6

Transmission of results to Eurostat

The results are to be transmitted within 18 months after the end of the reference year.

Section 7

Report on the coverage and quality of statistics

1. For each item listed in Section 8 (activities and households), Member States shall indicate the percentage to which the compiled statistics represent the universe of the respective item. The minimum requirement for the coverage shall be defined in accordance with the procedure set out in Article 7.
2. Member States shall give a quality report, indicating the degree of precision for the collected data. A description shall be given on the estimations, aggregations or exclusions, and the way these procedures affect the distribution of waste categories, listed in Section 2 (3) by economic activities and households, as referred to in Section 8.

⁽¹⁾ OJ L 365, 31.12.1994, p. 10.

3. The Commission shall include the coverage and quality reports in the report provided for in Article 8 of this Regulation.

Section 8

Production of results

1. The results for the characteristics listed in Section 3 (1), are to be compiled for:

- 1.1 The following Sections, Divisions, Groups and Classes of NACE Rev. 1:

| Item No. | NACE Rev. 1 Code | Description |
|----------|-------------------------------|---|
| 1 | C | Mining and quarrying |
| 2 | DA | Manufacture of food products, beverages and tobacco |
| 3 | DB + DC | Manufacture of textiles + Manufacture of leather and leather products |
| 4 | DD | Manufacture of wood and wood products |
| 5 | DE | Manufacture of pulp, paper and paper products; publishing and printing |
| 6 | DF | Manufacture of coke, refined petroleum products and nuclear fuels |
| 7 | DG + DH | Manufacture of chemicals, chemical products, man-made fibres + Manufacture of rubber and plastic products |
| 8 | DI | Manufacture of other non-metallic mineral products |
| 9 | DJ | Manufacture of basic metals and fabricated metal products |
| 10 | DK + DL + DM | Manufacture of machinery and equipment + Manufacture of electrical and optical equipment + Manufacture of transport equipment |
| 11 | DN Excluded 37 | Manufacture n.e.c. |
| 12 | E | Electricity, gas, steam and hot water and water supply |
| 13 | F | Construction |
| 14 | G-Q Excluded 90 and 51.57) | Services activities: Wholesale and retail trade; Repair of motor vehicles, motor cycles and personal and household goods + Lodging, restaurant and similar activities + Transports, storage and communications + Financial activities + Real state activity, rentals and other services to enterprises + Public administration, defence and obligatory social security + Education activities + Social activities and Health + Other personal, social and community services + Families with household employees + International organisations and other extra-territorial institutions |
| 15 | 37 | Recycling |
| 16 | 51.57 | Wholesale of waste and scrap |
| 17 | 90 | Sewage and refuse disposal, sanitation and similar activities |

- 1.2 Households

| | | |
|----|--|-------------------------------|
| 18 | | Waste generated by households |
|----|--|-------------------------------|

2. For economic activities, statistical units are Local Units or Kind of Activity Units, as defined in Council Regulation 696/93/EEC⁽¹⁾ on the statistical units for the observation and analysis of the production system in the Community, according to each Member State's statistical system.

In the quality report, to be produced under Section 7, a description of how the chosen statistical unit affects the groupings of NACE-Rev 1 data distribution should be included.

⁽¹⁾ OJ L 76, 30.3. 1993, p. 2.

ANNEX II

RECOVERY AND DISPOSAL OF WASTE

Section 1

Coverage

1. The statistics are to be compiled for all recovery and disposal facilities which run any of the operations referred to in Section 8(2) and which belong to or are part of the economic activities according to the groupings of NACE-Rev.1, mentioned in Annex I, Section 8 (1.1).
2. Facilities whose waste treatment activities are limited to the recycling of waste on the site where the waste was generated are not covered by this Annex.

Section 2

Waste categories

The list of waste categories for which the statistics are to be compiled, according to each recovery or disposal operation as referred to in section 8(2), are the following:

| Incineration | | | |
|---------------------|-----------------------------|--|-------------------------------|
| Item No. | EWC-Stat Version 2 | | Hazardous/Non-hazardous waste |
| | Code | Description | |
| 1 | 01 + 02 + 03 | Chemical wastes (Chemical compound waste + Chemical preparation wastes + Other chemical wastes) | Non-hazardous |
| 2 | 01 + 02 + 03 | Chemical wastes (Chemical compound waste + Chemical preparation wastes + Other chemical wastes) | Hazardous |
| 3 | 01.3 | Used oils | Non-hazardous |
| 4 | 01.3 | Used oils | Hazardous |
| 5 | 05 | Health care and biological wastes | Non-hazardous |
| 6 | 05 | Health care and biological wastes | Hazardous |
| 7 | 10.1 | Mixed household and similar waste | Non-hazardous |
| 8 | 10.2 | Mixed and undifferentiated materials | Non-hazardous |
| 9 | 10.3 | Sorting residues | Non-hazardous |
| 10 | 11 | Common sludges | Non-hazardous |
| 11 | 06 + 07 + 08 + 09 + 12 + 13 | Other wastes (Metallic wastes + Non-metallic wastes + Discarded equipment + Animal and vegetal wastes + Mineral wastes + Solidified, stabilised or vitrified wastes) | Non-hazardous |
| 12 | 06 + 07 + 08 + 09 + 12 + 13 | Other wastes (Metallic wastes + Non-metallic wastes + Discarded equipment + Animal and vegetal wastes + Mineral wastes + Solidified, stabilised or vitrified wastes) | Hazardous |

| Recycling | | | |
|------------------|---|---|-------------------------------|
| Item No. | EWC-Stat Version 2 | | Hazardous/Non-hazardous waste |
| | Code | Description | |
| 1 | 01.3 | Used oils | Non-hazardous |
| 2 | 01.3 | Used oils | Hazardous |
| 3 | 06 | Metallic wastes | Non-hazardous |
| 4 | 06 | Metallic wastes | Hazardous |
| 5 | 07.1 | Glass wastes | Non-hazardous |
| 6 | 07.2 | Paper and cardboard wastes | Non-hazardous |
| 7 | 07.3 | Rubber wastes | Non-hazardous |
| 8 | 07.4 | Plastic wastes | Non-hazardous |
| 9 | 07.5 | Wood wastes | Non-hazardous |
| 10 | 07.6 | Textile wastes | Non-hazardous |
| 11 | 07.6 | Textile wastes | Hazardous |
| 12 | 09 | Animal and vegetal wastes | Non-hazardous |
| 13 | 12 | Mineral waste | Non-hazardous |
| 14 | 12 | Mineral waste | Hazardous |
| 15 | 01 + 02 + 03 + 05 + 08 + 10 + 11 + 13 | Other wastes (Chemical compound wastes + Chemical preparation wastes + Other chemical wastes + Health care and biological wastes + Discarded equipment + Mixed ordinary wastes + Common sludges + Solidified, stabilised or vitrified wastes) | Non-hazardous |
| 16 | 01 + 02 + 03 + 05 + 08 + 10 + 11 + 13 | Other wastes (Chemical compound wastes + Chemical preparation wastes + Other chemical wastes + Health care and biological wastes + Discarded equipment + Mixed ordinary wastes + Common sludges + Solidified, stabilised or vitrified wastes) | Hazardous |

| Disposal (other than incineration): | | | |
|--|------------------------|---|-------------------------------|
| Item No. | EWC-Stat Version | | Hazardous/Non-hazardous waste |
| | Code | Description | |
| 1 | 01 + 02 + 03 | Chemical wastes (Chemical compound waste + Chemical preparation wastes + Other chemical wastes) | Non-hazardous |
| 2 | 01 + 02 + 03 | Chemical wastes (Chemical compound waste + Chemical preparation wastes + Other chemical wastes) | Hazardous |
| 3 | 01.3 | Used oils | Non-hazardous |
| 4 | 01.3 | Used oils | Hazardous |
| 5 | 09 | Animal and vegetal wastes | Non-hazardous |
| 6 | 10.1 | Household and similar waste | Non-hazardous |
| 7 | 10.2 | Mixed and undifferentiated materials | Non-hazardous |
| 8 | 10.3 | Sorting residues | Non-hazardous |
| 9 | 11 | Common sludges | Non-hazardous |
| 10 | 12 | Mineral wastes | Non-hazardous |
| 11 | 12 | Mineral wastes | Hazardous |
| 12 | 05 + 06 + 07 + 08 + 13 | Other wastes (Health care and biological wastes + Metallic wastes + Non-metallic wastes + Discarded equipment + Solidified, stabilised or vitrified wastes) | Non-hazardous |
| 13 | 05 + 06 + 07 + 08 + 13 | Other wastes (Health care and biological wastes + Metallic wastes + Non-metallic wastes + Discarded equipment + Solidified, stabilised or vitrified wastes) | Hazardous |

Section 3

Characteristics

The characteristics, for which the statistics are to be compiled on recovery and disposal operations, as referred to in Section 8(2) are set out in the table below.

| Number and capacity of recovery and disposal operations per region | | |
|--|------|---|
| Item No. | Code | Description |
| 1 | 2 00 | Number of operation facilities, NUTS 2 level |
| 2 | 2 10 | Capacity in units according to the operations defined in Article 2, NUTS 2 level |
| Waste treated per recovery and disposal operation, including import | | |
| 3 | 2 20 | Total quantities of waste treated, by waste category, excluding recycling of waste on the site where the waste was generated, at NUTS 1 level |

Section 4

Reporting unit

The reporting unit to be used for all waste categories is 1 000 tonnes of (normal) wet waste. For the waste categories 'sludge' an additional figure for dry matter should be provided.

Section 5

First reference year and periodicity

1. The first reference year is the second calendar year following the publication of the Regulation in the Official Journal.
2. Member States shall furnish data according to the following scheme:
 - (a) for every year, after the reference year, for the facilities which are referred to in Section 8(2) and run any of the operations under Incineration (item numbers 1 and 2) and Disposal (item numbers 4 and 5) as far as these facilities belong to or are part of the economic activities according to the groupings of NACE Rev 1: E, 75 and 90.
 - (b) for every third year, after the reference year for all Recovery and Disposal facilities which run any of the operations referred to in Section 8(2) and which belong to or are part of the economic activities according to the groupings of NACE-Rev.1, mentioned in Annex I, Section 8 (1.1).

Section 6

Transmission of results to Eurostat

The results are to be transmitted within 18 months of the end of the calendar year of the reference period.

Section 7

Report on the coverage and quality of statistics

1. For the characteristics listed in Section 3, and for each type of operation listed in Section 8, paragraph 2, Member States shall indicate the percentage to which the compiled statistics represent the universe of waste of the respective item. The minimum requirement for the coverage shall be defined in accordance with the procedure set out in Article 7.
2. For the characteristics listed in Section 3, paragraph 2, Member States shall give a quality report, indicating the degree of precision for the collected data.
3. The Commission shall include the coverage and quality reports in the report provided for in Article 8 of this Regulation.

Section 8

Production of results

1. The results are to be compiled for each recovery and disposal operation, as specified below, according to the characteristic 2 20 as referred to in Section 3 and the operation specific waste categories listed in Section 2.
2. List of Recovery and Disposal Operations; the codes refer to the codes in the Annexes of the Council Directive 75/442/EEC on waste as amended by 91/156/EEC and adapted by Commission Decision 96/350/EC (1):

(1) OJ L 135, 6.6.1996, p. 32.

| Item No. | Code | Types of recovery and disposal operations |
|---|---|--|
| Incineration | | |
| 1 | R1 | Incineration with energy recovery: Use principally as a fuel or other means to generate energy |
| 2 | D10 | Incineration other than R1 |
| Recycling (including Composting) | | |
| 3 | R2 + R3 + R4 + R5 + R6 + R7 + R8 + R9 + R10 + R11 | Solvent reclamation/regeneration + Recycling/reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) + Recycling/reclamation of metals and metal compounds + Recycling/reclamation of other inorganic materials + Regeneration of acids or bases + Recovery of components used for pollution abatement + Recovery of components from catalysts + Oil refining or other reuses of oil + Land treatment resulting in benefit to agriculture or ecological improvement + Use of wastes obtained from any of the operations numbered R1 to R10 |
| Disposal | | |
| 4 | D1 + D3 + D4 + D5 + D12 | Final deposit: (different types of landfilling operations) Deposit into landfill + Deep injection + Surface impoundment (discharge of liquid wastes on natural or artificial lagoons) + Special engineered landfill + Permanent storage |
| 5 | D2 + D6 + D7 | Other final disposal operations: Land treatment + Release into a water body except seas and oceans + Release into seas and oceans including sea-bed insertion |

3. The Commission shall draw up a programme for pilot studies, to be carried out on a voluntary basis by Member States. The pilot studies will aim to assess the relevance and feasibility of obtaining data on the amounts of waste conditioned by preparatory operations, as defined in Annexes II.A and II.B of Council Directive 75/442/EEC and adapted by Commission Decision 96/350/EC ⁽¹⁾. The Commission shall finance up to 100 % of the costs for conducting these pilot studies. Based on the conclusions of these pilot studies, the Commission will adopt the necessary implementation measures, in accordance with the procedure set out in Article 7 of this Regulation.
4. Statistical units are Local Units or Kind of Activity Units, as defined in Council Regulation 696/93 EEC ⁽²⁾ on the statistical units for the observation and analysis of the production system in the Community, according to each Member State's statistical system.

In the quality report, to be produced under Section 7, a description of how the chosen statistical unit affects the groupings of NACE-Rev 1 data distribution should be included.

⁽¹⁾ OJ L 135, 6.6.1996, p. 32.

⁽²⁾ OJ L 76, 30.3.1993, p. 1.

ANNEX III

TRANSPOSITION TABLE

Related to Annex I, Section 2(2) and Annex II, Section 2 EWC-Stat Rev.2 (substance oriented waste statistical classification) European Waste Catalogue (EWC)

| | | | | | | | | | | | |
|----|--------------------------|------|----------------|----------|---|----------|--|----------|--|----------|--|
| 01 | Chemical compound wastes | 01.1 | Spent solvents | 01.11 | Halogenated spent solvents | 1 | Hazardous | 04.01.03 | degreasing wastes containing solvents without a liquid phase | | |
| | | | | | | | | 07.01.03 | organic halogenated solvents, washing liquids and mother liquors | | |
| | | | | | | | | 07.02.03 | organic halogenated solvents, washing liquids and mother liquors | | |
| | | | | | | | | 07.03.03 | organic halogenated solvents, washing liquids and mother liquors | | |
| | | | | | | | | 07.04.03 | organic halogenated solvents, washing liquids and mother liquors | | |
| | | | | | | | | 07.05.03 | organic halogenated solvents, washing liquids and mother liquors | | |
| | | | | | | | | 07.06.03 | organic halogenated solvents, washing liquids and mother liquors | | |
| | | | | | | | | 07.07.03 | organic halogenated solvents, washing liquids and mother liquors | | |
| | | | | | | | | 14.01.01 | chlorofluorocarbons | | |
| | | | | | | | | 14.01.02 | other halogenated solvents and solvent mixes | | |
| | | | | | | | | 14.01.04 | aqueous solvent mixes containing halogens | | |
| | | | | | | | | 14.01.06 | sludges or solid wastes containing halogenated solvents | | |
| | | | | | | | | 14.02.01 | halogenated solvents and solvent mixes | | |
| | | | | | | | | 14.02.03 | sludges or solid wastes containing halogenated solvents | | |
| | | | | | | | | 14.03.01 | chlorofluorocarbons | | |
| | | | | | | | | 14.03.02 | other halogenated solvents | | |
| | | | | | | | | 14.03.04 | sludges or solid wastes containing halogenated solvents | | |
| | | | | | | | | 14.04.01 | chlorofluorocarbons | | |
| | | | | | | | | 14.04.02 | other halogenated solvents and solvent mixes | | |
| | | | | 14.04.04 | sludges or solid wastes containing halogenated solvents | | | | | | |
| | | | | 14.05.01 | chlorofluorocarbons | | | | | | |
| | | | | 14.05.02 | halogenated solvents and solvent mixes | | | | | | |
| | | | | 14.05.04 | sludges containing halogenated solvents | | | | | | |
| | | | | | | 01.12 | Non halogenated spent solvents | 0 | Non-hazardous | 02.03.03 | wastes from solvent extraction |
| | | | | | | | | 1 | Hazardous | 07.01.04 | other organic solvents, washing liquids and mother liquors |
| | | | | | | | | | | 07.02.04 | other organic solvents, washing liquids and mother liquors |
| | | | | | | 07.03.04 | other organic solvents, washing liquids and mother liquors | | | | |

| | | | | | |
|------|---------------------------------|-------|-----------------|-----------------|---|
| | | | | 07.04.04 | other organic solvents, washing liquids and mother liquors |
| | | | | 07.05.04 | other organic solvents, washing liquids and mother liquors |
| | | | | 07.06.04 | other organic solvents, washing liquids and mother liquors |
| | | | | 07.07.04 | other organic solvents, washing liquids and mother liquors |
| | | | | 14.01.03 | other solvents and solvent mixes |
| | | | | 14.01.05 | aqueous solvent mixes free of halogens |
| | | | | 14.01.07 | sludges or solid wastes free of halogenated solvents |
| | | | | 14.02.02 | solvent mixes or organic liquids free of halogenated solvents |
| | | | | 14.02.04 | sludges or solid wastes containing other solvents |
| | | | | 14.03.03 | solvents and solvent mixes free of halogenated solvents |
| | | | | 14.03.05 | sludges or solid wastes containing other solvents |
| | | | | 14.04.03 | other solvents and solvent mixes |
| | | | | 14.04.05 | sludges or solid wastes containing other solvents |
| | | | | 14.05.03 | other solvents and solvent mixes |
| | | | | 14.05.05 | sludges containing other solvents |
| | | | | 20.01.13 | solvents |
| 01.2 | Acid, alkaline or saline wastes | 01.21 | Acid wastes | 0 Non-hazardous | 11.01.04 cyanide-free wastes not containing chromium |
| | | | | 1 Hazardous | 20.01.14 acids |
| | | | | | 06.01.01 sulphuric acid and sulphurous acid |
| | | | | | 06.01.02 hydrochloric acid |
| | | | | | 06.01.03 hydrofluoric acid |
| | | | | | 06.01.04 phosphoric and phosphorous acid |
| | | | | | 06.01.05 nitric acid and nitrous acid |
| | | | | | 06.01.99 waste not otherwise specified |
| | | | | | 09.01.04 fixer solutions |
| | | | | | 09.01.05 bleach solutions and bleach fixer solutions |
| | | | | | 10.01.09 sulphuric acid |
| | | | | | 11.01.03 cyanide-free wastes containing chromium |
| | | | | | 11.01.05 acidic pickling solutions |
| | | | | | 11.01.06 acids not otherwise specified |
| | | | | | 16.06.06 electrolyte from batteries and accumulators |
| | | 01.22 | Alkaline wastes | 0 Non-hazardous | 20.01.15 alkalines |
| | | | | 1 Hazardous | 06.02.01 calcium hydroxide |
| | | | | | 06.02.02 soda |
| | | | | | 06.02.03 ammonia |
| | | | | | 06.02.99 wastes not otherwise specified |

| | | | | | |
|--|--|-------|---------------------|----------|---|
| | | | | 09.01.01 | water-based developer and activator solutions |
| | | | | 09.01.02 | water-based offset plate developer solutions |
| | | | | 09.01.03 | solvent-based developer solutions |
| | | | | 11.01.01 | cyanidic (alkaline) wastes containing heavy metals other than chromium |
| | | | | 11.01.02 | cyanidic (alkaline) wastes which do not contain heavy metals |
| | | | | 11.01.07 | alkalis not otherwise specified |
| | | | | 11.03.01 | wastes containing cyanide |
| | | | | 19.02.01 | metal hydroxide sludges and other sludges from metal insolubilisation treatment |
| | | 01.23 | Saline solutions | 0 | Non-hazardous |
| | | | | 06.03.02 | saline solutions containing sulphates, sulphites or sulphides |
| | | | | 06.03.04 | saline solutions containing chlorides, fluorides and halides |
| | | | | 06.03.06 | saline solutions containing phosphates and related solid salts |
| | | | | 06.03.08 | saline solutions containing nitrates and related compounds |
| | | | | 10.06.05 | waste from electrolytic refining |
| | | 01.24 | Other saline wastes | 0 | Non-hazardous |
| | | | | 01.04.04 | waste from potash and rock salt processing |
| | | | | 01.05.02 | barite-containing drilling muds and wastes |
| | | | | 01.05.03 | chloride-containing drilling muds and wastes |
| | | | | 01.05.99 | wastes not otherwise specified |
| | | | | 05.05.01 | waste containing sulphur |
| | | | | 05.07.02 | wastes containing sulphur |
| | | | | 06.03.01 | carbonates (except 02 04 02 and 19 10 03) |
| | | | | 06.03.03 | solid salts containing sulphates, sulphites or sulphides |
| | | | | 06.03.05 | solid salts containing chlorides, fluorides and other halogenated solid salts |
| | | | | 06.03.07 | phosphates and related solid salts |
| | | | | 06.03.09 | solid salts containing nitrides (nitro-metallic) |
| | | | | 06.03.10 | solid salts containing ammonium |
| | | | | 06.03.12 | salts and solutions containing organic compounds |
| | | | | 06.03.99 | wastes not otherwise specified |
| | | | | 06.04.01 | metallic oxides |
| | | | | 06.04.99 | wastes not otherwise specified |
| | | | | 06.06.01 | waste containing sulphur |
| | | | | 11.02.01 | sludges from copper hydrometallurgy |
| | | | 1 | 06.03.11 | Hazardous salts and solutions containing cyanides |
| | | | | 06.04.02 | metallic salts (except 06 03 00) |
| | | | | 06.04.03 | wastes containing arsenic |
| | | | | 06.04.04 | wastes containing mercury |

| | | | | | |
|------|-----------|-------|-----------------|----------|--|
| | | | | 06.04.05 | wastes containing other heavy metals |
| | | | | 10.03.08 | salt slags from secondary smelting |
| | | | | 10.03.10 | waste from treatment of salt slags and black drosses treatment |
| | | | | 11.01.08 | phosphatizing sludges |
| | | | | 11.02.02 | sludges from zinc hydrometallurgy (including jarosite, goethite) |
| | | | | 11.03.02 | other wastes |
| 01.3 | Used oils | 01.31 | Used motor oils | 1 | Hazardous |
| | | | | 13.02.01 | chlorinated engine, gear and lubricating oils |
| | | | | 13.02.02 | non-chlorinated engine, gear and lubricating oils |
| | | | | 13.02.03 | other engine, gear and lubricating oils |
| | | 01.32 | Other used oils | 0 | Non-hazardous |
| | | | | 01.05.01 | oil-containing drilling muds and wastes |
| | | | | 05.01.02 | desalted sludges |
| | | | | 05.01.06 | sludges from plant, equipment and maintenance operations |
| | | | | 12.02.02 | sludges from grinding, honing and lapping |
| | | | | 12.02.03 | polishing sludges |
| | | | | 12.02.99 | wastes not otherwise specified |
| | | | | 1 | Hazardous |
| | | | | 05.01.03 | tank bottom sludges |
| | | | | 05.01.04 | acid alkyl sludges |
| | | | | 12.01.06 | waste machining oils containing halogens (not emulsioned) |
| | | | | 12.01.07 | waste machining oils free of halogens (not emulsioned) |
| | | | | 12.01.08 | waste machining emulsions containing halogens |
| | | | | 12.01.09 | waste machining emulsions free of halogens |
| | | | | 12.01.10 | synthetic machining oils |
| | | | | 12.01.11 | machining sludges |
| | | | | 12.01.12 | spent waxes and fats |
| | | | | 13.01.01 | hydraulic oils, containing PCBs or PCTs |
| | | | | 13.01.02 | other chlorinated hydraulic oils (not emulsions) |
| | | | | 13.01.03 | non-chlorinated hydraulic oils (not emulsions) |
| | | | | 13.01.04 | chlorinated emulsions |
| | | | | 13.01.05 | non-chlorinated emulsions |
| | | | | 13.01.06 | hydraulic oils containing only mineral oil |
| | | | | 13.01.07 | other hydraulic oils |
| | | | | 13.01.08 | brake fluids |
| | | | | 13.03.01 | insulating or heat transmission oils and other liquids containing PCBs or PCTs |
| | | | | 13.03.02 | other chlorinated insulating and heat transmission oils and other liquids |
| | | | | 13.03.03 | non-chlorinated insulating and heat transmission oils and other liquids |

| | | | | | |
|--------------------------------|--|---|-----------------|----------|--|
| | | | | 13.03.04 | synthetic insulating and heat transmission oils and other liquids |
| | | | | 13.03.05 | mineral insulating and heat transmission oils |
| | | | | 13.06.01 | oil waste not otherwise specified |
| | 01.4 Spent chemical catalysts | 01.41 Spent chemical catalysts | 0 Non-hazardous | 05.03.01 | spent catalysts containing precious metals |
| | | | | 05.03.02 | other spent catalysts |
| | | | | 06.12.01 | spent catalysts containing precious metals |
| | | | | 06.12.02 | other spent catalysts |
| | | | | 07.01.05 | spent catalysts containing precious metals |
| | | | | 07.01.06 | other spent catalysts |
| | | | | 07.02.05 | spent catalysts containing precious metals |
| | | | | 07.02.06 | other spent catalysts |
| | | | | 07.03.05 | spent catalysts containing precious metals |
| | | | | 07.03.06 | other spent catalysts |
| | | | | 07.04.05 | spent catalysts containing precious metals |
| | | | | 07.04.06 | other spent catalysts |
| | | | | 07.05.05 | spent catalysts containing precious metals |
| | | | | 07.05.06 | other spent catalysts |
| | | | | 07.06.05 | spent catalysts containing precious metals |
| | | | | 07.06.06 | other spent catalysts |
| | | | | 07.07.05 | spent catalysts containing precious metals |
| | | | | 07.07.06 | other spent catalysts |
| | | | | 10.01.10 | spent catalysts e.g. from removal of NOx |
| | | | | 19.01.09 | spent catalysts e.g. from NOx removal |
| 02 Chemical preparation wastes | 02.1 Off-specification chemical wastes | 02.11 Agro-chemical product wastes | 1 Hazardous | 02.01.05 | agrochemical wastes |
| | | | | 06.13.01 | inorganic pesticides, biocides and wood preserving agents |
| | | | | 20.01.19 | pesticides |
| | | 02.12 Unused medicines | 0 Non-hazardous | 18.01.05 | discarded chemicals and medicines |
| | | | | 20.01.18 | medicines |
| | | 02.13 Paints, varnish, inks and adhesive wastes | 0 Non-hazardous | 03.01.99 | wastes not otherwise specified |
| | | | | 04.02.13 | dye stuffs and pigments |
| | | | | 08.01.03 | waste from water-based paints and varnishes |
| | | | | 08.01.04 | powder paints |
| | | | | 08.01.05 | hardened paints and varnishes |
| | | | | 08.01.08 | aqueous sludges containing paint or varnish |
| | | | | 08.01.09 | waste from paint or varnish removal (except 08 01 05 and 08 01 06) |
| | | | | 08.01.10 | aqueous suspensions containing paint or varnish |

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| | | | | 08.01.99 | wastes not otherwise specified |
| | | | | 08.02.01 | waste coating powders |
| | | | | 08.02.99 | wastes not otherwise specified |
| | | | | 08.03.03 | waste from water-based ink |
| | | | | 08.03.04 | dried ink |
| | | | | 08.03.07 | aqueous sludges containing ink |
| | | | | 08.03.08 | aqueous liquid waste containing ink |
| | | | | 08.03.09 | waste printing toner (including cartridges) |
| | | | | 08.03.99 | wastes not otherwise specified |
| | | | | 08.04.03 | wastes from water-based adhesives and sealants |
| | | | | 08.04.04 | hardened adhesives and sealants |
| | | | | 08.04.07 | aqueous sludges containing adhesives and sealants |
| | | | | 08.04.08 | aqueous liquid wastes containing adhesives and sealants |
| | | | | 08.04.99 | wastes not otherwise specified |
| | | | 1 Hazardous | 08.01.01 | waste paints and varnish containing halogenated solvents |
| | | | | 08.01.02 | waste paints and varnish free of halogenated solvents |
| | | | | 08.01.06 | sludges from paint or varnish removal containing halogenated solvents |
| | | | | 08.01.07 | sludges from paint or varnish removal free of halogenated solvents |
| | | | | 08.03.01 | waste ink containing halogenated solvents |
| | | | | 08.03.02 | waste ink free of halogenated solvents |
| | | | | 08.03.05 | ink sludges containing halogenated solvents |
| | | | | 08.03.06 | ink sludges free of halogenated solvents |
| | | | | 08.04.01 | waste adhesives and sealants containing halogenated solvents |
| | | | | 08.04.02 | waste adhesives and sealants free of halogenated solvents |
| | | | | 08.04.05 | adhesives and sealants sludges containing halogenated solvents |
| | | | | 08.04.06 | adhesives and sealants sludges free of halogenated solvents |
| | | | | 20.01.12 | paint, inks, adhesives and resins |
| | 02.14 | Other chemical preparation wastes | 0 Non-hazardous | 02.03.02 | wastes from preserving agents |
| | | | | 02.06.02 | wastes from preserving agents |
| | | | | 02.07.03 | waste from chemical treatment |
| | | | | 03.03.03 | bleaching sludges from hypochlorite and chlorine processes |

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| | | | | 03.03.04 | bleaching sludges from other bleaching processes |
| | | | | 06.06.99 | wastes not otherwise specified |
| | | | | 06.07.99 | wastes not otherwise specified |
| | | | | 06.08.01 | wastes from production of silicon and silicon derivatives |
| | | | | 06.09.99 | wastes not otherwise specified |
| | | | | 06.10.01 | waste from nitrogen chemical processes and fertilizer manufacture |
| | | | | 06.11.99 | wastes not otherwise specified |
| | | | | 06.13.99 | wastes not otherwise specified |
| | | | | 09.01.07 | photographic film and paper containing silver or silver compounds |
| | | | | 16.05.01 | industrial gases in high pressure cylinders, LPG containers and industrial aerosol containers (including halons) |
| | | | | 20.01.16 | detergents |
| | | | | 20.01.22 | aerosols |
| | | | 1 Hazardous | 03.02.01 | non-halogenated organic wood preservatives |
| | | | | 03.02.02 | organochlorinated wood preservatives |
| | | | | 03.02.03 | organometallic wood preservatives |
| | | | | 03.02.04 | inorganic wood preservatives |
| | | | | 05.07.01 | sludges containing mercury |
| | | | | 18.02.04 | discarded chemicals |
| | | | | 20.01.17 | photo chemicals |
| | 02.2 Unused explosives | 02.21 Waste explosives and pyrotechnical products | 1 Hazardous | 16.04.02 | fireworks waste |
| | | | | 16.04.03 | other waste explosives |
| | | 02.22 Waste ammunition | 1 Hazardous | 16.04.01 | waste ammunition |
| | 02.3 Mixed chemical wastes | 02.31 Minor mixed chemical wastes | 0 Non-hazardous | 16.05.02 | other waste containing inorganic chemicals, e.g. lab chemicals not otherwise specified, fire extinguishing powders |
| | | | | 16.05.03 | other waste containing organic chemicals, e.g. lab chemicals not otherwise specified |
| | | 02.32 Chemical wastes mixed for treatment | 0 Non-hazardous | 19.02.02 | premixed wastes for final disposal |
| | | 02.33 Packaging polluted by hazardous substances | | | |
| 03 Other chemical wastes | 03.1 Chemical deposits and residues | 03.11 Tars and carbonaceous wastes | 0 Non-hazardous | 05.06.02 | asphalt |
| | | | | 05.06.99 | wastes not otherwise specified |
| | | | | 06.13.03 | carbon black |
| | | | | 10.03.02 | anode scraps |

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| | | | | 11.02.03 | wastes from the production of anodes for aqueous electrolytical processes |
| | | | 1 Hazardous | 05.01.07 | acid tars |
| | | | | 05.01.08 | other tars |
| | | | | 05.06.01 | acid tars |
| | | | | 05.06.03 | other tars |
| | | | | 05.08.02 | acid tars |
| | | | | 05.08.03 | other tars |
| | | | | 10.03.01 | tars and other carbon-containing wastes from anode manufacture |
| | | 03.12 | 1 Hazardous | 13.04.01 | bilge oils from inland navigation |
| | | | | 13.04.02 | bilge oils from jetty sewers |
| | | | | 13.04.03 | bilge oils from other navigation |
| | | | | 13.05.01 | oil/water separator solids |
| | | | | 13.05.02 | oil/water separator sludges |
| | | | | 13.05.03 | interceptor sludges |
| | | | | 13.05.04 | desalter sludges or emulsions |
| | | | | 13.05.05 | other emulsions |
| | | | | 16.07.01 | waste from marine transport tank cleaning, containing chemicals |
| | | | | 16.07.04 | waste from railway and road transport tank cleaning containing chemicals |
| | | | | 16.07.05 | waste from storage tank cleaning, containing chemicals |
| | | 03.13 | 0 Non-hazardous | 03.03.02 | dregs and green liquor sludge (from black liquor treatment) |
| | | | | 04.01.04 | tanning liquor containing chromium |
| | | | | 04.01.05 | tanning liquor free of chromium |
| | | | | 07.01.99 | wastes not otherwise specified |
| | | | | 07.02.99 | wastes not otherwise specified |
| | | | | 07.03.99 | wastes not otherwise specified |
| | | | | 07.04.99 | wastes not otherwise specified |
| | | | | 07.05.99 | wastes not otherwise specified |
| | | | | 07.06.99 | wastes not otherwise specified |
| | | | | 07.07.99 | wastes not otherwise specified |
| | | | 1 Hazardous | 07.01.01 | aqueous washing liquids and mother liquors |
| | | | | 07.01.07 | halogenated still bottoms and reaction residues |
| | | | | 07.01.08 | other still bottoms and reaction residues |
| | | | | 07.02.01 | aqueous washing liquids and mother liquors |
| | | | | 07.02.07 | halogenated still bottoms and reaction residues |
| | | | | 07.02.08 | other still bottoms and reaction residues |
| | | | | 07.03.01 | aqueous washing liquids and mother liquors |

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| | | | | 07.03.07 | halogenated still bottoms and reaction residues | |
| | | | | 07.03.08 | other still bottoms and reaction residues | |
| | | | | 07.04.01 | aqueous washing liquids and mother liquors | |
| | | | | 07.04.07 | halogenated still bottoms and reaction residues | |
| | | | | 07.04.08 | other still bottoms and reaction residues | |
| | | | | 07.05.01 | aqueous washing liquids and mother liquors | |
| | | | | 07.05.07 | halogenated still bottoms and reaction residues | |
| | | | | 07.05.08 | other still bottoms and reaction residues | |
| | | | | 07.06.01 | aqueous washing liquids and mother liquors | |
| | | | | 07.06.07 | halogenated still bottoms and reaction residues | |
| | | | | 07.06.08 | other still bottoms and reaction residues | |
| | | | | 07.07.01 | aqueous washing liquids and mother liquors | |
| | | | | 07.07.07 | halogenated still bottoms and reaction residues | |
| | | | | 07.07.08 | other still bottoms and reaction residues | |
| | | | | 19.04.03 | non-vitrified solid phase | |
| | | 03.14 | Spent filtration and absorbent materials | 0 Non-hazardous | 19.09.03 | sludges from decarbonation |
| | | | | | 19.09.04 | spent activated carbon |
| | | | | | 19.09.05 | saturated or spent ion exchange resins |
| | | | | | 19.09.06 | solutions and sludges from regeneration of ion exchangers |
| | | | | 1 Hazardous | 05.04.01 | spent filter clays |
| | | | | | 05.08.01 | spent filter clays |
| | | | | | 06.07.02 | activated carbon from chlorine production |
| | | | | | 06.13.02 | spent activated carbon (except 06 07 02) |
| | | | | | 07.01.09 | halogenated filter cakes, spent absorbents |
| | | | | | 07.01.10 | other filter cakes, spent absorbents |
| | | | | | 07.02.09 | halogenated filter cakes, spent absorbents |
| | | | | | 07.02.10 | other filter cakes, spent absorbents |
| | | | | | 07.03.09 | halogenated filter cakes, spent absorbents |
| | | | | | 07.03.10 | other filter cakes, spent absorbents |
| | | | | | 07.04.09 | halogenated filter cakes, spent absorbents |

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| | | | | 07.04.10 | other filter cakes, spent absorbents |
| | | | | 07.05.09 | halogenated filter cakes, spent absorbents |
| | | | | 07.05.10 | other filter cakes, spent absorbents |
| | | | | 07.06.09 | halogenated filter cakes, spent absorbents |
| | | | | 07.06.10 | other filter cakes, spent absorbents |
| | | | | 07.07.09 | halogenated filter cakes, spent absorbents |
| | | | | 07.07.10 | other filter cakes, spent absorbents |
| | | | | 19.01.05 | filter cake from gas treatment |
| | | | | 19.08.06 | saturated or spent ion exchange resins |
| | | | | 19.08.07 | solutions and sludges from regeneration of ion exchangers |
| 03.2 | Industrial effluent sludges | 03.21 | Sludges from industrial processes and effluent treatment | 0 | Non-hazardous |
| | | | | 03.03.05 | de-inking sludges from paper recycling |
| | | | | 04.01.06 | sludges containing chromium |
| | | | | 04.01.07 | sludges free of chromium |
| | | | | 04.02.99 | wastes not otherwise specified |
| | | | | 05.01.01 | sludges from on-site effluent treatment |
| | | | | 06.05.01 | sludges from on-site effluent treatment |
| | | | | 07.01.02 | sludges from on-site effluent treatment |
| | | | | 07.02.02 | sludges from on-site effluent treatment |
| | | | | 07.03.02 | sludges from on-site effluent treatment |
| | | | | 07.04.02 | sludges from on-site effluent treatment |
| | | | | 07.05.02 | sludges from on-site effluent treatment |
| | | | | 07.06.02 | sludges from on-site effluent treatment |
| | | | | 07.07.02 | sludges from on-site effluent treatment |
| | | | | 11.02.04 | sludges not otherwise specified |
| | | | | 19.06.01 | anaerobic treatment sludges of municipal and similar wastes |
| | | | | 19.06.02 | anaerobic treatment sludges of animal and vegetal wastes |
| | | | | 19.06.99 | wastes not otherwise specified |
| | | | | 19.07.01 | landfill leachate |
| | | 03.22 | Sludges containing hydrocarbons | 0 | Non-hazardous |
| | | | | 05.01.99 | wastes not otherwise specified |
| | | | | 05.05.99 | wastes not otherwise specified |
| | | | | 05.07.99 | wastes not otherwise specified |
| | | | | 05.08.99 | wastes not otherwise specified |

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| | | | | 1 Hazardous | 05.08.04 12.03.01 12.03.02 16.07.02 16.07.03 16.07.06 19.08.03 | aqueous liquid waste from oil regeneration aqueous washing liquids steam degreasing wastes waste from marine transport tank cleaning, containing oil waste from railway and road transport tank cleaning containing oil waste from storage tank cleaning, containing oil grease and oil mixture from oil/waste water separation |
| 04 Radioactive wastes | 04.1 Nuclear waste 04.2 Spent ionising sources 04.3 Equipment and products contaminated by radioactivity 04.4 Soils contaminated by radioactivity | 04.11 Nuclear wastes 04.21 Spent ionising sources 04.31 Equipment and products contaminated by radioactivity 04.41 Soils contaminated by radioactivity | | | | |
| 05 Health care and biological wastes | 05.1 Infectious health care wastes 05.2 Non-infectious health care wastes 05.3 Genetic engineering wastes | 05.11 Human infectious health care wastes 05.12 Animal infectious health care wastes 05.21 Non-infectious human health care wastes 05.22 Non-infectious human health care wastes 05.31 Genetic engineering wastes | 0 Non-hazardous 1 Hazardous 0 Non-hazardous 1 Hazardous | 18.01.02 18.01.03 18.01.01 18.02.01 18.02.02 | body parts and organs including blood bags and blood preserves other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection sharps sharps other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection | |
| 06 Metallic wastes | 06.1 Ferrous metal waste and scrap | 06.11 Ferrous metal waste and scrap | 0 Non-hazardous | 10.12.06 12.01.01 12.01.02 17.04.05 19.01.02 | discarded moulds ferrous metal filings and turnings other ferrous metals particles iron and steel ferrous materials removed from bottom ash | |

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| | 06.2 Non-ferrous metal waste and scrap | 06.21 Waste precious metal | 1 Hazardous | 09.01.06 | waste containing silver from on-site treatment of photographic waste |
| | | 06.22 Waste aluminium packaging | | | |
| | | 06.23 Other waste aluminium | 0 Non-hazardous | 17.04.02 | aluminium |
| | | 06.24 Copper waste | 0 Non-hazardous | 17.04.01 | copper, bronze, brass |
| | | | | 17.04.08 | cables |
| | | 06.25 Lead waste | 0 Non-hazardous | 17.04.03 | lead |
| | | 06.26 Other metal wastes | 0 Non-hazardous | 12.01.03 | non-ferrous metal filings and turnings |
| | | | | 12.01.04 | other non-ferrous metal particules |
| | | | | 17.04.04 | zinc |
| | | | | 17.04.06 | tin |
| | 06.3 Mixed metal wastes | 06.31 Mixed metallic packaging | 0 Non-hazardous | 15.01.04 | metallic |
| | | | | 20.01.05 | small metals (cans etc) |
| | | | | 20.01.06 | other metals |
| | | 06.32 Other mixed metallic wastes | 0 Non-hazardous | 10.10.99 | wastes not otherwise specified |
| | | | | 17.04.07 | mixed metals |
| 07 Non-metallic wastes | 07.1 Glass wastes | 07.11 Glass packaging | 0 Non-hazardous | 20.01.02 | glass |
| | | 07.12 Other glass wastes | 0 Non-hazardous | 10.11.02 | waste glass |
| | | | | 17.02.02 | glass |
| | 07.2 Paper and cardboard wastes | 07.21 Waste paper and cardboard packaging | 0 Non-hazardous | 15.01.01 | paper and cardboard |
| | | 07.22 Waste composite packaging carton | | | |
| | | 07.23 Other paper and cardboard wastes | 0 Non-hazardous | 03.03.06 | fibre and paper sludge |
| | | | | 03.03.99 | wastes not otherwise specified |
| | | | | 20.01.01 | paper and cardboard |
| | 07.3 Rubber wastes | 07.31 Used tyres | 0 Non-hazardous | 16.01.03 | used tyres |
| | | 07.32 Other rubber wastes | | | |
| | 07.4 Plastic wastes | 07.41 Plastic packaging wastes | 0 Non-hazardous | 15.01.02 | plastic |
| | | 07.42 Other plastic wastes | 0 Non-hazardous | 02.01.04 | waste plastics (excluding packaging) |
| | | | | 12.01.05 | plastics particles |
| | | | | 16.02.07 | waste from the plastic convertor industry |
| | | | | 17.02.03 | plastic |
| | | | | 20.01.03 | small plastics |
| | | | | 20.01.04 | other plastics |

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| | 07.5 Wood wastes | 07.51 Wood packaging | 0 Non-hazardous | 15.01.03 | wooden |
| | | 07.52 Sawdust and shavings | 0 Non-hazardous | 03.01.02 | sawdust |
| | | | | 03.01.03 | shavings, cuttings, spoiled timber/particle board/veneer |
| | | 07.53 Other wood wastes | 0 Non-hazardous | 03.01.01 | waste bark and cork |
| | | | | 03.03.01 | bark |
| | | | | 17.02.01 | wood |
| | | | | 20.01.07 | wood |
| | 07.6 Textile wastes | 07.61 Worn clothing | | | |
| | | 07.62 Miscellaneous textiles wastes | 0 Non-hazardous | 04.02.01 | wastes from unprocessed textile fibres and other natural fibrous substances mainly of vegetable origin |
| | | | | 04.02.02 | wastes from unprocessed textile fibres mainly of animal origin |
| | | | | 04.02.03 | wastes from unprocessed textile fibres mainly artificial or synthetic |
| | | | | 04.02.04 | wastes from unprocessed mixed textile fibres before spinning and weaving |
| | | | | 04.02.05 | wastes from processed textile fibres mainly of vegetable origin |
| | | | | 04.02.06 | wastes from processed textile fibres mainly of animal origin |
| | | | | 04.02.07 | wastes from processed textile fibres mainly of artificial or synthetic origin |
| | | | | 04.02.08 | wastes from processed mixed textile fibres |
| | | | | 04.02.09 | wastes from composite materials (impregnated textile, elastomer, plastomer) |
| | | | | 04.02.12 | non-halogenated wastes from dressing and finishing |
| | | | | 15.02.01 | absorbents, filter materials, wiping cloths, protective clothing |
| | | | | 20.01.10 | clothes |
| | | | | 20.01.11 | textiles |
| | | | 1 Hazardous | 04.02.11 | halogenated wastes from dressing and finishing |
| | | 07.63 Leather wastes | 0 Non-hazardous | 04.01.08 | waste tanned leather (blue sheetings, shavings, cuttings, buffing dust) containing chromium |
| | | | | 04.01.09 | wastes from dressing and finishing |
| | | | | 04.01.99 | wastes not otherwise specified |
| 08 Discarded equipment | 08.1 Discarded vehicles | 08.11 Discarded private cars | 0 Non-hazardous | 20.03.05 | end of life vehicles |
| | | 08.12 Other discarded vehicles | 0 Non-hazardous | 16.01.04 | discarded vehicles |
| | 08.2 Discarded electrical and electronic equipment | 08.21 Discarded major household equipment | | | |

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| | | 08.22 Discarded minor household equipment | | | | |
| | | 08.23 Other discarded electrical and electronic equipment | 0 Non-hazardous | 09.01.09 | single-use cameras with batteries | |
| | | | | 09.01.10 | single use cameras without batteries | |
| | | | | 16.02.02 | other discarded electronic equipment (e.g. printed circuit boards) | |
| | | | | 20.01.24 | electronic equipment (e.g. printed circuit boards) | |
| | 08.3 Bulky household equipment | 08.31 Bulky household equipment | | | | |
| | 08.4 Discarded machines and equipment components | 08.41 Batteries and accumulators wastes | 0 Non-hazardous | 16.06.04 | alkaline batteries | |
| | | | | 16.06.05 | other batteries and accumulators | |
| | | | | 20.01.20 | batteries | |
| | | | 1 Hazardous | 16.02.01 | transformers and capacitors containing PCB or PCTs | |
| | | | | 16.06.01 | lead batteries | |
| | | | | 16.06.02 | Ni-Cd batteries | |
| | | | | 16.06.03 | mercury dry cells | |
| | | 08.42 Spent catalytic equipment | 0 Non-hazardous | 16.01.01 | catalysts removed from vehicles containing precious metals | |
| | | | | 16.01.02 | other catalysts removed from vehicles | |
| | | 08.43 Other discarded machines and equipment components | 0 Non-hazardous | 16.01.99 | wastes not otherwise specified | |
| | | | | 16.02.03 | equipment containing chlorofluorocarbons | |
| | | | | 16.02.05 | other discarded equipment | |
| | | | | 20.01.23 | equipment containing chlorofluorocarbons | |
| | | | 1 Hazardous | 20.01.21 | fluorescent tubes and other mercury-containing waste | |
| 09 Animal and vegetal wastes | 09.1 Waste of food preparation and products | 09.11 Animal waste of food preparation and products | 0 Non-hazardous | 02.01.02 | animal tissue waste | |
| | | | | 02.02.01 | sludges from washing and cleaning | |
| | | | | 02.02.02 | animal tissue waste | |
| | | | | 04.01.01 | fleshings and lime split waste | |
| | | | | 04.01.02 | liming waste | |
| | | | | 04.02.10 | organic matter from natural products (e.g. grease, wax) | |
| | | 09.12 Vegetal waste of food preparation and products | 0 Non-hazardous | 02.01.01 | sludges from washing and cleaning | |
| | | | | 02.01.03 | plant tissue waste | |
| | | | | 02.03.01 | sludges from washing, cleaning, peeling, centrifuging and separation | |
| | | | | 02.03.04 | materials unsuitable for consumption or processing | |
| | | | | 02.03.99 | wastes not otherwise specified | |
| | | | | 02.04.99 | wastes not otherwise specified | |

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| | | | | | 02.07.01 | wastes from washing, cleaning and mechanical reduction of the raw material | | | |
| | | | | | 02.07.05 | sludges from on-site effluent treatment | | | |
| | | 09.13 | Mixed waste of food preparation and products | 0 | Non-hazardous | 02.01.99 | wastes not otherwise specified | | |
| | | | | | | 02.02.03 | materials unsuitable for consumption or processing | | |
| | | | | | | 02.02.99 | wastes not otherwise specified | | |
| | | | | | | 02.05.01 | materials unsuitable for consumption or processing | | |
| | | | | | | 02.05.99 | wastes not otherwise specified | | |
| | | | | | | 02.06.01 | materials unsuitable for consumption or processing | | |
| | | | | | | 02.07.04 | materials unsuitable for consumption or processing | | |
| | | | | | | 20.01.08 | organic compostable kitchen waste (including frying oil and kitchen waste from canteens and restaurants) | | |
| | | | | | | 20.01.09 | oil and fat | | |
| | 09.2 | Green wastes | 09.21 | Green wastes | 0 | Non-hazardous | 02.01.07 | waste from forestry exploitation | |
| | | | | | | | 20.02.01 | compostable wastes | |
| | 09.3 | Slurry and manure | 09.31 | Slurry and manure | 0 | Non-hazardous | 02.01.06 | animal faeces, urine and manure (including spoiled straw), effluent, collected separately and treated off-site | |
| 10 | Mixed ordinary wastes | 10.1 | Household and similar wastes | 10.11 | Household wastes | 0 | Non-hazardous | 20.03.01 | mixed municipal waste |
| | | | | 10.12 | Street cleaning wastes | 0 | Non-hazardous | 20.03.02 | waste from markets |
| | | | | | | | | 20.03.03 | street cleaning residues |
| | | 10.2 | Mixed and undifferentiated materials | 10.21 | Mixed packaging | 0 | Non-hazardous | 15.01.06 | mixed |
| | | | | 10.22 | Other mixed and undifferentiated materials | 0 | Non-hazardous | 02.06.99 | wastes not otherwise specified |
| | | | | | | | | 02.07.99 | wastes not otherwise specified |
| | | | | | | | | 09.01.08 | photographic film and paper free of silver or silver compounds |
| | | | | | | | | 09.01.99 | wastes not otherwise specified |
| | | | | | | | | 10.01.99 | wastes not otherwise specified |
| | | | | | | | | 10.06.99 | wastes not otherwise specified |
| | | | | | | | | 10.07.99 | wastes not otherwise specified |
| | | | | | | | | 10.08.99 | wastes not otherwise specified |
| | | | | | | | | 11.04.01 | other inorganic wastes with metals not otherwise specified |
| | | | | | | | | 12.01.13 | welding wastes |
| | | | | | | | | 12.01.99 | wastes not otherwise specified |
| | | | | | | | | 12.02.01 | spent blasting grit |
| | | | | | | | | 15.01.05 | composite packaging |
| | | | | | | | | 16.03.01 | inorganic off-specification batches |
| | | | | | | | | 16.03.02 | organic off-specification batches |

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| | | | | 16.07.07 | solid wastes from ship cargoes | | | |
| | | | | 16.07.99 | waste not otherwise specified | | | |
| | | | | 18.01.04 | wastes whose collection and disposal is not subject to special requirements in view of the prevention of infection (e.g. dressing, plaster casts, linen, disposable clothing, diapers) | | | |
| | | | | 18.02.03 | wastes whose collection and disposal is not subject to special requirements in view of the prevention of infection | | | |
| | | | | 19.04.04 | aqueous liquid waste from vitrified waste tempering | | | |
| | 10.3 | Sorting residues | 10.31 | Vehicle shredder wastes | 0 Non-hazardous | 16.01.05 | light fraction from automobile shredding | |
| | | | 10.32 | Other sorting residues | 0 Non-hazardous | 03.03.07 | rejects from paper and cardboard recycling | |
| | | | | | | 16.02.08 | shredder residues | |
| | | | | | | 19.05.01 | non-composted fraction of municipal and similar wastes | |
| | | | | | | 19.05.02 | non-composted fraction of animal and vegetable wastes | |
| | | | | | | 19.05.03 | off-specification compost | |
| | | | | | | 19.05.99 | wastes not otherwise specified | |
| | | | | | | 19.08.01 | screenings | |
| 11 | Common sludges | 11.1 | Waste water treatment sludges | 11.11 | Sludges from treatment of public sewerage water | 0 Non-hazardous | 19.08.05 | sludges from treatment of urban waste water |
| | | | | 11.12 | Biodegradable sludges from treatment of other waste water | 0 Non-hazardous | 02.02.04 | sludges from on-site effluent treatment |
| | | | | | | | 02.03.05 | sludges from on-site effluent treatment |
| | | | | | | | 02.04.03 | sludges from on-site effluent treatment |
| | | | | | | | 02.05.02 | sludges from on-site effluent treatment |
| | | | | | | | 02.06.03 | sludges from on-site effluent treatment |
| | | | | | | | 05.02.02 | waste from cooling columns |
| | | | | | | | 05.02.99 | wastes not otherwise specified |
| | | | | | | | 05.06.04 | waste from cooling columns |
| | | | | | | | 19.08.04 | sludges from the treatment of industrial waste water |
| | | | | | | | 19.08.99 | wastes not otherwise specified |
| | 11.2 | Sludges from purification of drinking and process water | 11.21 | Sludges from purification of drinking and process water | 0 Non-hazardous | 05.02.01 | boiler feedwater sludges | |
| | | | | | | 19.09.02 | sludges from water clarification | |
| | | | | | | 19.09.99 | wastes not otherwise specified | |

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|-------------------|------|---------------------------------------|-------|---|---|---------------|----------|---|
| | 11.3 | Unpolluted dredging spoils | 11.31 | Unpolluted dredging oils | 0 | Non-hazardous | 17.05.02 | dredging spoil |
| | 11.4 | Cesspit contents | 11.41 | Cesspit contents | 0 | Non-hazardous | 20.03.04 | septic tank sludge |
| 12 Mineral wastes | 12.1 | Construction and demolition wastes | 12.11 | Concrete, bricks and gypsum waste | 0 | Non-hazardous | 10.12.99 | wastes not otherwise specified |
| | | | | | | | 10.13.03 | wastes from other cement-based composite materials |
| | | | | | | | 10.13.99 | wastes not otherwise specified |
| | | | | | | | 17.01.01 | concrete |
| | | | | | | | 17.01.02 | bricks |
| | | | | | | | 17.01.04 | gypsum-based construction materials |
| | | | 12.12 | Waste hydrocarbonised road-surfacing material | 0 | Non-hazardous | 17.03.01 | asphalt containing tar |
| | | | | | | | 17.03.02 | asphalt (not containing tar) |
| | | | | | | | 17.03.03 | tar and tar products |
| | | | | | 1 | Hazardous | 17.06.01 | insulation materials containing asbestos |
| | | | 12.13 | Mixed construction wastes | 0 | Non-hazardous | 17.06.02 | other insulation materials |
| | | | | | | | 17.07.01 | mixed construction and demolition waste |
| | 12.2 | Asbestos wastes | 12.21 | Asbestos wastes | 0 | Non-hazardous | 10.13.02 | wastes from asbestos-cement manufacture |
| | | | | | | | 16.02.04 | discarded equipment containing free asbestos |
| | | | | | | | 16.02.06 | wastes from the asbestos processing industry |
| | | | | | | | 17.01.05 | asbestos-based construction materials |
| | | | | | 1 | Hazardous | 06.07.01 | wastes containing asbestos from electrolysis |
| | 12.3 | Waste of naturally occurring minerals | 12.31 | Waste of naturally occurring minerals | 0 | Non-hazardous | 01.01.01 | waste from mineral metalliferous excavation |
| | | | | | | | 01.01.02 | waste from mineral non-metalliferous excavation |
| | | | | | | | 01.02.01 | waste from the dressing of metalliferous minerals |
| | | | | | | | 01.02.02 | waste from the dressing of non-metalliferous minerals |
| | | | | | | | 01.03.01 | tailings |
| | | | | | | | 01.03.02 | dusty and powdery waste |
| | | | | | | | 01.03.03 | red mud from alumina production |
| | | | | | | | 01.03.99 | wastes not otherwise specified |
| | | | | | | | 01.04.01 | waste gravel and crushed rocks |
| | | | | | | | 01.04.02 | waste sand and clays |
| | | | | | | | 01.04.03 | dusty and powdery waste |
| | | | | | | | 01.04.05 | waste from washing and cleaning of minerals |
| | | | | | | | 01.04.06 | waste from stone cutting and sawing |
| | | | | | | | 01.04.99 | wastes not otherwise specified |
| | | | | | | | 01.05.04 | fresh-water drilling muds and wastes |

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|------|-------------------|-------|----------------------------------|----------|---|
| | | | | 02.04.01 | soil from cleaning and washing beet |
| | | | | 08.02.02 | aqueous sludges containing ceramic materials |
| | | | | 10.11.01 | waste preparation mixture before thermal processing |
| | | | | 10.12.01 | waste preparation mixture before thermal processing |
| | | | | 10.13.01 | waste preparation mixture before thermal processing |
| | | | | 17.05.01 | soil and stones |
| | | | | 19.01.99 | wastes not otherwise specified |
| | | | | 19.08.02 | wastes from desanding |
| | | | | 19.09.01 | solid wastes from primary filtration and screening |
| | | | | 20.02.02 | soil and stones |
| | | | | 20.02.03 | other non-compostable wastes |
| 12.4 | Combustion wastes | 12.41 | Waste from flue gas purification | 0 | Non-hazardous |
| | | | | 10.01.05 | calcium-based reaction wastes from flue gas desulphurisation in solid form |
| | | | | 10.01.06 | other solid wastes from gas treatment |
| | | | | 10.01.07 | calcium-based reaction wastes from flue gas desulphurisation in sludge form |
| | | | | 10.01.08 | other sludges from gas treatment |
| | | | | 10.02.03 | solid wastes from gas treatment |
| | | | | 10.02.04 | sludges from gas treatment |
| | | | | 10.03.11 | flue gas dust |
| | | | | 10.03.13 | solid waste from gas treatment |
| | | | | 10.03.14 | sludges from gas treatment |
| | | | | 10.07.03 | solid waste from gas treatment |
| | | | | 10.07.05 | sludges from gas treatment |
| | | | | 10.08.03 | flue gas dust |
| | | | | 10.08.05 | solid waste from gas treatment |
| | | | | 10.08.06 | sludges from gas treatment |
| | | | | 10.11.04 | flue gas dust |
| | | | | 10.11.06 | solid waste from gas treatment |
| | | | | 10.11.07 | sludges from gas treatment |
| | | | | 10.12.02 | flue gas dust |
| | | | | 10.12.05 | sludges from gas treatment |
| | | | | 10.13.05 | solid waste from gas treatment |
| | | | | 10.13.07 | sludges from gas treatment |
| | | | 1 | 10.04.04 | Hazardous flue gas dust |
| | | | | 10.04.06 | solid waste from gas treatment |
| | | | | 10.04.07 | sludges from gas treatment |
| | | | | 10.05.03 | flue gas dust |
| | | | | 10.05.05 | solid waste from gas treatment |
| | | | | 10.05.06 | sludges from gas treatment |

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| | | | | 10.06.03 | flue gas dust |
| | | | | 10.06.06 | solid waste from gas treatment |
| | | | | 10.06.07 | sludges from gas treatment |
| | | | | 19.01.06 | aqueous liquid waste from gas treatment and other aqueous liquid wastes |
| | | | | 19.01.07 | solid waste from gas treatment |
| | | | | 19.04.02 | fly ash and other flue gas treatment wastes |
| | | 12.42 | Slags and ashes from thermal treatment and combustion | 0 | Non-hazardous |
| | | | | 06.09.02 | phosphorous slag |
| | | | | 10.01.01 | bottom ash |
| | | | | 10.01.02 | coal fly ash |
| | | | | 10.01.03 | peat fly ash |
| | | | | 10.01.11 | aqueous sludges from boiler cleansing |
| | | | | 10.02.01 | waste from the processing of slag |
| | | | | 10.02.02 | unprocessed slag |
| | | | | 10.02.05 | other sludges |
| | | | | 10.03.12 | other particulates and dust (including ball mill dust) |
| | | | | 10.03.99 | wastes not otherwise specified |
| | | | | 10.05.04 | other particulates and dust |
| | | | | 10.06.01 | slags (first and second smelting) |
| | | | | 10.06.02 | dross and skimmings (first and second smelting) |
| | | | | 10.06.04 | other particulates and dust |
| | | | | 10.07.01 | slags (first and second smelting) |
| | | | | 10.07.02 | dross and skimmings (first and second smelting) |
| | | | | 10.07.04 | other particulates and dust |
| | | | | 10.08.01 | slags (first and second smelting) |
| | | | | 10.08.02 | dross and skimmings (first and second smelting) |
| | | | | 10.08.04 | other particulates and dust |
| | | | | 10.09.03 | furnace slag |
| | | | | 10.10.03 | furnace slag |
| | | | | 10.10.04 | furnace dust |
| | | | | 10.11.05 | other particulates and dust |
| | | | | 10.12.03 | other particulates and dust |
| | | | | 10.12.04 | solid waste from gas treatment |
| | | | | 19.01.01 | bottom ash and slag |
| | | | | 19.01.08 | pyrolysis wastes |
| | | | 1 | 10.01.04 | Hazardous oil fly ash |
| | | | | 10.03.03 | skimmings |
| | | | | 10.03.04 | primary smelting slags/white drosses |
| | | | | 10.03.09 | black drosses from secondary smelting |
| | | | | 10.04.01 | slags (first and second smelting) |

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|------|------------------------|-------|----------------------------|----------|--|
| | | | | 10.04.02 | dross and skimmings (first and second smelting) |
| | | | | 10.04.03 | calcium arsenate |
| | | | | 10.04.05 | other particulates and dust |
| | | | | 10.05.01 | slags (first and second smelting) |
| | | | | 10.05.02 | dross and skimmings (first and second smelting) |
| | | | | 19.01.03 | fly ash |
| | | | | 19.01.04 | boiler dust |
| 12.5 | Various mineral wastes | 12.51 | Artificial mineral wastes | 0 | Non-hazardous |
| | | | | 02.04.02 | off-specification calcium carbonate |
| | | | | 02.07.02 | wastes from spirits distillation |
| | | | | 06.09.01 | phosphogypsum |
| | | | | 06.11.01 | gypsum from titanium dioxide production |
| | | | | 08.02.03 | aqueous suspensions containing ceramic materials |
| | | | | 10.02.99 | wastes not otherwise specified |
| | | | | 10.03.05 | alumina dust |
| | | | | 10.04.99 | wastes not otherwise specified |
| | | | | 10.05.99 | wastes not otherwise specified |
| | | | | 10.11.03 | waste glass-based fibrous materials |
| | | | | 10.11.99 | wastes not otherwise specified |
| | | | | 10.13.04 | waste from calcination and hydration of lime |
| | | | | 10.13.06 | other particulates and dust |
| | | | | 17.01.03 | tiles and ceramics |
| | | 12.52 | Waste refractory materials | 0 | Non-hazardous |
| | | | | 10.01.12 | spent linings and refractories |
| | | | | 10.02.06 | spent linings and refractories |
| | | | | 10.03.06 | used carbon strips and fireproof materials from electrolysis |
| | | | | 10.04.08 | spent linings and refractories |
| | | | | 10.05.07 | spent linings and refractories |
| | | | | 10.06.08 | spent linings and refractories |
| | | | | 10.07.06 | spent linings and refractories |
| | | | | 10.08.07 | spent linings and refractories |
| | | | | 10.09.01 | casting cores and moulds containing organic binders which have not undergone pouring |
| | | | | 10.09.02 | casting cores and moulds containing organic binders which have undergone pouring |
| | | | | 10.09.04 | furnace dust |
| | | | | 10.09.99 | wastes not otherwise specified |

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|----|------|---|-------|--------------------------------|----------|--|
| | | | | | 10.10.01 | casting cores and moulds containing organic binders which have not undergone pouring |
| | | | | | 10.10.02 | casting cores and moulds containing organic binders which have undergone pouring |
| | | | | | 10.11.08 | spent linings and refractories |
| | | | | | 10.12.07 | spent linings and refractories |
| | | | | | 10.13.08 | spent linings and refractories |
| | | | 1 | Hazardous | 10.03.07 | spent pot linings |
| | | | | | 19.01.10 | spent activated carbon from flue gas treatment |
| | 12.6 | Contaminated soils and polluted dredging spoils | 12.61 | Polluted soils and rubble | 1 | Hazardous |
| | | | 12.62 | Polluted dredging spoils | 05.01.05 | oil spills |
| 13 | 13.1 | Solidified or stabilised waste | 13.11 | Solidified or stabilised waste | 0 | Non-hazardous |
| | | | | | 19.03.01 | wastes stabilised/solidified with hydraulic binders |
| | | | | | 19.03.02 | wastes stabilised/solidified with organic binders |
| | | | | | 19.03.03 | wastes stabilised by biological treatment |
| | 13.2 | Vitrified wastes | 13.21 | Vitrified wastes | 0 | Non-hazardous |
| | | | | | 19.04.01 | vitrified wastes |

Note: Hazardous wastes positions have been classified according to Council Decision 94/904/EC (22 December 1994 ⁽¹⁾).

⁽¹⁾ OJ L 356, 31 December 1994, p. 14.

Proposal for a Council Directive amending Directive 92/79/EEC, Directive 92/80/EEC and Directive 95/59/EC as regards the structure and rates of excise duty applied on manufactured tobacco

(2001/C 180 E/19)

COM(2001) 133 final — 2001/0063(CNS)

(Submitted by the Commission on 14 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

other than turnover taxes which affect the consumption of manufactured tobacco.

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

(5) An analysis of the changes of prices and excise rates for tobacco products in the Community shows that there are still considerable differences between Member States which may disturb the operation of the internal market.

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

(6) Greater convergence between the tax rates applied in the Member States would help reduce fraud and smuggling within the Community. The introduction of a fixed minimum amount expressed in euros, in addition to the minimum excise incidence of 57 % of the retail selling price of cigarettes of the price category most in demand, will ensure that a minimum level of excise duties is levied on such cigarettes. Member States which already levy a high level of excise duty should be allowed greater leeway in setting the rates.

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

Whereas:

(1) In accordance with Article 4 of Council Directive 92/79/EEC of 19 October 1992 on the approximation of taxes on cigarettes⁽¹⁾ and Article 4 of Council Directive 92/80/EEC of 19 October 1992 on the approximation of taxes on manufactured tobacco other than cigarettes,⁽²⁾ an in-depth review of the rates and structure of excise duties on tobacco products has been carried out.

(7) The Treaty requires that the definition and implementation of all Community policies and activities ensure a high level of human health protection. Cigarettes and fine-cut tobacco intended for the rolling of cigarettes are both harmful to consumers' health. The level of taxation is a major factor in the price of tobacco products, which in turn influences consumers' smoking habits. For this reason, it is necessary gradually to bring the minimum rates for fine-cut rolling tobacco closer to the minimum rate for cigarettes.

(2) The Commission's first report on the subject, of 13 September 1995⁽³⁾, merely drew attention to certain difficulties encountered in implementing the Directives, without proposing any specific solutions.

(8) In order to avoid a fall in the value of the Community minimum rates of duty on cigars, cigarillos, fine-cut tobacco intended for the rolling of cigars and other smoking tobaccos, a phased increase in the minimum rates, expressed as a specific amount, is needed.

(3) The Commission's second report of 15 May 1998⁽⁴⁾, examined the necessary technical amendments, which were mainly to do with adjusting the incidence of the overall minimum duty on cigarettes, but kept the structures and rates of duty unchanged. The report, submitted to the Council on 18 May 1998, included a proposal for an amending Directive⁽⁵⁾.

(9) Any harmonisation of the structures of excise duties should be such as to prevent distortions of competition between different categories of manufactured tobacco belonging to the same group and thereby facilitate access to the domestic markets of the Member States.

(4) The proposals made by the Commission were largely adopted in Council Directive 1999/81/EC of 29 July 1999 amending Directive 92/79/EEC on the approximation of taxes on cigarettes, Directive 92/80/EEC on the approximation of taxes on manufactured tobacco other than cigarettes and Directive 95/59/EC on taxes

(10) In the interests of uniform and fair taxation, the definition of cigars and cigarillos, set out in Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco⁽⁶⁾, should be adapted so that a type of cigar which is similar in many respects to a cigarette is treated as a cigarette for excise purposes.

⁽¹⁾ OJ L 316, 31.10.1992, p. 8; Directive as amended by Directive 1999/81/EC (OJ L 211, 11.8.1999, p. 47).

⁽²⁾ OJ L 316, 31.10.1992, p. 10; Directive as amended by Directive 1999/81/EC (OJ L 211, 11.8.1999, p. 47).

⁽³⁾ Com(95) 285 final.

⁽⁴⁾ Com(98) 320 final.

⁽⁵⁾ OJ C 203, 30.6.1998, p. 16.

⁽⁶⁾ OJ L 291, 6.12.1995, p. 40, Directive as amended by Directive 1999/81/EC.

(11) Member States should be given more effective means to deal with unfair pricing practices or the appearance of products which disrupt the market: this objective can be achieved by authorising Member States to levy a minimum excise duty on cigarettes on condition that it does not exceed the excise duty levied on cigarettes of the most popular price category.

(12) It is necessary to provide for a regular review procedure: however, a four-yearly review period would be more appropriate, to allow time to evaluate the amendments introduced by this Directive.

(13) Directives 92/79/EEC, 92/80/EEC and 95/59/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 92/79/EEC is amended as follows:

1. Article 2 is replaced by the following

'Article 2

Each Member State shall apply an overall minimum excise duty (specific duty plus *ad valorem* duty excluding VAT), the incidence of which shall be set at 57 % of the retail selling price (inclusive of all taxes) and EUR 70 per 1 000 cigarettes for cigarettes of the price category most in demand.

Member States which levy a total excise duty of at least EUR 100 per 1 000 cigarettes for cigarettes of the price category most in demand need not comply with the 57 % minimum incidence requirement.

The overall minimum excise duty on cigarettes shall be determined on the basis of cigarettes of the price category most in demand according to data established as at 1 January of each year.'

2. Article 4 is replaced by the following:

'Article 4

Not less frequently than every four years after the Council's previous examination, the Council, acting on the basis of a report and, where appropriate, a proposal from the Commission, shall examine the overall minimum excise duty laid down in Article 2 and in Article 3(2) and the structure of excise duties as defined by Article 16 of Council Directive 95/59/EC of 27 November 1995 (*) on

taxes other than turnover taxes which affect the consumption of manufactured tobacco and, acting unanimously after consulting the European Parliament, shall adopt the necessary measures. The report by the Commission and the examination by the Council shall take into account the proper functioning of the internal market and the wider objectives of the Treaty.

(*) OJ L 291, 6.12.1995, p. 40.'

Article 2

Directive 92/80/EEC is amended as follows:

1. In Article 3(1) the following subparagraphs are added:

'As from 1 January 2002, the overall excise duty levied on fine-cut smoking tobacco intended for the rolling of cigarettes shall be at least equal to 33 % of the retail selling price inclusive of all taxes, or EUR 28 per kilogram.

As from 1 January 2003, the overall excise duty shall be at least equal to the following rates or minimum amounts:

(a) in the case of cigars or cigarillos: 5 % of the retail selling price inclusive of all taxes or EUR 11 per 1,000 items or per kilogram;

(b) in the case of fine-cut smoking tobacco intended for the rolling of cigarettes: 36 % of the retail selling price inclusive of all taxes, or EUR 31 per kilogram;

(c) in the case of other smoking tobaccos: 20 % of the retail selling price inclusive of all taxes, or EUR 20 per kilogram.

As from 1 January 2004, the overall excise duty levied on fine-cut smoking tobacco intended for the rolling of cigarettes shall be at least equal to 39 % of the retail selling price inclusive of all taxes, or EUR 34 per kilogram.'

2. Article 4 is replaced by the following:

'Article 4

Not less frequently than every four years after the Council's previous examination, the Council, acting on the basis of a report and, where appropriate, a proposal from the Commission, shall examine the rates of duty laid down herein and, acting unanimously after consulting the European Parliament, shall adopt the necessary measures. The report by the Commission and the examination by the Council shall take into account the proper functioning of the internal market, the real value of the rates of duty and the wider objectives of the Treaty.'

Article 3

Directive 95/59/EC is amended as follows:

1. Article 3, points (3) and (4) are replaced by the following:

'3. Rolls of tobacco with a threshed blend filler and with an outer wrapper of the normal colour of a cigar covering the product in full, including where appropriate the filter but not in the case of tipped cigars, the tip, and a binder, both being of reconstituted tobacco, where the unit weight, not including filter or mouth-piece, is not less than 1,2 g and where the wrapper is fitted in spiral form with an acute angle of at least 30° to the longitudinal axis of the cigar;

4. Rolls of tobacco with a threshed blend filler and with an outer wrapper of the normal colour of a cigar, of reconstituted tobacco, covering the product in full, including where appropriate the filter but not, in the case of tipped cigars, the tip, where the unit weight, not including filter or mouth-piece, is not less than 2.3 g and the circumference over at least one third of the length is not less than 34 mm.'

2. Article 16(5) is replaced by the following:

'5. Member States may levy a minimum excise duty on cigarettes, provided that it does not exceed the excise duty levied on cigarettes of the most popular price category.'

Article 4

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 2002 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Member States shall communicate the text of the provisions of national law which they adopt in the field covered by this Directive.

Article 5

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

Article 6

This Directive is addressed to the Member States.

Proposal for a Directive of the European Parliament and of the Council on the Protection of the Environment through Criminal Law

(2001/C 180 E/20)

COM(2001) 139 final — 2001/0076(COD)

(Submitted by the Commission on 15 March 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL
OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Under Article 174(2) of the Treaty Community policy on the environment must aim at a high level of protection.
- (2) The Community is concerned at the rise in environmental offences and their effects, which are increasingly extending beyond the borders of the States in which the offences are committed. Such offences pose a threat to the environment and therefore call for an appropriate response.
- (3) Activities breaching Community law and/or rules adopted by Member States in order to comply with Community law should be subject to effective, dissuasive and proportionate sanctions at national level throughout the Community.
- (4) Experience has shown that the existing systems of sanctions have not been sufficient to achieve complete compliance with Community law. Such compliance can and should be strengthened by the application of criminal sanctions, which demonstrate a social disapproval of a qualitatively different nature compared to administrative sanctions or a compensation mechanism under civil law.
- (5) Common rules on criminal sanctions would make it possible to use methods of investigation and assistance within and between Member States, which are more effective than the tools available under administrative cooperation.

(6) Entrusting to judicial authorities, rather than administrative authorities the task of imposing sanctions, entails giving responsibility for investigating and enforcing the respect of environmental regulations to authorities which are independent of those which grant exploitation licences and discharge authorisations.

(7) In order to achieve effective protection of the environment, there is particular need for more dissuasive sanctions for polluting activities which typically cause or are likely to cause significant deterioration of the environment.

(8) Therefore, those activities should be considered criminal offences throughout in the Community, when they are committed intentionally or with serious negligence, and should be subject to criminal penalties, involving in serious cases deprivation of liberty.

(9) Participation in and instigation of such activities should also be considered a criminal offence, in order to achieve effective protection of the environment. This is also true for failures to comply with a legal duty to act, because such failures can have the same effects as active behaviour and should therefore be subject to corresponding sanctions.

(10) Legal persons should also be subject to effective, dissuasive and proportionate sanctions throughout the Community, because breaches of Community law to a large extent are committed in the interest of legal persons or for their benefit.

(11) Member States should provide information to the Commission on the implementation of this Directive, in order to enable it to evaluate the effect of this Directive.

(12) This act respects fundamental rights and principles as recognised notably in the Charter of fundamental rights of the European Union,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

The purpose of this Directive is to ensure a more effective application of Community law on the protection of the environment by establishing throughout the Community a minimum set of criminal offences.

*Article 2***Definitions**

For the purpose of this Directive

- (a) 'legal person' means any legal entity having such status under the applicable national law, except for States or other public bodies acting in the exercise of their sovereign rights and for public international organisations;
- (b) 'activities' means active behaviour and failure to act, insofar as there is a legal duty to act.

*Article 3***Offences**

Member States shall ensure that the following activities are criminal offences, when committed intentionally or with serious negligence, as far as they breach the rules of Community law protecting the environment as set out in the Annex and/or rules adopted by Member States in order to comply with such Community law:

- (a) the discharge of hydrocarbons, waste oils or sewage sludge into water;
- (b) the discharge, emission or introduction of a quantity of materials into air, soil or water and the treatment, disposal, storage, transport, export or import of hazardous waste;
- (c) the discharge of waste on or into land or into water, including the operation of a landfill;
- (d) the possession, taking, damaging, killing or trading of or in protected wild fauna and flora species or parts thereof;
- (e) the significant deterioration of a protected habitat;
- (f) trade in ozone-depleting substances;
- (g) the operation of a plant in which a dangerous activity is carried out or in which dangerous substances or preparations are stored or used.

*Article 4***Sanctions**

Member States shall ensure that the offences referred to in Article 3, and the participation in or instigation of such offences are punishable by effective, proportionate and dissuasive sanctions.

- (a) As concerns natural persons, Member States shall provide for criminal penalties, involving in serious cases deprivation of liberty.

- (b) As concerns natural and legal persons, where appropriate, Member States shall provide for fines, exclusion from entitlement to public benefits or aid, temporary or permanent disqualification from the practice of commercial activities, placing under judicial supervision or judicial winding up orders.

*Article 5***Reporting**

Every three years, Member States shall transmit information to the Commission on the implementation of this Directive in the form of a report. Based on these reports, the Commission shall submit a Community report to the European Parliament and the Council.

*Article 6***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [1 September 2003] at the latest. They shall forthwith inform the Commission thereof.
2. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.
3. 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 7***Entry into force**

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

*Article 8***Addressees**

This Directive is addressed to the Member States.

ANNEX

LIST OF COMMUNITY LAW PROVISIONS PROTECTING THE ENVIRONMENT, REFERRED TO IN ARTICLE 3 ⁽¹⁾

Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from positive-ignition engines of motor vehicles ⁽²⁾;

Council Directive 72/306/EEC of 2 August 1972 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in vehicles ⁽³⁾;

Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils ⁽⁴⁾;

Council Directive 75/442/EEC of 15 July 1975 on waste ⁽⁵⁾;

Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community ⁽⁶⁾;

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 ⁽⁷⁾;

Council Directive 77/537/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of pollutants from diesel engines for use in wheeled agricultural or forestry tractors ⁽⁸⁾;

Council Directive 78/176/EEC 20 February 1978 on waste from the titanium dioxide industry ⁽⁹⁾;

Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances ⁽¹⁰⁾;

Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds ⁽¹¹⁾;

Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances ⁽¹²⁾;

Regulation (EEC) No 348/81 of 20 January 1981 on common rules for imports of whales or other cetacean products ⁽¹³⁾;

Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry ⁽¹⁴⁾;

Council Directive 83/129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom ⁽¹⁵⁾;

Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges ⁽¹⁶⁾;

⁽¹⁾ The legislation referred to hereafter includes the amendments of the legislation which have been adopted until 1 March 2001.

⁽²⁾ OJ 1970, L 76, p. 1.

⁽³⁾ OJ 1972, L 190, p. 1.

⁽⁴⁾ OJ 1975, L 194, p. 23.

⁽⁵⁾ OJ 1975, L 194, p. 39.

⁽⁶⁾ OJ 1976, L 129, p. 23.

⁽⁷⁾ OJ 1976, L 262, p. 201.

⁽⁸⁾ OJ 1977, L 220, p. 38.

⁽⁹⁾ OJ 1978, L 54, p. 19.

⁽¹⁰⁾ OJ 1979, L 33, p. 36.

⁽¹¹⁾ OJ 1979, L 103, p. 1.

⁽¹²⁾ OJ 1980, L 20, p. 43.

⁽¹³⁾ OJ 1981, L 39, p. 1.

⁽¹⁴⁾ OJ 1982, L 81, p. 29.

⁽¹⁵⁾ OJ 1983, L 91, p. 30.

⁽¹⁶⁾ OJ 1983, L 291, p. 1.

Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis sector ⁽¹⁾;

Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants ⁽²⁾;

Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachloro-cyclohexane ⁽³⁾;

Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture ⁽⁴⁾;

Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC ⁽⁵⁾;

Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles ⁽⁶⁾;

Council Directive 88/609/EEC of 24 November 1988 on the limitation of emissions of certain pollutants into the air from large combustion plants ⁽⁷⁾;

Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants ⁽⁸⁾;

Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste incineration plants ⁽⁹⁾;

Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms ⁽¹⁰⁾;

Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms ⁽¹¹⁾;

Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment ⁽¹²⁾;

Council Directive 91/689/EEC of 12 December 1991 on hazardous waste ⁽¹³⁾;

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽¹⁴⁾;

Council Directive 92/112/EEC of 15 December 1992 on procedures for harmonising the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry ⁽¹⁵⁾;

Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community ⁽¹⁶⁾;

⁽¹⁾ OJ 1984, L 74, p. 49.

⁽²⁾ OJ 1984, L 188, p. 20.

⁽³⁾ OJ 1994, L 274, p. 11.

⁽⁴⁾ OJ 1986, L 181, p. 6.

⁽⁵⁾ OJ 1986, L 181, p. 16.

⁽⁶⁾ OJ 1988, L 36, p. 33.

⁽⁷⁾ OJ 1988, L 336, p. 1.

⁽⁸⁾ OJ 1989, L 163, p. 32.

⁽⁹⁾ OJ 1989, L 203, p. 50.

⁽¹⁰⁾ OJ 1990, L 117, p. 1.

⁽¹¹⁾ OJ 1990, L 117, p. 15.

⁽¹²⁾ OJ 1991, L 135, p. 40.

⁽¹³⁾ OJ 1991, L 377, p. 20.

⁽¹⁴⁾ OJ 1992, L 206, p. 7.

⁽¹⁵⁾ OJ 1992, L 409, p. 11.

⁽¹⁶⁾ OJ 1993, L 30, p. 1.

Council Directive 93/76/EEC of 13 September 1993 to limit carbon dioxide emissions by improving energy efficiency (SAVE) ⁽¹⁾;

Directive 94/12/EC of the European Parliament and the Council of 23 March 1994 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Directive 70/220/EEC ⁽²⁾;

Council Directive 94/63/EC of 20 December 1993 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations ⁽³⁾;

Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste ⁽⁴⁾;

Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port state control) ⁽⁵⁾;

Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls ⁽⁶⁾;

Council Directive 96/61/EC 24 September 1996 concerning integrated pollution prevention and control ⁽⁷⁾;

Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances ⁽⁸⁾;

Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery ⁽⁹⁾;

Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein ⁽¹⁰⁾;

Directive 98/69/EC of the European Parliament and of the Council of 13 October 1998 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC ⁽¹¹⁾;

Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC ⁽¹²⁾;

Council Directive 99/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations ⁽¹³⁾;

Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste ⁽¹⁴⁾;

Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC ⁽¹⁵⁾;

⁽¹⁾ OJ 1993, L 237, p. 28.

⁽²⁾ OJ 1994, L 100, p. 42.

⁽³⁾ OJ 1994, L 365, p. 24.

⁽⁴⁾ OJ 1997, L 365, p. 34.

⁽⁵⁾ OJ 1995, L 157, p. 1.

⁽⁶⁾ OJ 1996, L 243, p. 31.

⁽⁷⁾ OJ 1996, L 257, p. 26.

⁽⁸⁾ OJ 1997, L 10, p. 13.

⁽⁹⁾ OJ 1997, L 59, p. 1.

⁽¹⁰⁾ OJ 1997, L 61, p. 1.

⁽¹¹⁾ OJ 1998, L 350, p. 1.

⁽¹²⁾ OJ 1998, L 350, p. 58.

⁽¹³⁾ OJ 1999, L 85, p. 1.

⁽¹⁴⁾ OJ 1999, L 182, p. 1.

⁽¹⁵⁾ OJ 1999, L 121, p. 13.

Directive 1999/96/EC of the European Parliament and of the Council of 13 December 1998 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC ⁽¹⁾;

Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end of life vehicles ⁽²⁾;

Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues ⁽³⁾;

Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽⁴⁾;

Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer ⁽⁵⁾.

⁽¹⁾ OJ 2000, L 44, p. 1.

⁽²⁾ OJ 2000, L 269, p. 34.

⁽³⁾ OJ 2000, L 332, p. 81.

⁽⁴⁾ OJ 2000, L 327, p. 1.

⁽⁵⁾ OJ 2000, L 244, p. 1.

Proposal for a Decision of the European Parliament and of the Council on the adjustment of the financial perspective to take account of implementation

(2001/C 180 E/21)

COM(2001) 149 final — 2001/0075(COD)

(Submitted by the Commission on 15 March 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to paragraphs 16 to 18 of the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure ⁽¹⁾,

Having regard to the proposal from the Commission,

Acting in accordance with the voting rules laid down in the fifth subparagraph 06 Article 272(9) of the Treaty,

Whereas:

- (1) The financial perspective for 2000-2006 must be adjusted to take account of the implementation of the budget in 2000.
- (2) As a result of a delay in the adoption of certain programmes relating to structural operations, EUR 6 152,3 million of the allocation provided for the Structural Funds could not be committed in 2000 nor carried over to 2001. Under paragraph 17 of the Interinstitutional Agreement, this amount must be transferred to subsequent financial years by increasing the corresponding expenditure ceilings for appropriations for commitments.
- (3) The 2000 budget outturn does not show any need for an adjustment to the overall ceiling for appropriations for payments at this stage. The situation in this respect will be reviewed at each future adjustment exercise,

HAS ADOPTED THIS DECISION:

Article 1

The annual ceilings for appropriations for commitments in the Structural Funds subheading of heading 2 of the financial perspective shall be raised by the following amounts, expressed in EUR million in current prices.

| 2002 | 2003 | 2004 | 2005 | 2006 |
|-------|-------|-------|-------|-------|
| 1 157 | 1 286 | 1 427 | 1 216 | 1 067 |

Article 2

The financial perspective for EU-15 and the financial framework for EU-21, after the technical adjustment for 2002 in line with movements in GNP and prices and the adjustments covered by this Decision, are attached.

⁽¹⁾ OJ C 172, 18.6.1999, p. 1.

TABLE 2 : FINANCIAL FRAMEWORK EU-21 — ADJUSTED TO 2002 PRICES

After adjustment (for implementation) in 2001

| EUR million — Appropriations for commitments | Current prices | | | 2002 prices | | | |
|--|----------------|--------|---------|-------------|---------|---------|---------|
| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
| 1. AGRICULTURE | 41 738 | 44 530 | 46 587 | 46 449 | 45 377 | 44 497 | 44 209 |
| CAP (not including rural development) | 37 352 | 40 035 | 41 992 | 41 843 | 40 761 | 39 870 | 39 572 |
| Rural development and accompanying measures | 4 386 | 4 495 | 4 595 | 4 606 | 4 616 | 4 627 | 4 637 |
| 2. STRUCTURAL OPERATIONS | 32 678 | 32 720 | 33 925 | 33 413 | 32 792 | 32 566 | 31 955 |
| Structural Funds | 30 019 | 30 005 | 31 136 | 30 624 | 30 110 | 29 884 | 29 278 |
| Cohesion Fund | 2 659 | 2 715 | 2 789 | 2 789 | 2 682 | 2 682 | 2 677 |
| 3. INTERNAL POLICIES ⁽¹⁾ | 6 031 | 6 272 | 6 558 | 6 676 | 6 793 | 6 910 | 7 038 |
| 4. EXTERNAL ACTION | 4 627 | 4 735 | 4 873 | 4 884 | 4 895 | 4 905 | 4 916 |
| 5. ADMINISTRATION ⁽²⁾ | 4 638 | 4 776 | 5 012 | 5 119 | 5 225 | 5 332 | 5 439 |
| 6. RESERVES | 906 | 916 | 676 | 426 | 426 | 426 | 426 |
| Monetary reserve | 500 | 500 | 250 | | | | |
| Emergency aid reserve | 203 | 208 | 213 | 213 | 213 | 213 | 213 |
| Guarantee reserve | 203 | 208 | 213 | 213 | 213 | 213 | 213 |
| 7. PRE-ACCESSION AID | 3 174 | 3 240 | 3 328 | 3 328 | 3 328 | 3 328 | 3 328 |
| Agriculture | 529 | 540 | 555 | 555 | 555 | 555 | 555 |
| Pre-accession structural instrument | 1 058 | 1 080 | 1 109 | 1 109 | 1 109 | 1 109 | 1 109 |
| PHARE (applicant countries) | 1 587 | 1 620 | 1 664 | 1 664 | 1 664 | 1 664 | 1 664 |
| 8. ENLARGEMENT | | | 6 851 | 9 588 | 12 327 | 15 075 | 17 813 |
| Agriculture | | | 1 698 | 2 154 | 2 600 | 3 109 | 3 608 |
| Structural operations | | | 3 980 | 6 187 | 8 405 | 10 612 | 12 819 |
| Internal policies | | | 778 | 810 | 842 | 874 | 906 |
| Administration | | | 395 | 437 | 480 | 480 | 480 |
| TOTAL APPROPRIATIONS FOR COMMITMENTS | 93 792 | 97 189 | 107 810 | 109 883 | 111 163 | 113 039 | 115 124 |
| TOTAL APPROPRIATIONS FOR PAYMENTS | 91 322 | 94 730 | 104 475 | 107 920 | 107 085 | 107 935 | 110 314 |
| of which: enlargement | | | 4 397 | 7 125 | 9 440 | 12 146 | 15 097 |
| Appropriations for payments as % of GNP | 1,10 % | 1,09 % | 1,10 % | 1,11 % | 1,07 % | 1,05 % | 1,05 % |
| Margin for unforeseen expenditure | 0,17 % | 0,18 % | 0,17 % | 0,16 % | 0,20 % | 0,22 % | 0,22 % |
| Own resources ceiling | 1,27 % | 1,27 % | 1,27 % | 1,27 % | 1,27 % | 1,27 % | 1,27 % |

⁽¹⁾ In accordance with Article 2 of Decision No 182/1999/EC of the European Parliament and of the Council and Article 2 of Council Decision 1999/64/Euratom (OJ L 26, 1.2.1999, p. 1 and p. 34), 11 510 million at current prices is available for research over the period 2000-2002.

⁽²⁾ The expenditure on pensions included under the ceiling for this heading is calculated net of staff contributions to the pension scheme, up to a maximum of 1 100 million at 1999 prices for the period 2000-2006.

Amended proposal for a Council Regulation introducing specific measures for certain agricultural products for the Azores and Madeira ⁽¹⁾

(2001/C 180 E/22)

COM(2001) 156 final — 2000/0314(CNS)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 15 March 2001)

1. The following recital is added:

'(17a) Agricultural activity in the Azores is highly dependent on milk production. This dependence, combined with other handicaps linked to their extreme remoteness and the absence of viable alternative production, is detrimental to their economic development. The needs of local consumption in those islands covered by local production should be taken into account and some of the provisions of the common market organisation for milk and milk products on limiting output should be derogated from for a period of four marketing years beginning in 1999/2000 in order to take account of the level of development of and the conditions for local production. Although this measure derogates from the second subparagraph of Article 34(2) of the EC Treaty, it is restricted to milk producers in the Azores and is of marginal economic impact when compared with the total quota for Portugal. It should enable the sector in the Azores to continue being restructured over the period of application of this measure without interfering with the milk market and without appreciably affecting the sound working of the levy scheme at Portuguese or Community level.'

2. The following Articles 21a to 21c are inserted after Article 21 in Section 1 (Livestock and milk products) of Chapter III (Measures to assist local products in the Azores) of Title II (Measures to assist local products):

'Article 21a

1. For a transitional period covering the 1999/2000, 2000/01, 2001/02 and 2002/03 marketing years, for the purposes of sharing the additional levy between the producers referred to in the second sentence of Article 2(1) of Regulation (EEC) No 3950/92 ⁽²⁾, only producers as defined in Article 9(c) of that Regulation established and producing in the Azores, who market quantities

exceeding their reference quantity increased by the percentage referred to in subparagraph 3 shall be deemed to have contributed to the overrun.

The additional levy shall be due on quantities exceeding the increased reference quantity after reallocation of the unused quantities within the margin resulting from this increase among the producers referred to in the first subparagraph and in proportion to the reference quantity available to each producer.

The percentage referred to in the first subparagraph shall be equal to the ratio between the quantity of 73 000 tonnes and the total of the reference quantities available on each holding on 31 March 2000. It shall apply for each producer only to the reference quantities available to that producer on 31 March 2000.

2. The quantities of milk or milk equivalent marketed which exceed the reference quantities but which comply with the percentage referred to in paragraph 1, after the reallocation referred to in that same paragraph, shall not be taken into account in establishing any overrun in Portugal as calculated in accordance with the first sentence of Article 2(1) of Regulation (EEC) No 3950/92.

Article 21b

Prior to their entry into force, the Portuguese Republic shall notify the Commission of measures taken pursuant to Article 21a.

Article 21c

In accordance with the procedure provided for in Article 29(2), the Commission shall, where necessary, adopt the measures necessary for the application of Article 21a.'

⁽¹⁾ OJ C 96 E, 27.3.2001, p. 301.

⁽²⁾ OJ L 405, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 749/2000 (OJ L 90, 12.4.2000, p. 4).

Amended proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to food supplements ⁽¹⁾

(2001/C 180 E/23)

(Text with EEA relevance)

COM(2001) 159 final — 2000/0080(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 19 March 2001)

⁽¹⁾ OJ C 311 E, 31.10.2000, p. 207.

INITIAL PROPOSAL

AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

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

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) There is an increasing number of products marketed in the Community as foods containing concentrated sources of nutrients and presented for supplementing the intake of those nutrients from the normal diet.
- (2) Those products are regulated in Member States by differing national rules that may impede their free movement, may create unequal conditions of competition, and thus have a direct impact on the functioning of the internal market. It is therefore necessary to adopt Community rules on those products marketed as foodstuffs.
- (3) An adequate and varied diet could, under normal circumstances, provide all necessary nutrients for normal development and maintenance of a healthy life in quantities as those established and recommended by generally acceptable scientific data. However, surveys show that this ideal situation is not being achieved for all nutrients and by all groups of the population across the Community.

INITIAL PROPOSAL

AMENDED PROPOSAL

(4) Consumers, because of their particular lifestyles or for other reasons, may choose to supplement their intake of some nutrients through food supplements.

(5) In order to ensure a high level of protection for consumers and facilitate their choice the products that will be put onto the market must be safe and bear adequate and appropriate labelling.

(6) There is a wide range of nutrients and other ingredients that might be present in food supplements including, but not limited to, vitamins, minerals, amino acids, essential fatty acids, fibre and various plant and herbal extracts.

However as a first stage, this Directive should only cover food supplements containing vitamins and minerals.

(7) Only vitamins and minerals normally found in and consumed as part of the diet and considered essential nutrients should be allowed to be present in food supplements although this does not mean that their presence therein is necessary. Controversy as to the identity of those essential nutrients that could potentially arise should be avoided. Therefore it is appropriate to establish a positive list of those vitamins and minerals.

(7) As a first stage, this Directive should only cover food supplements containing vitamins and minerals. Food supplements containing vitamins or minerals among their ingredients should be in conformity with the specific rules on vitamins and minerals laid down in this Directive.

(8) Specific rules concerning other nutrients or other substances with nutritional or physiological function used as ingredients of food supplements should be laid down at a later stage, provided that adequate and appropriate scientific data about them become available. Until the adoption of such specific Community rules and without prejudice to the provisions of the Treaty, national rules concerning nutrients or other substances with nutritional or physiological function as ingredients of food supplements, for which no Community specific rules have been adopted, may be applicable.

(9) Only vitamins and minerals normally found in and consumed as part of the diet should be allowed to be present in food supplements although this does not mean that their presence therein is necessary. Controversy as to the identity of those essential nutrients that could potentially arise should be avoided. Therefore it is appropriate to establish a positive list of those vitamins and minerals.

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AMENDED PROPOSAL

- (8) The chemical substances used as sources of vitamins and minerals in the manufacture of food supplements should be safe and also be available to be used by the body. For this reason, a positive list of those substances should also be established. Such substances as have been approved by the Scientific Committee for Food, on the basis of the said criteria, for use in the manufacture of foods intended for infants and young children and other foods for particular nutritional uses can also be used in the manufacture of food supplements.
- (9) In order to keep up with scientific and technological developments it is important to revise the lists promptly, when necessary. Such revisions would be implementing measures of a technical nature and their adoption should be entrusted to the Commission in order to simplify and expedite the procedure.
- (10) For vitamins and minerals excessive intakes may result in adverse effects and therefore necessitate the setting of maximum safe levels for them in food supplements, as appropriate. Those levels must ensure that the normal use of the products under the instructions of use provided by the manufacturer will be safe for the consumer.
- (11) For that reason, when setting those maximum safe levels, account should be taken of the upper safe levels of the vitamins or minerals, as established by scientific risk assessment based on generally acceptable scientific data, of intakes of those nutrients from the normal diet and of the fact that for some nutrients upper safe levels may be close to the level that may be recommended for consumption. The latter consideration is of particular importance where generally acceptable scientific data prove that excess intake of the vitamins and minerals concerned cause adverse effects.
- (10) There is a wide range of vitamin preparations and mineral substances used in the manufacture of food supplements currently marketed in some Member states that have not been evaluated by the Scientific Committee for Food and consequently are not included in the positive lists. These should be submitted to the Scientific Committee for Food for urgent evaluation, as soon as appropriate files are presented by the interested parties.
- (11) The chemical substances used as sources of vitamins and minerals in the manufacture of food supplements should be safe and also be available to be used by the body. For this reason, a positive list of those substances should also be established. Such substances as have been approved by the Scientific Committee for Food, on the basis of the said criteria, for use in the manufacture of foods intended for infants and young children and other foods for particular nutritional uses can also be used in the manufacture of food supplements.
- (12) In order to keep up with scientific and technological developments it is important to revise the lists promptly, when necessary. Such revisions would be implementing measures of a technical nature and their adoption should be entrusted to the Commission in order to simplify and expedite the procedure.
- (13) For vitamins and minerals excessive intakes may result in adverse effects and therefore necessitate the setting of maximum safe levels for them in food supplements, as appropriate. Those levels must ensure that the normal use of the products under the instructions of use provided by the manufacturer will be safe for the consumer.
- (14) For that reason, when setting those maximum safe levels, account should be taken of the upper safe levels of the vitamins or minerals, as established by scientific risk assessment based on generally acceptable scientific data, of intakes of those nutrients from the normal diet and of the fact that for some nutrients upper safe levels may be close to the level that may be recommended for consumption. The latter consideration is of particular importance where generally acceptable scientific data prove that excess intake of the vitamins and minerals concerned cause adverse effects.

INITIAL PROPOSAL

- (12) Food supplements are purchased by consumers for supplementing intakes from the diet. In order to ensure that this aim is achieved, if vitamins and minerals are declared on the label of food supplements, they should be present in the product in a significant amount.
- (13) The adoption of the specific values for maximum and minimum levels for vitamins and minerals present in food supplements, based on the criteria set out in this Directive and appropriate scientific advice, would be an implementing measure and should be entrusted to the Commission.
- (14) General labelling provisions and definitions are contained in Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽¹⁾ for sale to the ultimate consumer, as last amended by Directive 97/4/EC of the European Parliament and of the Council ⁽²⁾, and do not need to be repeated. This Directive can therefore be confined to the necessary additional provisions.
- (15) Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs ⁽³⁾ does not apply to food supplements. Information relating to nutrient content in food supplements is essential for allowing the consumer who purchases them to make an informed choice and use them properly and safely. That information should, in view of the nature of those products, be confined to the nutrients actually present and be compulsory.
- (16) Given the particular nature of food supplements, additional means to those usually available to monitoring bodies should be available in order to facilitate efficient monitoring of those products.
- (17) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision,

⁽¹⁾ OJ L 33, 8.2.1979, p. 1.

⁽²⁾ OJ L 43, 14.2.1997, p. 21.

⁽³⁾ OJ L 276, 6.10.1990, p. 40.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

AMENDED PROPOSAL

- (15) Food supplements are purchased by consumers for supplementing intakes from the diet. In order to ensure that this aim is achieved, if vitamins and minerals are declared on the label of food supplements, they should be present in the product in a significant amount.
- (16) The adoption of the specific values for maximum and minimum levels for vitamins and minerals present in food supplements, based on the criteria set out in this Directive and appropriate scientific advice, would be an implementing measure and should be entrusted to the Commission.
- (17) General labelling provisions and definitions are contained in Directive 2000/13/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽¹⁾ and do not need to be repeated. This Directive should therefore be confined to the necessary additional provisions.
- (18) Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs ⁽²⁾ does not apply to food supplements. Information relating to nutrient content in food supplements is essential for allowing the consumer who purchases them to make an informed choice and use them properly and safely. That information should, in view of the nature of those products, be confined to the nutrients actually present and be compulsory.
- (19) Given the particular nature of food supplements, additional means to those usually available to monitoring bodies should be available in order to facilitate efficient monitoring of those products.
- (20) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision,

⁽¹⁾ OJ L 109, 6.5.2000, p. 29.

⁽²⁾ OJ L 276, 6.10.1990, p. 40.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

INITIAL PROPOSAL

AMENDED PROPOSAL

HAVE ADOPTED THIS DIRECTIVE:

Unchanged

Article 1

1. This Directive concerns food supplements marketed in pre-packaged form as foodstuffs and presented as such.
2. This Directive does not apply to:
 - (a) foods for particular nutritional uses covered by Council Directive 89/398/EEC ⁽¹⁾;
 - (b) medicinal products covered by Council Directive 65/65/EEC ⁽²⁾.

Article 2

1. For the purposes of this Directive:

- (a) 'food supplements' means foodstuffs that are concentrated sources of nutrients as specified in (b), alone or in combination, marketed in dose form, whose purpose is to supplement the intake of those nutrients in the normal diet;
- (b) 'nutrients' means the following substances:
 - (i) vitamins listed in point 1 of Annex I,
 - (ii) minerals listed in point 2 of Annex I;
- (c) 'dose form' means forms such as capsules, tablets, pills and other similar forms, sachets of powder, ampoules of liquids and drop dispensing bottles.

- (a) 'food supplements' means foodstuffs that are concentrated sources of nutrients or other substances with a nutritional or physiological function, alone or in combination, marketed in dose form, whose purpose is to supplement the intake of those nutrients in the normal diet;

Unchanged

- (c) 'dose form' means forms such as capsules, pastilles, tablets, pills and other similar forms, sachets of powder, ampoules of liquids, drop dispensing bottles and other similar forms of liquids and powders designed to be taken in measured small unit quantities.

2. Specific rules on other substances with a nutritional or physiological function shall be laid down at a later stage.

Article 3

Unchanged

Member States shall ensure that the food supplements containing the nutrients listed in Article 2(b) may be marketed within the Community only if they comply with the rules laid down in this Directive.

Member States shall ensure that the food supplements containing the nutrients listed in Article 2(1)(b) may be marketed within the Community only if they comply with the rules laid down in this Directive.

⁽¹⁾ OJ L 186, 30.6.1989, p. 27.

⁽²⁾ OJ L 22, 9.2.1965, p. 369.

INITIAL PROPOSAL

AMENDED PROPOSAL

Article 4

Unchanged

1. Only the vitamins and minerals listed in Annex I and the vitamin formulations and the permitted mineral substances listed in Annex II may be used for the manufacture of food supplements.

2. The criteria of purity for the substances, referred to in paragraph 1 shall be adopted in accordance with the procedure referred to in Article 13(2).

2. The purity criteria for the substances, listed in Annex II, shall be adopted in accordance with the procedure referred to in Article 13(2) except where they apply pursuant to paragraph 3.

3. Purity criteria for substances listed in Annex II, specified by Community legislation for their use in the manufacture of foodstuffs for purposes other than those covered by this Directive, shall apply.

4. For those substances listed in Annex II for which purity criteria are not specified by Community legislation, and until the adoption of such specifications, generally acceptable purity criteria recommended by international bodies shall apply. National rules setting stricter purity criteria may be maintained.

3. Modifications to the lists referred to in paragraph 1 shall be adopted in accordance with the procedure referred to in Article 13(2).

5. Modifications to the lists referred to in paragraph 1 shall be adopted in accordance with the procedure referred to in Article 13(2).

Article 5

Unchanged

1. Maximum amounts of vitamins and minerals present in food supplements per daily portion of consumption as recommended by the manufacturer shall be set taking the following into account:

(a) upper safe levels of vitamins and minerals established by scientific risk assessment based on generally acceptable scientific data;

(a) upper safe levels of vitamins and minerals established by scientific risk assessment based on generally acceptable scientific data that take into account, as appropriate, the varying degrees of sensitivity of different groups of the population;

(b) reference intakes of vitamins and minerals for the population, where these are close to the upper safe levels;

Unchanged

(c) intakes of vitamins and minerals from other dietary sources.

2. To ensure that significant amounts of vitamins and minerals shall be present in food supplements minimum amounts per daily portion of consumption as recommended by the manufacturer shall be set, as appropriate.

3. The maximum and minimum amounts of vitamins and minerals referred to in paragraphs 1 and 2 shall be adopted in accordance with the procedure referred to in Article 13(2).

INITIAL PROPOSAL

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Article 6

1. The name under which products covered by this Directive are sold shall include the word 'supplement' and the name of the category of the nutrient(s) characterising the product. The name of the category of the nutrient(s) may be completed or replaced by the specific name of the nutrient(s) characterising the product.

2. The labelling, presentation and advertising must not attribute to food supplements the property of preventing, treating or curing a human disease, or refer to such properties.

3. Without prejudice to the requirements of Directive 79/112/EEC, the labelling shall bear the following mandatory particulars:

(a) the portion of the product recommended for daily consumption;

(b) a warning as to the possible health risks, as the case may be, in exceeding the recommended portion for daily consumption;

(c) a statement to the effect that food supplements should not be used as a substitute for a diversified diet.

4. When the form of presentation is similar to a pharmaceutical form as defined by pharmacopoeias, the statement 'This is not a medicinal product' shall appear on the label.

Article 7

The labelling of food supplements shall not include any mention stating or implying that an adequate and diversified diet cannot provide appropriate quantities of nutrients .

Article 8

1. The amount of the nutrient(s) listed in Article 2(b) present in the product shall be declared in the labelling in numerical form. The units to be used shall be those specified in Annex I.

3. Without prejudice to the requirements of Directive 2000/13/EC, the labelling shall bear the following mandatory particulars:

Unchanged

(c) a statement to the effect that food supplements should not be used as a substitute for a diversified diet;

(d) a statement to the effect that the products should be stored out of the reach of children.

Deleted

Unchanged

The labelling of food supplements shall not include any mention stating or implying that an adequate and diversified diet cannot provide appropriate quantities of nutrients in general. This shall not prevent the provision therein of information about the need for supplementation of the diet of specific population groups where this has been established by generally accepted scientific data.

Unchanged

1. The amount of the nutrient(s) listed in Article 2(1)(b) present in the product shall be declared in the labelling in numerical form. The units to be used shall be those specified in Annex I.

INITIAL PROPOSAL

AMENDED PROPOSAL

2. The amounts of the nutrient(s) declared shall be those per portion of the product as recommended for daily consumption on the labelling and per unit dose form, as appropriate. The amounts declared shall be those of the product as sold.

Unchanged

3. Information on vitamins and minerals shall also be expressed as a percentage of the reference values mentioned, as the case may be, in the Annex to Directive 90/496/EEC.

Article 9

1. The declared values mentioned in Article 8(1) and (2) shall be average values based on the manufacturer's analysis of the product.

The rules for implementing this paragraph with regard in particular to the differences between the declared values and those established in the course of official checks shall be decided upon in accordance with the procedure referred to in Article 13(2).

2. The percentage of the reference values for vitamins and minerals mentioned in Article 8(3) may also be given in graphical form.

Rules for implementing this paragraph may be adopted in accordance with the procedure referred to in Article 13(2).

Article 10

To facilitate efficient monitoring of food supplements, when a product is placed on the market the manufacturer or, where a product is manufactured in a third country, the importer, shall notify the competent authority of each Member State where the product is being marketed by forwarding it a model of the label used for the product.

Member States may not impose this requirement, if they can demonstrate to the Commission that notification is not necessary in order to monitor those products efficiently in their territory.

Article 11

1. Member States shall not, for reasons related to their composition, manufacturing specifications, presentation or labelling, prohibit or restrict trade in products referred to in Article 1 which comply with this Directive and where appropriate, with Community acts adopted in implementation of this Directive.

INITIAL PROPOSAL

AMENDED PROPOSAL

2. Without prejudice to the relevant provisions of the EC Treaty, in particular Articles 28 and 30 thereof, paragraph 1 shall not affect national provisions which are applicable in the absence of Community acts adopted in implementation of this Directive.

Article 12

1. Where a Member State, as a result of new information or of a reassessment of existing information made since this Directive or one of the implementing Community acts was adopted, has detailed grounds for establishing that a product referred to in Article 1 endangers human health though it complies with those provisions, that Member State may temporarily suspend or restrict application of the provisions in question within its territory. It shall immediately inform the other Member States and the Commission thereof and give reasons for its decision.

2. The Commission shall examine as soon as possible the grounds adduced by the Member State concerned and shall consult the Member States within the Standing Committee for Foodstuffs, and shall then deliver its opinion without delay and take appropriate measures.

3. If the Commission considers that amendments to this Directive or to the implementing Community acts are necessary in order to remedy the difficulties mentioned in paragraph 1 and to ensure the protection of human health, it shall initiate the procedure referred to in Article 13(2) with a view to adopting those amendments. The Member State that has adopted safeguard measures may in that event retain them until the amendments have been adopted.

Article 13

1. The Commission shall be assisted by the Standing Committee for Foodstuffs instituted by Decision 69/414/EEC ⁽¹⁾.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7(3) and Article 8 thereof.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

Article 14

Provisions that may have an effect upon public health shall be adopted after consultation with the Scientific Committee for Food.

⁽¹⁾ OJ L 291, 19.11.1969, p. 9.

INITIAL PROPOSAL

AMENDED PROPOSAL

Article 15

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 May 2002. They shall forthwith inform the Commission thereof.

Those laws, regulations and administrative provisions shall be applied in such a way as to:

- (a) permit trade in products complying with this Directive, from 1 June 2002 at the latest;
- (b) prohibit trade in products which do not comply with the Directive, from 1 June 2004 at the latest.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 16

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

Article 17

This Directive is addressed to the Member States.

ANNEX I

Vitamins and minerals which may be used in the manufacture of food supplements1. *Vitamins*

Vitamin A ($\mu\text{g RE}$)
 Vitamin D (μg)
 Vitamin E (mg $\alpha\text{-TE}$)
 Vitamin K (μg)
 Vitamin B1 (mg)
 Vitamin B2 (mg)
 Niacin (mg NE)
 Pantothenic acid (mg)
 Vitamin B6 (μg)
 Folic acid (μg)
 Vitamin B12 (μg)
 Biotin (μg)
 Vitamin C (mg)

2. *Minerals*

Calcium (mg)
 Magnesium (mg)
 Iron (mg)
 Copper (μg)
 Iodine (μg)
 Zinc (mg)
 Manganese (mg)
 Sodium (mg)
 Potassium (mg)
 Selenium (μg)
 Chromium (μg)
 Molybdenum (μg)
 Fluoride (mg)
 Chloride (mg)
 Phosphorus (mg)

ANNEX II

Vitamin and mineral substances which may be used in the manufacture of food supplements1. *Vitamins*

VITAMIN A
 — retinol
 — retinyl acetate
 — retinyl palmitate
 — beta-carotene
 VITAMIN D
 — cholecalciferol
 — ergocalciferol
 VITAMIN E
 — D-alpha-tocopherol
 — DL-alpha-tocopherol
 — D-alpha-tocopheryl acetate
 — DL-alpha-tocopheryl acetate
 — D-alpha-tocopheryl acid succinate
 VITAMIN K
 — phylloquinone (phytomenadione)
 VITAMIN B1
 — thiamin hydrochloride
 — thiamin mononitrate
 VITAMIN B2
 — riboflavin
 — riboflavin 5'-phosphate, sodium
 NIACIN
 — nicotinic acid
 — nicotinamide

PANTOTHENIC ACID

— D-pantothenate, calcium
 — D-pantothenate, sodium
 — dexpanthenol

VITAMIN B6

— pyridoxine hydrochloride
 — pyridoxine 5'-phosphate

FOLIC ACID

— pteroylmonoglutamic acid

VITAMIN B12

— cyanocobalamin
 — hydroxocobalamin

BIOTIN

— D-biotin

VITAMIN C

— L-ascorbic acid
 — sodium-L-ascorbate
 — calcium-L-ascorbate
 — potassium-L-ascorbate
 — L-ascorbyl 6-palmitate

2. *Minerals*

calcium carbonate
 calcium chloride
 calcium salts of citric acid
 calcium gluconate
 calcium glycerophosphate
 calcium lactate

| | |
|---|---|
| calcium salts of orthophosphoric acid | zinc lactate |
| calcium hydroxide | zinc oxide |
| calcium oxide | zinc carbonate |
| | zinc sulphate |
| magnesium acetate | |
| magnesium carbonate | manganese carbonate |
| magnesium chloride | manganese chloride |
| magnesium salts of citric acid | manganese citrate |
| magnesium gluconate | manganese gluconate |
| magnesium glycerophosphate | manganese glycerophosphate |
| magnesium salts of orthophosphoric acid | manganese sulphate |
| magnesium lactate | |
| magnesium hydroxide | sodium bicarbonate |
| magnesium oxide | sodium carbonate |
| magnesium sulphate | sodium chloride |
| | sodium citrate |
| ferrous carbonate | sodium gluconate |
| ferrous citrate | sodium lactate |
| ferric ammonium citrate | sodium hydroxide |
| ferrous gluconate | sodium salts of orthophosphoric acid |
| ferrous fumarate | |
| ferric sodium diphosphate | potassium bicarbonate |
| ferrous lactate | potassium carbonate |
| ferrous sulphate | potassium chloride |
| ferric diphosphate (ferric pyrophosphate) | potassium citrate |
| ferric saccharate | potassium gluconate |
| elemental iron (carbonyl + electrolytic + hydrogen reduced) | potassium glycerophosphate |
| | potassium lactate |
| cupric carbonate | potassium hydroxide |
| cupric citrate | potassium salts of orthophosphoric acid |
| cupric gluconate | |
| cupric sulphate | sodium selenate |
| copper lysine complex | sodium hydrogen selenite |
| | sodium selenite |
| sodium iodide | |
| sodium iodate | chromium (III) chloride |
| potassium iodide | chromium (III) sulphate |
| potassium iodate | |
| | ammonium molybdate (molybdenum (VI)) |
| zinc acetate | potassium molybdate (molybdenum (VI)) |
| zinc chloride | |
| zinc citrate | potassium fluoride |
| zinc gluconate | sodium fluoride |

Proposal for a Council Decision on further exceptional financial assistance to Kosovo

(2001/C 180 E/24)

COM(2001) 81 final — 2001/0045(CNS)

(Submitted by the Commission on 20 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The Commission has consulted the Economic and Financial Committee before submitting its proposal.
- (2) The Security Council of the United Nations adopted Resolution 1244 (1999) on 10 June 1999⁽¹⁾ aiming to promote the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo within the Federal Republic of Yugoslavia.
- (3) The International Community, based on the Resolution 1244 (1999), has set up an international security presence (KFOR) and an interim civil administration — the United Nations Interim Mission in Kosovo (UNMIK).
- (4) UNMIK consists of four components ('Pillars') and the European Union (EU) has taken the lead role⁽²⁾ for the fourth Pillar responsible for economic reconstruction.
- (5) UNMIK has taken steps to involve the main political parties and ethnic communities of Kosovo in its activities and is continuing to do so.
- (6) UNMIK, and particularly its Pillar IV, have achieved substantial progress in setting up an institutional, legal and policy framework conducive to the creation of a sound economy based on market principles. It has provided for a functioning banking and payments system and promoted the development of the private sector. UNMIK has also made progress in developing the revenue base and keeping expenditures under control.
- (7) UNMIK established a Central Fiscal Authority providing for transparent and accountable procedures to manage the Kosovo budget.
- (8) On the basis of estimates from UNMIK presented in agreement with the International Monetary Fund (IMF), Kosovo requires external support to further progress in establishing a sound market economy and a civil administration; it is estimated that exceptional external financial assistance of some EUR 90 million would be needed until end-2001.
- (9) UNMIK has presented a request for exceptional financial assistance; the international community considers that the provision of external budgetary support, fairly shared among donors, is essential to help cover the residual financing needs identified under the budget prepared for Kosovo by UNMIK.
- (10) Kosovo is not in a position to borrow either domestically or on the international financial market and it is not eligible for membership of the International Financial Institutions and may therefore not benefit from financial assistance associated to their programmes.
- (11) Although economic activity has resumed with considerable speed after the conflict, Kosovo is at a low level of economic development and its GDP per capita is estimated to be below other countries of the region and to be one of the lowest in Europe.
- (12) Kosovo's current low level of economic development is the result of a long term neglect as well as conflict-related damages which can not be overcome quickly but require reliable support over a significant period of time so as to establish sustainable institutions and to achieve durable economic growth.
- (13) The Community found it an appropriate measure to help ease Kosovo's financial constraints in the exceptionally difficult circumstances and already provided for financial assistance in the form of straight grants in 2000 amounting to EUR 35 million⁽³⁾.
- (14) Financial assistance from the Community, in liaison with other donors, in the form of straight grants to be made available to UNMIK in support of the Kosovo people continues to be the appropriate measure.

⁽¹⁾ S/RES/1244 (1999) adopted by the UN Security Council at its 4011th meeting on 10 June 1999.

⁽²⁾ International civil presence in Kosovo: Report of the Secretary-General pursuant to Paragraph 10 of Security Council Resolution 1244 (1999), S/1999/672, 12 June 1999, II.5.

⁽³⁾ Council Decision 2000/140/EC of 14 February 2000 (OJ L 47, 19.2.2000, pp. 28-29).

- (15) Without prejudice to the powers of the budgetary authority, the financial assistance will be part of the envelope of aid foreseen for Kosovo in 2001, and therefore subject to the funds being available in the general budget.
- (16) The exceptional financial assistance should be managed by the European Commission.
- (17) The Treaty does not provide, for the adoption of this decision, powers other than those of Article 308,

HAS DECIDED AS FOLLOWS:

Article 1

1. In addition to the financial assistance already decided by the Council (2000/140/CE) on 14 February 2000, the Community shall make available to UNMIK exceptional financial assistance in the form of straight grants of up to EUR 30 million, with a view to alleviating the financial situation in Kosovo, facilitating the establishment and continuation of essential administrative functions and supporting the development of a sound economic framework.

2. This assistance shall be managed by the Commission in close consultation with the Economic and Financial Committee and in a manner consistent with agreements or understandings reached between the IMF and UNMIK or any other internationally recognised authorities of Kosovo.

Article 2

1. The Commission is empowered to agree with UNMIK, after consultation with the Economic and Financial Committee, the economic conditions attached to this assistance. These

conditions shall be consistent with any agreement referred to in Article 1(2).

2. The Commission shall verify at regular intervals, in consultation with the Economic and Financial Committee and in liaison with the IMF and the World Bank, that economic policies in Kosovo respect the objectives and economic policy conditions of this assistance.

Article 3

1. The assistance shall be made available to UNMIK in at least two instalments. Subject to the provisions of Article 2, the first instalment is to be released on the basis of a Memorandum of Understanding between UNMIK and the Community.

2. Subject to the provisions of Article 2, the second and any possible further instalment shall be released on the basis of a successful completion of the economic policy conditions referred to in Article 2(1) and not before three months after the release of the previous instalment.

3. The funds shall be made available to UNMIK through the Central Fiscal Authority exclusively in support of Kosovo's budgetary needs.

Article 4

All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by UNMIK if appropriate.

Article 5

The Commission shall address to the European Parliament and to the Council an annual report, which will include an evaluation on the implementation of this Decision.

Amended proposal for a regulation of the European Parliament and of the Council on a Community Energy Efficiency Labelling Programme For Office and Communication Technology Equipment ⁽¹⁾

(2001/C 180 E/25)

(Text with EEA relevance)

COM(2001) 142 final — 2000/0033(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 20 March 2001)

⁽¹⁾ OJ C 150 E, 30.5.2000, p. 73.

INITIAL PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) It is important to promote measures aimed at the proper functioning of the internal market.
- (2) Information and communication technology equipment accounts for a significant share of total electricity consumption; the most effective measures for reducing electrical consumption of this equipment is to reduce the stand-by consumption; the various models available on the Community market have very different levels of consumption in stand-by mode.
- (3) Some Member States might be on the point of adopting provisions relating to the energy labelling of information and communication technology equipment, which might create barriers to trade in these products in the Community; it is desirable to harmonise these initiatives to minimise the impact on industry.

AMENDED PROPOSAL

Unchanged

- (2) Information and communication technology equipment accounts for a significant share of total electricity consumption; the most effective measures for reducing electrical consumption of this equipment is to reduce the stand-by consumption; the various models available on the Community market have very different levels of consumption in stand-by mode. There are, however, other measures for reducing electricity consumption from such equipment, such as switching it off when not needed. The Commission should ascertain which measures are appropriate in order also to exploit this energy-saving potential.

Unchanged

INITIAL PROPOSAL

AMENDED PROPOSAL

(4) It is appropriate to take as a base a high level of protection in proposals for the approximation of the provisions laid down by law, regulation or administrative action in Member States concerning health, safety, environmental protection and consumer protection; this Regulation ensures a high level of protection for both the environment and the consumer, in aiming at a significant improvement of the energy efficiency of this type of equipment.

(5) The adoption of such measures falls within Community competence; the requirements of this Regulation are within the limits of its objectives, thus conforming to the requirements of Article 5 of the Treaty.

(6) Moreover, Article 174 of the Treaty calls for the protection and improvement of the environment and prudent and rational utilisation of natural resources, these two objectives being among those of the Community policy on the environment; electricity generation and consumption account for 30 % of man-made carbon dioxides (CO₂) emissions and some 35 % of primary energy consumption in the Community, these percentages are increasing.

(7) Furthermore, Council Decision 89/364/EC of 5 June 1989 on a Community action programme for improving the efficiency of electricity use ⁽¹⁾ has as its twin objectives to encourage consumers to favour appliances and equipment with high electrical efficiency and to improve the efficiency of appliances and equipment.

(8) The UNFCCC Protocol agreed in Kyoto on 10 December 1997 calls for a greenhouse gases emission reduction for the Community of 8 % by year 2012; in order to achieve this objective stronger measures are required to stabilise CO₂ emissions within the Community.

(9) Decision 91/565/EC ⁽²⁾ established a programme to promote energy efficiency in the Community (the SAVE programme); and Decision 96/737/EC ⁽³⁾ established a new multi-annual programme (the SAVE II programme) to continue and strengthen the action of the original SAVE programme.

(6) Moreover, Article 174 of the Treaty calls for the protection and improvement of the environment and prudent and rational utilisation of natural resources, these two objectives being among those of the Community policy on the environment; electricity generation and consumption account for 30 % of man-made carbon dioxides (CO₂) emissions and some 35 % of primary energy consumption in the Community, stand-by losses from electrical equipment account for about 10 % of electricity consumption, these percentages are increasing.

Unchanged

⁽¹⁾ OJ L 157, 9.6.1989, p. 32.

⁽²⁾ OJ L 307, 8.11.1991, p. 34.

⁽³⁾ OJ L 335, 24.12.1996, p. 50.

INITIAL PROPOSAL

- (10) Furthermore, the European Parliament and Council Decision 2179/98/EC ⁽¹⁾ of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability' indicated as key priority for the integration of environmental requirements in relation to energy to strengthen energy efficiency labelling of equipment.
- (11) The Council Resolution ⁽²⁾ of 7 December 1998 on energy efficiency in the European Community called on the increased use of labelling of appliances and equipment.
- (12) Most energy-efficient information and communication technology equipment are available at little or no-extra cost and they can pay for their initial cost through electricity savings within a few years.
- (13) In the interest of international trade, energy efficiency requirements, labels and test methods should be harmonised wherever appropriate.
- (14) Information and communication technology equipment is traded worldwide. The Community and the United States of America have negotiated an agreement on the co-ordination of Energy-Efficient Labelling programmes, known as the Energy Star Programme. This agreement has been concluded by Council Decision of . . . , would facilitate international trade for this equipment. This Regulation is aimed at implementing the above agreement in the Community.

AMENDED PROPOSAL

- (12) Most energy-efficient information and communication technology equipment is available at little or no-extra cost and can pay for its initial cost through electricity savings within a few months. Energy-saving and CO₂-reduction objectives can therefore be achieved in a cost-effective manner in this area, without disadvantages for consumers or industry.

Unchanged

- (14a) In order to influence the requirements of this label, which is used worldwide, the European Union should participate in the labelling scheme and in drawing up the necessary standards. However, regular reviews must be carried out to ascertain whether the standards set are ambitious enough and take sufficient account of the concerns of the European Union.
- (14b) In addition to labelling especially efficient equipment, the most inefficient equipment should be gradually withdrawn from the market. The Commission should therefore examine whether it is possible to conclude a voluntary agreement with manufacturers of the equipment concerned to ensure that particularly inefficient equipment is taken off the market altogether. The Commission should consider presenting a proposal for relevant legislation, should it not be possible to conclude such a voluntary agreement.

⁽¹⁾ OJ L 275, 10.10.1998, p. 1.

⁽²⁾ OJ C 394, 17.12.1998, p. 1.

INITIAL PROPOSAL

AMENDED PROPOSAL

- (15) An effective enforcement system is necessary to ensure that the Energy Star Labelling Programme is implemented properly, guarantees fair conditions of competition for producers and protects consumer rights.
- (16) This Regulation is confined to information and communication technology equipment.
- (17) Directive ⁽¹⁾ (92/75/EEC) on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances would not be the most appropriate instrument for information and communication technology equipment; the most cost-effective measures for promoting energy efficiency of information and communication technology equipment is a voluntary labelling programme.
- (18) It is necessary to assign the task of contributing to setting and reviewing the technical specifications to an appropriate body, the European Union Energy Star Board (EUESB), in order to achieve an efficient and neutral implementation of the scheme. The EUESB should be composed of the national bodies.
- (19) It is necessary to ensure that the Energy Star Programme is consistent and co-ordinated with the priorities of the Community policy and with other Community labelling or quality-certification schemes such as those established by Council Directive 92/75/EEC of 22 September 1992 on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances and by Council Regulation ⁽²⁾ (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme.
- (20) Provisions should be established aimed at ensuring consistency and complementarity between the Community Energy Star Programme and other voluntary labelling energy schemes in the Community, in order to prevent confusion for consumers and potential market distortions and increase the attractiveness of the Energy Star Programme for potential applicants.
- (21) It is necessary to guarantee transparency in the implementation of the Scheme and to ensure consistency with relevant international standards in order to facilitate access and participation in the scheme for manufacturers and exporters of countries outside the Community.

Unchanged

⁽¹⁾ OJ L 297, 13.10.1992, p. 16.

⁽²⁾ OJ L 99, 11.4.1992, p. 1.

INITIAL PROPOSAL

AMENDED PROPOSAL

HAVE ADOPTED THIS REGULATION:

Article 1

Objectives

1. This Regulation establishes the rules for the Community voluntary energy labelling programme (hereinafter the 'Energy Star Programme') as defined in the agreement (hereinafter 'the Agreement') between the Community and the United States of America on the co-ordination of energy efficient labelling programmes.
2. The Agreement is intended to stimulate international trade of information and communication technology equipment, by facilitating the procedures for economic operators to participate in the Energy Star Programme. The Energy Star Programme is intended to maximise energy savings as well as consumer and environmental benefits by stimulating the supply of and demand for energy-efficient information and communication technology equipment.
3. The Energy Star Programme shall be co-ordinated with other Community labelling or quality certification arrangements as well as schemes such as, in particular, the Community ECO-label award scheme as established by Council Regulation (EEC) No 880/92.

Article 2

Scope

1. This Regulation shall apply only to the information and communication technology equipment product groups. Product group means any goods which serve similar purposes and are equivalent in terms of use and consumer perception.
2. The list of product groups covered by this Regulation is the one defined at any time in Annex C of the Agreement.

Article 3

Definitions

For the purpose of this Regulation, the following definitions are taken over from the Agreement:

- (a) 'Energy Star Logo' means the sign or marking designated in Annex A of the Agreement and reproduced in Annex I;

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- (b) 'Programme Participants', as defined in Article 2 of the Agreement, means manufacturers, importers and retailers that commit themselves to sell designated energy-efficient products that meet the specifications of and who have chosen to participate in the Energy Star Labelling Programme by having registered with the Commission;
- (c) 'Specifications' are the energy-efficiency and performance requirements, including testing methods, used to determine qualification of energy-efficient products for the Energy Star Logo, as defined in Article 2 and Annex C of the Agreement.

*Article 4***General principles**

1. The Energy Star Logo can be used by Programme Participants on their individual products, which they manufacture or place on the Community market.
2. Products which meet the Specifications, and for which the use of the Energy Star Logo has been granted by the 'United States Environmental Protection Agency' (US EPA), are deemed to comply with this Regulation, unless there is evidence to the contrary.
3. Where the provisions of this Regulation are satisfied, Member States cannot prohibit nor restrict the placing on the market of information and communication technology equipment, on the ground that it bears the Energy Star Logo; nevertheless this shall not prevent the prohibition or restriction of equipment which fails to meet any other requirements of Community legislation.
4. Without prejudice to any Community rules as regards conformity assessment and conformity marking and/or to any international agreement concluded between the European Community and third countries as regard access to the Community market, products covered by this Regulation which are placed on the Community market, may be tested in order to verify its compliance with the requirements of the present Regulation.

*Article 5***Registration of Programme Participants**

1. Applications to become a Programme Participant may be submitted either to the National Bodies, as referred in Article 9, or to the Commission by manufacturers, importers and retailers. National Bodies will send the application to the Commission.
2. The decision to authorise an applicant to become a Programme Participant shall be taken by the Commission, after verifying that the applicant has agreed to comply with the Logo User Guideline contained in Annex B of the Agreement.

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*Article 6***Promotion of the Energy Star Logo**

1. Member States and the Commission shall in co-operation with the members of the EUESB, as referred in Article 8, promote the use of the Energy Star Logo by awareness-raising actions and information campaigns for consumers, producers, retailers and the general public, thus supporting the development of the Energy Star Programme.

2. In order to encourage the purchase of Energy Star products the Commission and other institutions of the European Community, as well as other public authorities at national level should, without prejudice to Community law, use the Energy Star Specifications when defining their requirements for information and communication technology products.

*Article 7***Other voluntary energy labelling schemes**

1. Existing as well as new voluntary energy schemes in the Member States may co-exist with the Energy Star Programme to the extent that they have been recognised or authorised by the authorities of the Member States and they apply to specific national or regional objectives, or they introduce more stringent requirements than those established by the Energy Star programme.

2. The Commission and the Member States shall act in order to ensure the necessary co-ordination between the Energy Star Programme and national schemes in the Member States, in particular, in the selection of product groups as well as in the development and revision of the Specifications.

*Article 8***European Union Energy Star Board**

1. The Commission shall establish a European Union Energy Star Board consisting of representatives of the National Bodies mentioned in Article 9 as well as relevant interested parties, hereinafter referred to as 'the EUESB'. The EUESB shall in particular contribute to the review of the Specifications as well as the product group coverage. The EUESB shall also advise the Commission on common information and education campaigns, and where appropriate co-ordinate them.

1. The Commission shall establish a European Union Energy Star Board consisting of representatives of the National Bodies mentioned in Article 9 as well as national energy policy experts and representatives of relevant interested parties, hereinafter referred to as 'the EUESB'. The EUESB shall in particular contribute to the review of the Specifications as well as the product group coverage. The EUESB shall also advise the Commission on common information and education campaigns, and where appropriate co-ordinate them.

(2a) One year following the entry into force of this Regulation, and every year thereafter, the EUESB shall draw up a report on the market penetration of products bearing the Energy Star logo and on the technology available for reducing energy consumption.

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(2) The Commission shall ensure that to the extent possible in the conduct of its activities the EUESB observes, in respect of each product group, a balanced participation of all relevant interested parties concerned with that product group such as manufacturers, retailers, importers, environmental protection groups, consumer organisations.

3. The rules of procedure of the EUESB shall be established by the Commission.

*Article 9***National bodies**

Each Member State shall designate that the body or bodies (hereinafter referred to as the 'National Body' or 'National Bodies'), responsible for carrying out the tasks provided for in this Regulation. Where more than one National Body is designated, the Member State shall determine those bodies' respective powers and the co-ordination requirements applicable to them.

*Article 10***Working Plan**

In accordance with the objectives set out in Article 1, a Working Plan shall be established by the Commission within six months and presented to the Council and European Parliament from the entry into force of this Regulation, following prior consultation of the European Union Energy Star Board (EUESB). The Working Plan shall include a strategy for the development of the Energy Star Programme, which should set out for the subsequent three years:

- the objectives for the energy efficiency improvements, bearing in mind the need to pursue a high standard of consumer and environmental protection and the market penetration which the Energy Star Programme should seek to achieve at Community level;
- a non-exhaustive list of product groups which should be considered as priorities for inclusion in the Energy Star Programme;
- plans for educational and promotional campaigns and other necessary actions, to be co-financed, mainly, by the SAVE Programme;
- plans for co-ordination and co-operation between the Energy Star Programme and other voluntary energy labelling schemes in Member States.

The Working Plan shall be reviewed periodically.

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(2b) The Commission shall ensure that to the extent possible in the conduct of its activities the EUESB observes, in respect of each product group, a balanced participation of all relevant interested parties concerned with that product group such as manufacturers, retailers, importers, environmental protection groups, consumer organisations.

Unchanged

4. The Commission shall keep the Council and the European Parliament informed of the activities of the EUESB.

Unchanged

The Working Plan shall be reviewed periodically. It shall be reviewed for the first time at the latest twelve months after it is submitted to the Council and the European Parliament, and subsequently at twelve-monthly intervals.

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Article 11

Unchanged

Procedures for the revision of the Agreement

With a view to the revising the Specifications and of the product groups covered by the Agreement, and before submitting a draft proposal or replying to the US EPA according to the procedures laid down in the Agreement, the following steps have to be taken:

1. The Commission may begin the procedure on its own initiative or at the request of the EUESB. If appropriate, the Commission, shall issue a request to the EUESB to make suggestions for the revision of the Specifications as well as the products group covered by the Energy Star Programme. A deadline for completion of work shall be provided in the request. The Commission shall, when drafting the request, take due account of the Working Plan laid down in Article 10.
2. The Commission, shall issue such a request to the EUESB whenever it receives a proposal for revision from the US EPA.
3. On the basis of the request, the EUESB shall draft a proposal for the revision of the Specifications and products groups covered by the Energy Star Programme by taking into account the results of feasibility and market studies, and the available technology for reducing energy consumption as laid down in Article X of the Agreement.
4. The Commission shall take into account the EUESB proposal for the revision of the Specifications and product coverage in the negotiations with the US EPA.
4. The Commission shall take into account the EUESB proposal for the revision of the Specifications and product coverage in the negotiations with the US EPA. In doing so, it shall take particular account of the objective of setting qualitative specifications at a high level, with due regard for the technology available for reducing energy consumption analysed in the EUESB report referred to in Article 8(2a).
5. Once the negotiations are concluded in accordance with the procedures laid down in the Council Decision, the Commission shall publish the new set of Specifications and product groups covered by the Energy Star Programme in the Official Journal.

Unchanged

*Article 12***Market surveillance and control of abuses**

1. The Energy Star Logo shall be used only on the products covered by the Agreement and in accordance with the Logo User Guidelines, contained in Annex B of the Agreement.
2. Member States shall put into place a surveillance mechanism to ensure conformity with the provisions of this Regulation.

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3. Any false or misleading advertising or the use of any label or logo which leads to confusion with the Energy Star Logo introduced by this Regulation is hereby prohibited.

4. In case of non-compliance with the provisions of this Regulation, Member States shall take effective, proportional and dissuasive sanctions and communicate these to the Commission.

*Article 13***Information**

Each Member State shall ensure that consumers and undertakings are informed by appropriate means of the following:

- (a) the objectives of the Energy Star Programme;
- (b) the product groups, which are covered;
- (c) the Specifications for each product group;
- (d) the registration procedures to be followed for participating in the Energy Star Programme;
- (e) the National body or bodies in the Member State.

Member States may provide for the insertion of the following explanatory text next to the logo: 'Awarded to products which meets the energy-efficiency requirements of the Energy Star scheme'

*Article 14***Implementation**

Member States shall within six months of the entry into force of this Regulation inform the Commission of the measures taken to ensure compliance with this Regulation.

*Article 15***Revision**

1. Within five years of the entry into force of this Regulation, . and p to any renewal of the Agreement, the Commission shall review the Energy Star Programme in the light of the experience gained during its operation.

Each Member State shall ensure that consumers and undertakings are informed by appropriate means, preferably a short pamphlet to be included with the appliance at the time it is sold, of the following:

Unchanged

Member States shall within six months of the entry into force of this Regulation inform the Commission of the measures taken to ensure compliance with this Regulation. Appropriate action shall be taken to ensure that all Member States make the maximum effort to encourage take up of the Energy Star labelling scheme.

Unchanged

1. Within three years of the entry into force of this Regulation, the Commission shall produce and submit to the Council and the European Parliament a report monitoring the energy efficiency of the office and communication technology equipment market in the EU, giving an evaluation of the effectiveness of the Energy Star programme and proposing, if necessary, complementary measures to the Energy Star programme. Prior to any renewal of the Agreement, the Commission shall review the Energy Star Programme in the light of the experience gained during its operation. The review must, in particular, examine whether Energy Star requirements are ambitious enough and whether the European Union has been able to assert its position adequately in the dialogue with the USA.

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2. If appropriate, the Commission shall thereby propose any amendments to this Regulation, in particular, in the case the Agreement will be terminated.

Unchanged

Article 16

Final provisions

This Regulation shall enter into force thirty days following the date of its publication in the *Official Journal of the European Communities*.

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

ANNEX I

'ENERGY-STAR' LOGO



Black & White Version



Colour version

Amended proposal for a Directive of the European Parliament and of the Council establishing requirements and harmonised procedures for the safe loading and unloading of bulk carriers ⁽¹⁾

(2001/C 180 E/26)

(Text with EEA relevance)

COM(2001) 158 final — 2000/0121(COD)

(Submitted by the Commission pursuant to Article 250(2) of the EC Treaty on 20 March 2001)

⁽¹⁾ OJ C 311 E, 31.10.2000, p. 240.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Deleted

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Unchanged

Whereas:

- (1) In view of the high number of shipping accidents involving bulk carriers with an associated loss of human lives, further measures should be taken to enhance safety in maritime transport within the framework of the common transport policy.
- (2) Assessments into the causes of bulk carrier casualties indicate that loading and unloading of solid bulk cargoes, if not properly conducted, can contribute to the loss of bulk carriers, either by over-stressing the ship's structure or by mechanically damaging its structural members in the cargo holds; the protection of the safety of bulk carriers can be enhanced through the adoption of measures aimed at reducing the risk of structural damage and losses due to improper loading and unloading operations.
- (3) At international level, the International Maritime Organisation (the 'IMO'), through a number of Assembly Resolutions, has adopted recommendations on the safety of bulk carriers addressing ship/port interface issues in general and loading and unloading operations in particular.

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- (4) By Assembly Resolution A.862(20), the IMO adopted a Code of practice for the safe loading and unloading of bulk carriers (hereinafter 'the BLU Code'), and urged contracting governments to implement this Code at the earliest possible opportunity and to inform IMO of any non-compliance. In the Resolution, the IMO further urged contracting governments in whose territories solid bulk cargo loading and unloading terminals are situated to introduce laws to the effect that a number of key principles necessary for the implementation of this Code could be enforced.
- (5) The impact of loading and unloading operations on bulk carrier safety, in view of the global character of dry bulk carrier trade, has transboundary implications. The development of action to prevent the foundering of bulk carriers due to improper loading and unloading practices is best done at Community level, since Member States in isolation cannot take adequate and effective action.
- (6) Action at Community level is the most effective way of establishing harmonised requirements and procedures to implement the IMO recommendations laid down in the Assembly Resolution A.862(20) and the Code of practice for the safe loading and unloading of bulk carriers.
- (7) In view of the subsidiarity principle set out in Article 5 of the Treaty, a Directive is the appropriate legal instrument as it provides a framework for the Member States' uniform and compulsory application of the requirements and procedures for the safe loading and unloading of bulk carriers, while leaving each Member State the right to decide which implementation tools best fit its internal system. In accordance with the principle of proportionality, this Directive does not go beyond what is necessary for the objectives pursued.
- (8) The protection of the safety of bulk carriers and their crews can be enhanced by reducing the risks of improper loading and unloading at dry bulk cargo terminals; this can be implemented by establishing harmonised procedures for cooperation and communication between ship and terminal and by laying down suitability requirements for ships and terminals.
- (9) In the interests of enhancing bulk carrier safety and avoiding distortion of competition, the harmonised procedures and suitability criteria should apply to all bulk carriers, irrespective of the flag they fly, and to all terminals in the Community at which such carriers call for the purpose of loading or unloading solid bulk cargoes.

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(10) Bulk carriers calling at terminals for the loading or unloading of solid bulk cargoes should be suitable for that purpose. Terminals should verify that visiting bulk carriers comply with the relevant suitability criteria laid down in the BLU Code.

(11) Terminals should also be suitable for receiving and loading or unloading visiting bulk carriers; for that purpose they should comply with the suitability criteria of the BLU Code relating to berthing facilities, cargo-handling and weighing equipment, training and working patterns of terminal personnel.

(12) Terminals should, in the interests of enhancing the cooperation and communication with the ship's master on matters relating to the loading and unloading of solid bulk cargoes, appoint a terminal representative and make information books with the terminal's and port's requirements available to the masters in accordance with the provisions of the BLU Code.

(13) The development, implementation and maintenance of a quality management system by the terminals would ensure that the cooperation and communication procedures and the actual loading and unloading by the terminal are planned and executed in accordance within a harmonised framework that is internationally recognised and auditable. In view of its international recognition, the quality management system should be based upon the ISO 9000 series of standards adopted by the International Standardisation Organisation.

(13) The development, implementation and maintenance of a quality management system by the terminals would ensure that the cooperation and communication procedures and the actual loading and unloading by the terminal are planned and executed in accordance within a harmonised framework that is internationally recognised and auditable. In view of its international recognition, the quality management system should be based upon the ISO 9000 series of standards adopted by the International Standardisation Organisation. To allow new terminals built after the date of application of the Directive time to achieve the relevant certification, it is important to ensure that interim certification is available for a limited period of time, provided that there is proof of the intention to implement the specific quality management system.

(14) For the purpose of ensuring that loading and unloading operations are carefully prepared, agreed and conducted with a view to avoid endangering the structural integrity of the ship, the responsibilities of the master and the terminal representative should be laid down in accordance with the relevant provisions of the SOLAS Convention, IMO Assembly Resolution A.862(20) and the BLU Code. For the same purpose, procedures for the preparation, agreement and conduct of loading or unloading operations should be laid down on the basis of the provisions of those international instruments.

Unchanged

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- (15) In the general interests of the Community in deflecting sub-standard shipping from its ports, the responsibility of the terminal representative should include a duty to notify port State control authorities of any apparent deficiency on board a bulk carrier that could prejudice the safety of the loading or unloading operations.
- (16) It is necessary that the competent authorities of the Member States have the right to prevent or halt the loading or unloading operations ship or crew safety is reported to be endangered by these operations. The authorities should also intervene in the interests of safety in the event of disagreement between the master and the terminal representative as to the application of these procedures.
- (17) It is necessary to lay down procedures whereby damage to ships incurred during loading or unloading operations is reported and repaired if necessary. Where such damage could impair the safety or seaworthiness of the ship, the decision as to the necessity and urgency of repairs should be taken by the port State control authorities in consultation with the administration of the flag State. In view of the technical expertise necessary to take such a decision, the authorities should have the right to call upon a recognised organisation to inspect the damage and to advise them on any need for repairs.
- (18) Enforcement of this Directive should be enhanced by the establishment of a surveillance system in the Member States, including unannounced inspections during loading and unloading operations: reporting the results of this monitoring effort will provide valuable information on the effectiveness of the requirements and harmonised procedures laid down in this Directive.

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- (15) In the general interests of the Community in deflecting sub-standard shipping from its ports, the responsibility of the terminal representative should include a duty to notify port State control authorities and the master of any apparent deficiency on board a bulk carrier that could prejudice the safety of the loading or unloading operations.
- (16) It is necessary that the competent authorities of the Member States be required to prevent or halt the loading or unloading operations if there are clear indications that the ship or crew safety is endangered by these operations. The authorities should also intervene in the interests of safety in the event of disagreement between the master and the terminal representative as to the application of these procedures. It is important that the competent authority should not have any commercial interest in the bulk loading and unloading terminal in that port. Member States should be able to empower the port State control authorities to implement the control provisions of this Directive.
- (17) It is necessary to lay down procedures whereby damage to ships incurred during loading or unloading operations is reported to the appropriate bodies, such as the classification societies, and repaired if necessary. Where such damage could impair the safety or seaworthiness of the ship, the decision as to the necessity and urgency of repairs should be taken by the port State control authorities in consultation with the administration of the flag State and the master. In view of the technical expertise necessary to take such a decision, the authorities should have the right to call upon a recognised organisation to inspect the damage and to advise them on any need for repairs.

Unchanged

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- (19) The IMO in its Assembly Resolution A.797(19) on the safety of ships carrying solid bulk cargoes requested port State authorities to submit confirmation that loading and unloading terminals for solid bulk cargoes comply with the IMO Codes and recommendations on ship/shore cooperation. Notification of the adoption of this Directive to the IMO will provide an appropriate response to this request and a clear signal to the international maritime community that the Community is committed to supporting the efforts undertaken at international level to enhance the safe loading and unloading of bulk carriers.
- (20) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.
- (21) It should be possible to amend certain provisions of this Directive in accordance with that procedure, so as to bring them into line with international and Community instruments adopted, amended or entering into force after the entry into force of this Directive and for the implementation of the procedures laid down in this Directive, without broadening its scope.
- (22) The provisions of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽²⁾ and its relevant individual directives are fully applicable to the work relating to the loading and unloading of bulk carriers,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Purpose

The purpose of this Directive is to enhance the safety of bulk carriers calling at terminals in the Community in order to load or unload solid bulk cargoes, by reducing the risks of excessive stresses and physical damage to the ship's structure during loading or unloading, through the establishment of:

1. suitability requirements for those ships and terminals, and

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 183, 29.6.1989, p. 1.

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2. harmonised procedures for cooperation and communication between those ships and terminals.

*Article 2***Scope**

This Directive shall apply to:

1. all bulk carriers, irrespective of their flag, calling at a terminal for the loading or unloading of solid bulk cargoes; and
2. all terminals within the territory of the Member States.

*Article 3***Definitions**

For the purpose of this Directive:

1. 'international conventions' shall mean the conventions currently in force, as defined in Article 2(1) of Council Directive 95/21/EC⁽¹⁾;
2. '1974 SOLAS Convention' shall mean the International Convention for the Safety Of Life At Sea, together with the Protocols and amendments thereto, in force;
3. 'BLU Code' shall mean the Code of Practice for the Safe Loading and Unloading of Bulk Carriers, as contained in the Annex to IMO Assembly Resolution A.862(20) of 27 November 1997, as amended;
4. 'bulk carrier' shall bear the meaning given to it in Regulation IX/1.6 of the 1974 SOLAS Convention and interpreted by Resolution 6 of the 1997 SOLAS Conference, namely:
 - a ship constructed with single deck, top-side tanks and hopper-side tanks in cargo spaces and intended primarily to carry dry cargo in bulk; or
 - an ore carrier, meaning a sea-going single deck ship having two longitudinal bulkheads and a double bottom throughout the cargo region and intended for the carriage of ore cargoes in the centre holds only; or
 - a combination carrier as defined in Regulation II-2/3.27 of the 1974 SOLAS Convention;

⁽¹⁾ OJ L 157, 7.7.1995, p. 1.

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| <p>5. 'dry cargo in bulk' or 'or solid bulk cargo' shall mean solid bulk cargo as defined in Regulation XII/1.4 of the 1974 SOLAS Convention, excluding grain;</p> <p>6. 'grain' shall bear the meaning given to it in Regulation VI/8.2 of the 1974 SOLAS Convention;</p> <p>7. 'terminal' shall mean any fixed, floating or mobile facility equipped and used for the loading or unloading of dry cargo in bulk into or from bulk carriers;</p> <p>8. 'terminal operator' shall mean the owner of a terminal, or any organisation or person having taken over from the owner the responsibility for operating the terminal;</p> <p>9. 'terminal representative' shall mean a person appointed by the terminal operator, who has the overall responsibility for and authority to control the loading or unloading operations conducted by the terminal for a particular bulk carrier;</p> <p>10. 'master' shall mean the person who has command over a bulk carrier or a ship's officer designated by the master for the loading or unloading operations;</p> <p>11. 'recognised organisation' shall mean an organisation recognised in accordance with Article 4 of Council Directive 94/57/EC⁽¹⁾;</p> <p>12. 'administration of the flag State' shall mean the competent authorities of the State whose flag the bulk carrier is entitled to fly;</p> <p>13. 'port State control authority' shall mean the competent authority of a Member State empowered to exercise the control provisions of Directive 95/21/EC;</p> <p>14. 'competent authority' shall mean a national, regional or local public authority in the Member State empowered by national legislation to implement and enforce the requirements of this Directive;</p> <p>15. 'cargo information' shall mean the cargo information required by Regulation VI/2 of the 1974 SOLAS Convention;</p> <p>16. 'loading or unloading plan' shall mean a plan as referred to in Regulation VI/7.3 of the 1974 SOLAS Convention and having the format as contained in Appendix 2 of the BLU Code;</p> | <p>9. 'terminal representative' shall mean any person appointed by the terminal operator, who has the overall responsibility for and authority to control the preparation, the conduct and the completion of the loading or unloading operations conducted by the terminal operator for a particular bulk carrier;</p> <p>Unchanged</p> |
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⁽¹⁾ OJ L 319, 12.12.1994, p. 20.

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17. 'ship/shore safety checklist' shall mean the checklist as referred to in section 4 of the BLU Code and having the format as contained in Appendix 3 of the BLU Code;
18. 'solid bulk cargo density declaration' shall mean the information on the density of the cargo to be provided in compliance with Regulation XII/10 of the 1974 SOLAS Convention.

*Article 4***Requirements in relation to the suitability of bulk carriers**

Member States shall make the necessary arrangements to ensure that terminal operators verify the suitability of bulk carriers for loading or unloading of solid bulk cargoes, by checking compliance with the provisions of Annex I.

*Article 5***Requirements in relation to the suitability of terminals**

Member States shall ensure that terminals:

1. comply with the provisions of Annex II;
2. have an appointed terminal representative for each bulk carrier calling at the terminal for the loading or unloading of solid bulk cargoes;
3. have prepared information books containing the requirements of the terminal and the competent authorities and the information on the port and terminal as listed in Appendix I of the BLU Code, and that they make these information books available to the masters of bulk carriers calling at the terminal for loading or unloading solid bulk cargoes; and
4. have developed, implemented and maintain a quality management system, certified in accordance with the ISO 9001:2000 standards and audited in accordance with the guidelines of the ISO 10011:1991 standard.

*Article 6***Responsibilities of masters and terminal representatives**

Member States shall make the necessary arrangements to ensure that the following principles concerning the responsibilities of masters and terminal representatives are respected and applied:

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2. have appointed terminal representative(s) for each bulk carrier calling at the terminal for the loading or unloading of solid bulk cargoes;

Unchanged

4. have developed, implemented and maintain a quality management system, certified in accordance with the ISO 9001:2000 standards and audited in accordance with the guidelines of the ISO 10011:1991 standard. An interim certificate, valid for no more than 12 months, may be issued for newly established terminals. The terminal must however demonstrate its plan to implement a Quality Management System in accordance with the ISO 9001:2000 standard.

Unchanged

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1. Responsibilities of the master:

(a) The master shall be responsible at all times for the safe loading and unloading of the bulk carrier under his command.

(a) The master shall be responsible at all times for the safe loading and unloading of the bulk carrier under his/her command.

(b) The master shall, well in advance of the ship's estimated time of arrival at the terminal, provide the terminal with the information set out in Annex III.

Unchanged

(c) Before any solid bulk cargo is loaded, the master shall ensure that he has received the cargo information required by Regulation VI/7.2 of the 1974 SOLAS Convention, and where required, a solid bulk cargo density declaration. This information shall be contained in a cargo declaration form as set out in Appendix 5 of the BLU Code.

(c) Before any solid bulk cargo is loaded, the master shall ensure that (s)he has received the cargo information required by Regulation VI/7.2 of the 1974 SOLAS Convention, and where required, a solid bulk cargo density declaration. This information shall be contained in a cargo declaration form as set out in Appendix 5 of the BLU Code.

(d) Prior to the start of and during loading or unloading the master shall discharge the responsibilities listed in Annex IV.

Unchanged

2. Responsibilities of the terminal representative:

(a) Upon receipt of the ship's initial notification of its estimated time of arrival, the terminal representative shall provide the master with the information mentioned in Annex V.

(b) The terminal representative shall be satisfied that the master has been advised as early as possible of the information contained in the cargo declaration form.

(c) The terminal representative shall without delay notify the port State control authority of apparent deficiencies on board a bulk carrier which could endanger the safe loading or unloading of solid bulk cargoes.

(c) The terminal representative shall without delay notify the port State control authority and the master of apparent deficiencies on board a bulk carrier which could endanger the safe loading or unloading of solid bulk cargoes.

(d) Prior to the start of and during loading or unloading, the terminal representative shall discharge the responsibilities listed in Annex VI.

Unchanged

*Article 7***Procedures between bulk carriers and terminals**

Member States shall ensure that the following procedures are applied in respect of the loading or unloading of bulk carriers with solid bulk cargoes:

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1. Before solid bulk cargoes are loaded or unloaded, the master shall agree with the terminal representative on the loading or unloading plan in accordance with the provisions of Regulation VI/7.3 of the 1974 SOLAS Convention. The loading or unloading plan shall be prepared in the form laid down in Appendix II of the BLU Code, and the master and the terminal representative shall confirm their agreement to the plan by signing it. Any change to the plan shall be prepared, accepted and agreed by both parties in the form of a revised plan. The agreed loading or unloading plan and any subsequent agreed revisions shall be kept by the ship and the terminal for a period of six months and a copy of it shall be lodged with the competent authority.
2. Before loading or unloading is commenced the ship/shore safety checklist shall be completed and signed jointly by the master and the terminal representative in accordance with the guidelines of Appendix IV of the BLU Code.
3. An effective communication between the ship and the terminal shall be established and maintained at all times, capable of responding to requests for information on the loading or unloading process and to ensure prompt compliance should the master or the terminal representative order the loading or unloading operations to be suspended.
4. The master and the terminal representative shall conduct the loading or unloading operations in accordance with the agreed plan. The terminal representative shall be responsible for the loading or unloading of the solid bulk cargo in accordance with the hold order, quantity and rate of loading or unloading stated on that plan. He shall not deviate from the agreed loading or unloading plan, otherwise than by prior consultation and written agreement with the master.
5. On completion of the loading or unloading, the master and the terminal representative shall agree in writing that the loading or unloading has been done in accordance with the loading or unloading plan, including any agreed variations. In the case of unloading, such agreement shall include a record that the cargo holds have been emptied and cleaned to the master's requirements, as well as recording any damage suffered by the ship and any repairs carried out.

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1. Before solid bulk cargoes are loaded or unloaded, the master shall agree with the terminal representative on the loading or unloading plan in accordance with the provisions of Regulation VI/7.3 of the 1974 SOLAS Convention. The loading or unloading plan shall be prepared in the form laid down in Appendix II of the BLU Code, and the master and the terminal representative shall confirm their agreement to the plan by signing it. Any change to the plan, which according to either party may affect the safety of the vessel or crew, shall be prepared, accepted and agreed by both parties in the form of a revised plan. The agreed loading or unloading plan and any subsequent agreed revisions shall be kept by the ship and the terminal for a period of six months and a copy of it shall be lodged with the competent authority.

Unchanged

4. The master and the terminal representative shall conduct the loading or unloading operations in accordance with the agreed plan. The terminal representative shall be responsible for the loading or unloading of the solid bulk cargo in accordance with the hold order, quantity and rate of loading or unloading stated on that plan. The terminal representative shall not deviate from the agreed loading or unloading plan, otherwise than by prior consultation and written agreement with the master.

Unchanged

INITIAL PROPOSAL

AMENDED PROPOSAL

*Article 8***Role of the competent authorities**

1. Member States shall ensure that, without prejudice to the rights and obligations of the master provided under Regulation VI/7.7 of the 1974 SOLAS Convention, their competent authorities have the right to prevent or halt the loading or unloading of solid bulk cargoes whenever the safety of the ship is reported to be endangered thereby.

2. In case of disagreement between the master and the terminal representative as to the application of the procedures provided for in Article 7, the competent authority shall intervene where this is required in the interests of safety and/or the marine environment.

*Article 9***Repair of damage incurred during loading or unloading**

1. If damage to the ship's structure or equipment occurs during loading or unloading, it shall be reported by the terminal representative to the master and, if necessary, repaired.

2. If the damage could impair the structural capability or watertight integrity of the hull, or the ship's essential engineering systems, the administration of the flag State, or an organisation recognised by it and acting on its behalf, and the port State control authority shall be informed in order that it may decide whether immediate repair is necessary or whether it can be deferred. The decision shall be taken by the port State control authority due account being taken of the opinion of the administration of the flag State, or the organisation recognised by it and acting on its behalf.

3. For the purpose of taking the decision referred to in paragraph 2, a port State control authority may rely upon a recognised organisation to undertake the inspection of the damage and to advise on the necessity of carrying-out repairs or their deferral.

1. Member States shall ensure that, without prejudice to the rights and obligations of the master provided under Regulation VI/7.7 of the 1974 SOLAS Convention, their competent authorities are required to prevent or halt the loading or unloading of solid bulk cargoes if there are clear indications that the safety of the ship or crew is endangered thereby.

Unchanged

1. If damage to the ship's structure or equipment occurs during loading or unloading, it shall be reported by the terminal representative to the master and, if necessary, repaired. Such damage shall also be reported to the relevant classification society.

2. If the damage could impair the structural capability or watertight integrity of the hull, or the ship's essential engineering systems, the administration of the flag State, or an organisation recognised by it and acting on its behalf, and the port State control authority shall be informed. The decision as to whether immediate repair is necessary, shall be taken by the port State control authority, which shall take into account the opinion, if any, of the administration of the flag State, or the organisation recognised by it and acting on its behalf, and the opinion expressed by the master. Where immediate repair is considered necessary, it should be carried out to the satisfaction of the master before the ship leaves the port.

Unchanged

INITIAL PROPOSAL

AMENDED PROPOSAL

*Article 10***Verification and reporting**

1. Member States shall regularly verify that terminals are complying with the requirements of Articles 5, point (1), 6 point (2) and 7. Verification shall include the carrying-out of unannounced inspections during loading or unloading operations.

2. Member States shall provide the Commission every two years with a report on the results of such verification. The report shall also provide an assessment of the effectiveness of the harmonised procedures for cooperation and communication between bulk carriers and terminals as provided for in this Directive. The report shall be provided at the latest by 30 April of the year following the two years upon which it reports.

*Article 11***Notification to the IMO**

The Presidency of the European Parliament, the Council and the Commission shall jointly inform the IMO of the adoption of this Directive, whereby reference shall be made to paragraph 1.7 of the Annex to IMO Resolution A.797(19) of 23 November 1995 concerning the Safety of Ships Carrying Solid Bulk Cargoes.

*Article 12***Committee procedure**

1. The Commission shall be assisted by the committee instituted by Article 12(1) of Directive 93/75/EEC ⁽¹⁾.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7(3) and Article 8 thereof.

3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

1. Member States shall regularly verify that terminals are complying with the requirements of Articles 5, point (1) and point (4), 6 point (2) and 7. The procedure shall entail unannounced inspections during loading or unloading operations.

Unchanged

3. The Commission shall submit an evaluation report on the implementation and application of the system as provided for in this Directive to the European Parliament and the Council, on the basis of the reports of the Member States provided for in paragraph 2. The report shall also assess whether it is necessary to continue the reporting by the Member States referred to in paragraph 2.

Unchanged

⁽¹⁾ OJ L 247, 5.10.1993, p. 19.

INITIAL PROPOSAL

AMENDED PROPOSAL

*Article 13***Amendment procedure**

1. The definitions, the references to international conventions and codes and to IMO Resolutions and Circulars, the references to ISO standards, the references to Community instruments, and the Annexes, may be amended in accordance with the procedure referred to in Article 12, in order to bring them into line with international and Community instruments which have been adopted, amended or brought into force after the adoption of this Directive, provided that the scope of this Directive is not thereby broadened.

2. In accordance with the procedure referred to in Article 12, provisions may be adopted and incorporated in Article 7 and the Annexes for the implementation of the procedures laid down in this Directive, provided that such provisions do not broaden the scope of this Directive.

*Article 14***Penalties**

The Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by the date specified in the first subparagraph of Article 15(1) at the latest and shall notify it without delay of any subsequent amendment affecting them.

*Article 15***Implementation and application**

1. Member States shall adopt and publish, not later than [18 months after its entry into force], the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions with effect from 1 January 2003.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

1. Member States shall adopt and publish, not later than 18 months after its entry into force, the provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

They shall apply those provisions with effect from the first day of the 25th month after the entry into force of the Directive.

Unchanged

INITIAL PROPOSAL

AMENDED PROPOSAL

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

Article 16

Entry into force

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

Article 17

Addressees

This Directive is addressed to the Member States.

ANNEX I

VERIFICATION OF THE SUITABILITY OF BULK CARRIERS FOR LOADING AND UNLOADING SOLID BULK CARGOES

(as referred to in Article 4)

Bulk carriers calling at terminals in the Member States for the loading or unloading of solid bulk cargoes shall be checked on compliance with the following suitability requirements:

1. They shall be provided with cargo holds and hatch openings of sufficient size and such a design to enable the solid bulk cargo to be loaded, stowed, trimmed and unloaded satisfactorily.
 2. They shall be provided with the cargo hold hatch identification numbers as used in the loading or unloading plan. The location, size and colour of these numbers shall be clearly visible to and identifiable by the operator of the terminal loading or unloading equipment.
 3. Their cargo hold hatches, hatch operating systems and safety devices shall be in good functional order and used only for their intended purpose.
 4. List indicating lights, if fitted, shall be tested prior to loading or unloading and proved to be operational.
 5. If required to have an approved loading instrument on board, this instrument shall be certified and operational to carry out stress calculations during loading and unloading.
 6. If fitted with own cargo-handling equipment on board, such equipment shall be certified and maintained, and used only under the general supervision of suitably qualified ship's crew.
 7. All propulsion and auxiliary machinery shall be in good functional order.
 8. Deck equipment related to mooring and berthing operations shall be operable and in good order and condition.
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ANNEX II

REQUIREMENTS IN RELATION TO THE SUITABILITY OF TERMINALS FOR LOADING AND UNLOADING SOLID BULK CARGOES

(as referred to in Article 5(1))

1. Terminal operators shall ensure that they only accept bulk carriers for loading or unloading of solid bulk cargoes at their terminal that can safely berth alongside the loading or unloading installation, taking into consideration water depth at the berth, maximum size of the ship, mooring arrangements, fendering, safe access and possible obstructions to loading or unloading operations.
2. Terminal loading and unloading equipment shall be properly certified and maintained in good order, in compliance with the relevant regulations and standards, and only operated by duly qualified and, if appropriate, certified personnel.
3. Terminals shall use cargo weighing equipment that is well maintained and regularly tested and calibrated to provide an accuracy to within 1 % of the rated quantity required over the normal range of loading rates at regular intervals.
4. Terminal personnel shall be trained in all aspects of safe loading and unloading of bulk carriers, commensurate with their responsibilities. The training shall be designed to provide familiarity with the general hazards of loading and unloading of solid bulk cargoes and the adverse effect improper loading and unloading operations may have on the safety of the ship.
5. Terminal operators shall ensure that personnel involved in the loading and unloading operations are provided with and using personnel protective equipment and are duly rested to avoid accidents due to fatigue.

ANNEX III

INFORMATION TO BE PROVIDED BY THE MASTER TO THE TERMINAL

(as referred to in Article 6(1)(b))

1. The ship's estimated time of arrival off the port as early as possible. This advice shall be updated as appropriate.
2. At the time of the initial time of arrival advice:
 - (a) Name, call sign, IMO number, flag, port of registry;
 - (b) Loading or unloading plan, stating the quantity of cargo, stowage by hatches, loading or unloading order and the quantity to be loaded in each pour or unloaded in each stage of the discharge;
 - (c) Arrival and proposed departure draughts;
 - (d) Time required for ballasting or de-ballasting;
 - (e) Ship's length overall, beam, and length of the cargo area from the forward coaming of the forward-most hatch to the after coaming of the aft-most hatch into which cargo is to be loaded or from which cargo is to be unloaded;
 - (f) Distance from the waterline to the first hatch to be loaded or unloaded and the distance from the ship's side to the hatch opening;
 - (g) Location of the ship's accommodation ladder;
 - (h) Air draught;
 - (i) Details and capacities of ship's cargo-handling gear, if any;
 - (j) Number and type of mooring lines;
 - (k) Specific requests, such as for trimming or continuous measurement of the water content of the cargo;
 - (l) Details of any necessary repairs which may delay berthing, the commencement of loading or unloading, or may delay the ship sailing on completion of loading or unloading;
 - (m) Any other information related to the ship requested by the terminal.

ANNEX IV

DUTIES OF THE MASTER PRIOR TO AND DURING LOADING OR UNLOADING OPERATIONS

(as referred to in Article 6(1)(d))

Prior to and during loading or unloading operations the master shall ensure that:

1. the loading or unloading of cargo and the discharge or intake of ballast water is under the control of the ship's officer in charge;
2. the disposition of cargo and ballast water is monitored throughout the loading or unloading process to ensure that the ship's structure is not overstressed;
3. the ship shall be kept upright or, if a list is required for operational reasons, it shall be kept as small as possible;
4. the ship remains securely moored, taking due account of local weather conditions and forecasts;
5. sufficient officers and crew are retained on board to attend to the adjustment of the mooring lines or for any normal or emergency situation, having regard to the need of the crew to have sufficient rest periods to avoid fatigue;
6. the terminal representative is made aware of the cargo trimming requirements, which shall be in accordance with the procedures of the IMO Code of Safe Practice for Solid Bulk Cargoes;
7. the terminal representative is made aware of the requirements for harmonisation between de-ballasting or ballasting and cargo loading or unloading rates for his/her ship and of any deviation from the de-ballasting or ballasting plan or any other matter which may affect cargo loading or unloading;
8. the ballast water is discharged at rates, which conform to the agreed loading plan, and does not result in flooding of the quay or of adjacent craft. Where it is not practical for the ship to completely discharge its ballast water prior to the trimming stage in the loading process, (s)he agrees with the terminal representative on the times at which loading may need be suspended and the duration of such suspensions;
9. there is agreement with the terminal representative as to the actions to be taken in the event of rain, or other change in the weather, when the nature of the cargo would pose a hazard in the event of such a change;
10. no hot work is carried out on board or in the vicinity of the ship while the ship is alongside the berth, except with the permission of the terminal representative and in accordance with any requirements of the competent authority;
11. close supervision of the loading or unloading operation and of the ship during final stages of the loading or unloading;
12. the terminal representative is warned immediately if the loading or unloading process has caused damage, has created a hazardous situation, or is likely to do so;
13. the terminal representative is advised when final trimming of the ship has to commence in order to allow for the conveyor system to run-off;
14. the unloading of the port side closely matches that of the starboard side in the same hold to avoid twisting the ship's structure;
15. when ballasting one or more holds, account is taken of the possibility of the discharge of flammable vapours from the holds and precautions are taken before any hot work is permitted adjacent to or above these holds.

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ANNEX V

INFORMATION TO BE PROVIDED BY THE TERMINAL TO THE MASTER

(as referred to in Article 6(2)(a))

1. The name of the berth at which loading or unloading will take place and the estimated times for berthing and completion of loading or unloading ⁽¹⁾;
 2. Characteristics of loading or unloading equipment, including the terminal's nominal loading or unloading rate and the number of loading or unloading heads to be used, as well as the estimated time required to complete each pour or — in the case of unloading — the estimated time required for each stage of the discharge;
 3. Features on the berth or jetty the master may need to be aware of, including the position of fixed and mobile obstructions, fenders, bollards and mooring arrangements;
 4. Minimum depth of water alongside the berth and in approach and departure channels ⁽¹⁾;
 5. Water density at the berth;
 6. Maximum distance between the water line and the top of the cargo hatch covers or coamings, whichever is relevant to the loading or unloading operation, and the maximum air draught;
 7. Arrangements for gangways and access;
 8. Which side of the ship is to be alongside the berth;
 9. Maximum allowable speed of approach to the jetty and availability of tugs, their type and bollard pull;
 10. The loading sequence for different parcels of cargo, and any other restrictions if it is not possible to take the cargo in any order or any hold to suit the ship;
 11. Any properties of the cargo to be loaded which may present a hazard when placed in contact with cargo or residues on board;
 12. Advance information on the proposed loading or unloading operations or changes to existing plans for loading or unloading;
 13. If the terminal's loading or unloading equipment is fixed, or has any limits to its movement;
 14. Mooring lines required;
 15. Warning of unusual mooring arrangements;
 16. Any restrictions on ballasting or de-ballasting;
 17. Maximum sailing draught permitted by the competent authority; and
- Any other item related to the terminal requested by the master.

⁽¹⁾ Information on estimated times for berthing and departure and on minimum water depth at the berth shall be progressively updated and passed to the master on receipt of successive ETA advices. Information on minimum water depth in approach and departure channels shall be provided by the terminal or the port authority, as appropriate.

ANNEX VI

DUTIES OF THE TERMINAL REPRESENTATIVE PRIOR TO AND DURING LOADING OR UNLOADING OPERATIONS

(as referred to in Article 6(2)(d))

Prior to the start of and during loading or unloading operations the terminal representative shall:

1. provide the master with the names and procedures for contacting the terminal personnel or shipper's agent who will have the responsibility for the loading or unloading operation and with whom the master will have contact;
 2. take all precautionary measures to avoid damage to the ship by the loading or unloading equipment and inform the master if damage occurs;
 3. in the case of high density cargoes, or when the individual grab loads are large, alert the master that there may be high, localised impact loads on the ship's structure until the tank top is completely covered by cargo, especially when high free-fall drops are permitted and special care is taken at the start of the loading operation in each cargo hold;
 4. ensure that there is agreement between the master and the terminal representative at all stages and in relation to all aspects of the loading or unloading operations and that the master is advised on any change to the agreed loading rate, and at the completion of each pour of the weight loaded;
 5. maintain a record of the weight and disposition of the cargo loaded or unloaded and ensure that the weights in the holds do not deviate from the agreed loading or unloading plan;
 6. ensure that the quantities of cargo required to achieve the departure draft and trim shall allow for all cargo on the terminal's conveyor systems to be run off and empty on completion of a loading. For that purpose the terminal representative shall advise the master of the nominal tonnage contained on the terminal's conveyor system and any requirements for clearing the conveyor system on completion of the loading;
 7. in the case of unloading, give the master the maximum warning when it is intended to increase, or to reduce, the number of unloading heads used and advise the master when unloading is considered to be completed from each hold;
 8. ensure that no hot work is carried out on board or in the vicinity of the ship while the ship is alongside the berth, except with the permission of the master and in accordance with any requirements of the competent authority.
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**Amended proposal for a European Parliament and Council Directive amending Directive 97/67/EC
with regard to the further opening to competition of Community postal services ⁽¹⁾**

(2001/C 180 E/27)

(Text with EEA relevance)

COM(2001) 109 final — 2000/0139(COD)

(Submitted by the Commission pursuant to Article 250 (2) of the EC Treaty on 21 March 2001)

⁽¹⁾ OJ C 337 E, 28.11.2000, p. 220.

INITIAL PROPOSAL

AMENDED PROPOSAL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Unchanged

Having regard to the Treaty establishing the European Community, and in particular Articles 47(2), 55 and 95 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) The Council in its resolution of 7 February 1994 on the development of Community postal services ⁽¹⁾, identified as one of the main objectives of Community postal policy the reconciling of the furtherance of the gradual, controlled opening to competition of the postal market and a durable guarantee of the provision of the universal service.
- (2) Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service ⁽²⁾ established a regulatory framework for the postal sector at Community level, including measures to guarantee a universal service, the setting of maximum limits for the postal services which Member States may reserve to their universal service provider(s) with a view to the maintenance of the universal service, and a timetable for decision-making on the further opening of the market to competition, for the purposes of creating a single market in postal services.

⁽¹⁾ OJ C 48, 16.2.1994, p. 3.

⁽²⁾ OJ L 15, 21.1.1998, p. 14.

INITIAL PROPOSAL

- (3) Article 16 of the Treaty highlights the place occupied by services of general interest in the shared values of the Union as well as their role in promoting social and territorial cohesion; the same Article further states that care should be taken that such services operate on the basis of principles and conditions which enable them to fulfil their missions.
- (4) The European Parliament's Resolutions of 14 January 1999 on European postal services ⁽¹⁾ and its further Resolution of 18 February 2000, also on European postal services ⁽²⁾, highlight the social and economic importance of postal services and the need to maintain a high quality of universal service.

AMENDED PROPOSAL

(4 bis) The measures described must be fashioned in such a way that the social tasks of the Community pursuant to Article 2 of the Treaty — namely, a high level of employment and of social protection — are also achieved as objectives.

(4 ter) The rural postal network in mountain and island regions plays an essential role in integrating businesses into the national/global economy and in maintaining cohesion in social and employment terms in rural mountain and island regions. Furthermore, rural post offices in mountain and island regions can provide an essential infrastructure network affording universal access to new telecommunications technologies.

- (5) The European Council, meeting in Lisbon, on 23 and 24 March 2000, set out in its Presidency conclusions two decisions applying to postal services, whereby action was requested of the Commission, the Council and the Member States in accordance with their respective powers. The requested actions are: first, to set out by the end of 2000 a strategy for the removal of barriers to services, namely postal services, and secondly, to speed up liberalisation in areas such as postal services, the stated aim being to achieve a fully operational market in postal services.

Unchanged

(5 bis) The Lisbon European Council of Heads of State and Government in March 2000 also considered it essential that, in the framework of the internal market and of a knowledge-based economy, full account is taken of the Treaty provisions relating to services of general economic interest, and to the undertakings entrusted with operating such services.

⁽¹⁾ OJ C 104, 14.4.1999, p. 134.

⁽²⁾ Resolution B5-0116/2000; not yet published in the Official Journal.

INITIAL PROPOSAL

AMENDED PROPOSAL

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| <p>(6) The Commission has undertaken a thorough review of the Community postal sector, including the commissioning of studies on the economic, social and technological developments in the sector, and has consulted extensively with interested parties.</p> <p>(7) The Community postal sector requires a modern regulatory framework which aims at enhancing the internal market for postal services, in order to enable the sector to compete with alternative methods of communication and to satisfy the changing and increased demands of users.</p> <p>(8) The basic aim of ensuring the durable provision of a universal service matching the standard of quality required by Directive 97/67/EC on a consistent basis throughout the Community can be secured under, conditions of high efficiency ensured by the freedom to provide services in this area.</p> <p>(9) The competitive advantages provided by a universal postal network which is efficient and responsive to customer demand can help to offset any additional costs incurred by reason of the obligation to provide a universal service which cannot be self-financing.</p> <p>(10) Experience has shown that referring only to the price limit as a means of determining the added value of express services is no longer a practical proposition due to the development of added value express services below the price limit.</p> <p>(11) It is therefore appropriate to define a category comprising 'special services' fulfilling special customer needs, this category should include all services with the required added features. Such services should not be reserved, regardless of the weight or the price of such items. Sending mail electronically for distant printing only will not be sufficient to take it outside the reserved area.</p> <p>(12) The increase in demand within the postal sector as a whole, predicted for the medium term, will help to offset the loss of market share that the universal service providers may incur as a result of further market-opening and will thereby further safeguard the universal service.</p> | <p>Unchanged</p> <p>(7) The Community postal sector requires a modern regulatory framework which aims in particular at enhancing the internal market for postal services. Increased competitiveness should enable the postal sector to be integrated with alternative methods of communication and allow the quality of the service provided to ever-more demanding users to be improved.</p> <p>(8) The basic aim of safeguarding the durable provision of a universal service matching the standard of quality defined by the Member States in accordance with Article 3 of Directive 97/67/EC on a consistent basis throughout the Community can be secured if, in this area, the possibility of reserving services is maintained and, at the same time, there are conditions of high efficiency ensured by a sufficient degree of freedom to provide services.</p> <p>Unchanged</p> |
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INITIAL PROPOSAL

AMENDED PROPOSAL

- (13) Amongst the factors which bring about change affecting employment in the postal sector, technological development and market pressure for efficiency gains are the most important; of the remaining factors for change, market-opening will play a less prominent part. Market-opening will help to expand the overall size of the postal markets, and any reductions in staff levels among the universal service providers due to such measures (or their anticipation) are likely to be offset by the resulting growth in employment among private operators and new market entrants.
- (14) It is appropriate to provide at Community level a timetable for a gradual and controlled opening of the letters market to competition which allows all universal service providers sufficient time to put in place the further measures of modernisation and restructuring required to ensure their long-term viability under the new market conditions. An appropriate period of time is also needed to enable Member States to adapt their regulatory systems to a more open environment. It is therefore appropriate to provide for a step-by-step approach to further market-opening, consisting of an intermediate step representing a significant but controlled opening of the market, followed by a review and proposal for a further step.
- (15) It is appropriate to ensure that the next phase of market-opening is both substantial in nature and achievable in practice for the Member States.
- (16) A general reduction to 50 grams in the weight limit of the services which may be reserved to the universal service providers, combined with opening outgoing cross-border mail and express mail fully to competition, represents a relatively simple and controlled further phase which is nevertheless significant.
- (17) In the Community, items of ordinary correspondence weighing between 50 grams and 350 grams represent on average approximately 16 % of the total postal revenues of the universal service providers, whilst items of outward cross-border correspondence and express services below the price limit represent a further 4 % or so, on average, of the total postal revenues of the universal service providers.
- (18) A price limit for the services capable of being reserved, of two and a half times the public tariff for an item of correspondence in the first weight step of the fastest standard category, is appropriate in combination with a 50-gram weight limit where applicable.
- (19) A 50-gram weight limit for items of ordinary domestic correspondence is practical, since it does not present a risk of its circumvention by way of an artificial increase in the weight of individual items of correspondence, most items of correspondence being below 20 grams in weight.

INITIAL PROPOSAL

AMENDED PROPOSAL

- (20) Direct mail already represents in most Member States a dynamic and growing market with substantial growth prospects while in the remaining Member States there is considerable potential for growth. Direct mail is already largely open to competition in six Member States. The improvements in service flexibility and pricing resultant from competition would improve the position of direct mail versus alternative communications media, which, in turn, would be likely to lead to new postal items as an additional spin-off and strengthen the position of the postal industry as a whole. Nevertheless, to the extent necessary to ensure the provision of universal service, it should be provided that direct mail may continue to be reserved within the above weight and price limits of 50 grams and two and a half times the basic public tariff.
- (21) Outgoing cross-border mail is already *de facto* open to competition in most Member States; its reservation is not needed to ensure universal service representing on average 3 % of total postal revenues. Opening this part of the market *de jure* would allow different postal operators to collect, sort and transport all outgoing cross-border mail and to deliver it in Member States, but only where the domestic regulation in a particular Member State permits this.
- (22) Opening incoming cross-border mail to competition would allow circumvention of the 50-gram limit through relocation of the posting of a proportion of bulk domestic mail, thereby making its effects unpredictable. Identifying the origins of items of correspondence could present additional enforcement difficulties. A 50-gram weight limit for items of ordinary incoming cross-border correspondence and direct mail, as for ordinary domestic correspondence, is practical as it does not present a risk of circumvention either in this way or through an artificial increase in the weight of individual items of correspondence.
- (23) Setting a timetable now, aimed at a further step towards the completion of the internal market in postal services, is important for both the long-term viability of the universal service and the continued development of modern and efficient posts.
- (24) It is appropriate to provide for a further period within which Member States may continue to reserve certain postal services to their universal service provider(s). This additional period will enable the universal service providers to complete the process of adapting their operations and human resources to conditions of greater competition without upsetting their financial equilibrium and thus without jeopardising the provision of universal service.
- (24) It is appropriate to continue to provide for the possibility for Member States to reserve certain postal services to their universal service provider(s). These arrangements will enable the universal service providers to complete the process of adapting their operations and human resources to conditions of greater competition without upsetting their financial equilibrium and thus without jeopardising the safeguarding of universal service.

INITIAL PROPOSAL

AMENDED PROPOSAL

- (25) It is appropriate both to define the new weight and price limits and the services to which they may apply and to provide for a further review and decision on further market-opening.
- (26) Measures adopted by a Member State, including the establishment of a compensation fund or any change in its operation or any implementation of or payment from it, may involve aid granted by a Member State or through State resources in any form whatsoever within the meaning of Article 87(1) of the Treaty necessitating prior notification to the Commission pursuant to Article 88(3) thereof.
- (27) The concept of licensing competitors in the universal service area can be combined with requirements obliging such licensees to contribute to the provision of universal service.
- (28) It is appropriate for national regulatory authorities to link the introduction of all such licences to requirements that consumers of their services are to have transparent, simple and inexpensive procedures available to them for dealing with their complaints, regardless of whether they relate to the services of the universal service provider(s) or to those of operators holding authorisations, including individual licence-holders. It is further appropriate for these procedures to be available to users of all postal services, whether or not they are universal services.
- (29) The universal service providers normally provide services, for example to business customers, consolidators of mail for different customers and bulk mailers, enabling them to enter the mail stream at different points and under different conditions by comparison with the standard letters service. In doing this, the universal service providers should comply with the principles of transparency and non-discrimination, both as between different third parties and as between third parties and universal service providers supplying equivalent services. It is also necessary for such services to be available to residential customers who post in similar conditions, given the need for non-discrimination in the provision of services.
- Unchanged
- (27a) Directive 97/67/EC established that Member States shall designate one or more national regulatory authorities for the postal sector that are legally separate from and operationally independent of the postal operators. In view of the dynamics of the European postal markets, the important role national regulatory authorities play should be acknowledged and furthered. Article 9 of the above-mentioned Directive allows Member States to go beyond the objectives of the present Directive.
- (28) It is appropriate for national regulatory authorities to link the introduction of all licences to requirements that consumers of the licensees' services are to have transparent, simple and inexpensive procedures available to them for dealing with their complaints, regardless of whether they relate to the services of the universal service provider(s) or to those of operators holding authorisations, including individual licence-holders. It is further appropriate for these procedures to be available to users of all postal services, whether or not they are universal services. Such procedures should include procedures for determining responsibility in case of loss or damage to mail items.
- Unchanged

INITIAL PROPOSAL

AMENDED PROPOSAL

(30) It is appropriate in the light of the complaints which have been raised against certain incumbent operators in recent years to provide for Member States to adopt rules to ensure that universal service providers do not cross-subsidise services outside the reserved area by means of revenues from services in the reserved area, except where it is shown to be strictly necessary to fulfil specific universal service obligations. It is therefore appropriate for national regulatory authorities to adopt rules to this effect and for them to communicate these rules to the Commission.

(30) It is appropriate in the light of the complaints which have been raised against certain incumbent operators in recent years to provide for Member States to adopt rules to ensure that universal service providers do not cross-subsidise services outside the reserved area by means of revenues from services in the reserved area, except where it is shown to be strictly necessary to fulfil specific universal service obligations, as defined by Member States in accordance with Article 3 of Directive 97/67/EC, as amended by this Directive. It is therefore appropriate for national regulatory authorities to adopt rules to this effect and for them to communicate these rules to the Commission.

(31) In view of the amendments, it is appropriate to postpone until 31 December 2006 the date for the expiry of Directive 97/67/EC.

Unchanged

(32) Directive 97/67/EC should therefore be amended accordingly.

(33) This Directive is without prejudice to the application of the Treaty rules on competition and on the freedom to provide services, as explained in particular in the Notice from the Commission on the application of the competition rules to the postal sector and on the assessment of certain State measures relating to postal services ⁽¹⁾,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 97/67/EC is hereby amended as follows:

1. In Article 2, the following point is added:

'20. Special services: services clearly distinct from the universal service, which meet particular customer requirements and which offer additional service features with added-value not offered by the standard postal service. Additional added-value service features are, for example, delivery on appointment, the option to effect a change of destination or of addressee in course of transit or if delivery to the primary destination fails, tracking and tracing, guaranteed time of delivery, more than one attempt at delivery, delivery according to the priority or sequence specified by the customer.

Home collection without any such features is not a special service.

⁽¹⁾ OJ C 39, 6.2.1998, p. 2.

INITIAL PROPOSAL

AMENDED PROPOSAL

Electronic transmission to and/or electronic receipt by the operator for sorting, printing and/or preparation of mail shall not be regarded as an additional service feature within the meaning of the first subparagraph.

Express mail is a special service, which, in addition to faster and more reliable collection, transportation and delivery, is characterised by the provision of some or all of the following additional service features: collection from the sender's address, delivery to the addressee in person or to his authorised representative, guarantee of delivery by a given date, possibility of a change of destination and addressee in transit, confirmation to the sender of delivery, tracking and tracing, personalised treatment for customers and the offer of a range of services according to requirements.'

2. Article 7 is replaced by the following:

'Article 7

1. To the extent necessary to ensure the provision of universal service, Member States may continue to reserve certain standard mail services to the universal service provider(s). Those services shall be limited to the clearance, sorting, transport and delivery of ordinary items of domestic correspondence and incoming cross-border correspondence within both of the following weight and price limits. The weight limit shall be 50 grams. This weight limit does not apply if the price is equal or more than two and a half times the public tariff for an item of correspondence in the first weight step of the fastest category.

In the case of the free postal service for blind and partially sighted persons, exceptions to the weight and price restrictions may be permitted.

To the extent necessary to ensure the provision of universal service, direct mail may continue to be reserved within the weight and price limits referred to in the first subparagraph.

2. Items of outgoing cross-border correspondence, document exchange and special services (including express mail) may not be reserved.

For special services, the sending of mail electronically for distant printing only shall not be sufficient to avoid the monopoly on incoming cross-border mail.

3. As a further step towards the completion of the internal market in postal services, the European Parliament and the Council shall decide, not later than 31 December 2005, on a further opening of the postal market with effect from 1 January 2007.

INITIAL PROPOSAL

To that end, the Commission shall present a proposal by 31 December 2004, following a review of the sector which shall focus on the need to ensure the provision of universal service in an appropriate manner in a competitive market environment.

Upon request by the Commission, Member States shall provide all the information necessary for completion of this review.'

3. In Article 9, the following paragraph is added:

'6. Whenever universal service providers apply special tariffs, for example for services for businesses, bulk mailers or consolidators of mail from different customers, they shall apply the principles of transparency and non-discrimination with regard both to the tariffs and to the associated conditions. The tariffs shall take account of the avoided costs, as compared to the standard service covering the complete range of features offered for the clearance, transport, sorting and delivery of individual postal items and, together with the associated conditions, shall apply equally both as between different third parties and as between third parties and universal service providers supplying equivalent services.

Any such tariffs shall also be available to residential customers who post under similar conditions.'

4. In Article 12, the following indent is added:

'— cross-subsidisation of universal services outside the reserved area out of revenues from services in the reserved area shall be prohibited except to the extent to which it is shown to be strictly necessary to fulfil specific universal service obligations imposed in the competitive area; rules shall be adopted to this effect by the national regulatory authorities who shall inform the Commission of such measures.'

AMENDED PROPOSAL

3. In Article 12, a fifth indent is added:

'— Whenever universal service providers apply special tariffs, for example for services for businesses, bulk mailers or consolidators of mail from different customers, they shall apply the principles of transparency and non-discrimination with regard both to the tariffs and to the associated conditions. The tariffs shall take account of the avoided costs, as compared to the standard service covering the complete range of features offered for the clearance, transport, sorting and delivery of individual postal items and, together with the associated conditions, shall apply equally both as between different third parties and as between third parties and universal service providers supplying equivalent services.

Any such tariffs shall also be available to residential customers who post under similar conditions.'

4. In Article 12, a sixth indent is added:

Unchanged

4a. Article 19, paragraph 1 is replaced by the following:

'Member States shall ensure that transparent, simple and inexpensive procedures are drawn up for dealing with users' complaints, particularly in cases involving loss, theft, damage or non-compliance with service quality standards (including procedures for determining where responsibility lies in cases where more than one operator is involved).'

INITIAL PROPOSAL

AMENDED PROPOSAL

5. In Article 19, the following sentence is added to the first paragraph:

'Member States shall ensure that this principle is also applied to beneficiaries of postal services which do not fall within the universal service.'

Unchanged

6. In Article 27, the date '31 December 2004' is replaced by the date '31 December 2006'.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 December 2002. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Proposal for a Council Regulation on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents which are not recognised by the Member State drawing up the form

(2001/C 180 E/28)

(Text with EEA relevance)

COM(2001) 157 final — 2001/0081(CNS)

(Submitted by the Commission on 22 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62, 2), b), iii) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The harmonisation of visa policy is an important measure in relation to establishing progressively an area of freedom, security and justice, specifically as regards border crossing.
- (2) The forms for affixing visas issued to persons holding travel documents which are not recognised by the Member State drawing up the form do not currently correspond to the required security standards. For this reason, it is necessary to harmonise the format for such forms in order to render them more secure.
- (3) This uniform format must contain all the necessary information and meet high technical standards, in particular as regards safeguards against counterfeiting and falsification; they must also be suited to use by all Member States and bear universally recognisable harmonised security features which are clearly visible to the naked eye.
- (4) This Regulation only lays down the description of the model for the uniform format; this needs to be supplemented by further technical specifications which are to remain secret in order to prevent counterfeiting and falsifications and which may not include personal data or references to such data. Powers to adopt such technical specifications should be conferred to the Commission, who shall be assisted by the Committee established by Article 6 of Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas ⁽¹⁾.
- (5) To ensure that the information referred to is not made available to more persons than necessary, each Member State should designate a single body having responsibility for printing the uniform format, with Member States remaining free to change the body, if need be; each

Member State should communicate the name of the competent body to the Commission and the other Member States.

- (6) With regard to the personal data to be entered on the uniform formats, it is necessary to ensure compliance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽²⁾.
- (7) The present Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen acquis in the sense of the Protocol integrating the Schengen acquis into the framework of the European Union.
- (8) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that decision,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of this Regulation, 'form for affixing a visa' shall mean the document issued by the authorities of a Member State to the holder of a travel document which is not recognised by that Member State, to which its competent authorities affix a visa.
2. The form for affixing a visa shall correspond to the model set out in the annex.
3. Where the holder of a form for affixing a visa is accompanied by his or her dependant(s), it shall be for each Member State to decide whether separate visa sheets should be issued to the principal and each of their dependant(s).

⁽¹⁾ OJ L 164, 14.7.1995, p. 1.

⁽²⁾ OJ L 281, 23.11.1995, p. 31.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

Article 2

The technical specifications for the uniform format for forms for affixing the visa and the specifications relating to the following shall be established in compliance with the procedure referred to in Article 5 (2):

- a) security requirements including enhanced anti-forgery, counterfeiting and falsification standards
- b) conditions of storage to prevent theft;
- c) rules for the filling in of the uniform format for affixing the visa;
- d) other conditions necessary for the implementation of the uniform format.

Article 3

The specifications referred to in Article 2 shall be secret and not be published. They shall be made available only to the bodies designated by the Member States as responsible for the printing and to persons duly authorised by a Member State or the Commission.

Each Member State shall designate one body having responsibility for printing the uniform format for forms. It shall communicate the name of that body to the Commission and the other Member States. The same body may be designated by two or more Member States. Each Member State shall be entitled to change its designated body. It shall inform the Commission and the other Member States accordingly.

Article 4

The format, production and use of the uniform format for forms shall comply with Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of

personal data and on the free movement of such data ⁽¹⁾.

Without prejudice to these rules, persons to whom the uniform format for forms is issued shall have the right to verify the personal particulars contained in the uniform format for forms and, where appropriate, to ask for any corrections or deletions to be made.

No information in machine-readable form shall be given on the uniform format for forms.

Article 5

1. The Commission shall be assisted by the Committee instituted by Article 6 of Regulation (EC) No 1683/95.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

3. The period provided for in Article 5 (6) of Decision 1999/468/EC shall be one month.

Article 6

The uniform format for form for affixing a visa set out in Article 1 shall be used by the Member States no later than 2 years after the adoption of the measures referred to in Article 2(a). However, the validity of authorisations granted already and issued on another format shall not be affected by the introduction of the uniform format for affixing the visas, unless the Member State concerned decides otherwise.

Article 7

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

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the EC Treaty.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

ANNEX

Name of Member State
Nom de l'État membre

Form for affixing a visa
Formulaire pour apposer le visa

No:

Issuing authority:
Autorité de délivrance:

.....

.....

.....

Stamp
Tampon

Date:

Date: Signature
Signature

Enter the holder's surname, forename(s), date of birth and passport number if the passport number is not indicated in the machine-readable area.
Indiquez le nom, prénom, date de naissance du titulaire et le N° du passeport, si ce n'est pas indiqué dans la zone lisible à la machine.

VISA sticker

The printed text shall appear in English and French. The issuing Member State may add other language(s). However, the words 'Form for affixing a visa' and 'Visa sticker', the name of the issuing Member State and the instructions may appear in any language(s).

Proposal for a Council Regulation laying down a uniform format for residence permits for third-country nationals

(2001/C 180 E/29)

(Text with EEA relevance)

COM(2001) 157 final — 2001/0082(CNS)

(Submitted by the Commission on 22 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 63 (3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The Amsterdam Treaty aims establishing progressively an area of freedom, security and justice and confers a shared right of initiative to the Commission in order to take the relevant measures on a harmonised immigration policy.
- (2) The special European Council of Tampere emphasised the need for this harmonised immigration policy and in view of the provisions of the Treaty related to the entry and residence of third-country nationals.
- (3) The Joint Action of 16 December 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning a uniform format for residence permits (97/11/JHA) ⁽¹⁾ confirms the necessity to harmonise the format of residence permits issued by Member States to third country nationals.
- (4) The Joint Action 97/11/JHA should now be replaced by a Community measure.
- (5) It is essential that the uniform format for residence permits should contain all the necessary information and meet very high technical standards, in particular as regards safeguards against counterfeiting and falsification; this will contribute to the objective of preventing and fighting against illegal immigration and illegal residence. It must also be suited to use by all the Member States and bear universally recognisable harmonised security features, which are clearly visible to the naked eye.
- (6) This Regulation only lays down such specifications as are not secret; these specifications need to be supplemented by further specifications which are to remain secret in order to prevent counterfeiting and falsifications and which may not include personal data or references to such data. Powers to adopt such supplementary specifications should be conferred to the Commission, who shall be assisted by the Committee established by Article 6 of Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas ⁽²⁾.
- (7) To ensure that the information referred to is not made available to more persons than necessary, it is also essential that each Member State should designate not more than one body having responsibility for printing the uniform format for residence permits, with Member States remaining free to change the body. For security reasons, each Member State must communicate the name of the competent body to the Commission and to the other Member States.
- (8) With regard to the personal data to be entered on the uniform format for residence permits, compliance should be ensured with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾.
- (9) Since the measures necessary for the implementation of this Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾, they should be adopted by use of the regulatory procedure provided for in Article 5 of that decision.
- (10) The present Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen acquis in the sense of the Protocol integrating the Schengen acquis into the framework of the European Union;

HAS ADOPTED THIS REGULATION:

Article 1

1. Residence permits issued by Member States to third country nationals shall be in a uniform format and provide space for the information set out in the annex hereto. The uniform format can be used as a sticker or a stand-alone document. Each Member State may add in the relevant space of the uniform format information of importance regarding the nature of the permit and the legal status of the person concerned, in particular information as to whether or not the person is permitted to work.

⁽¹⁾ OJ L 7, 10.1.1997, p. 1.

⁽²⁾ OJ L 164, 14.7.1995, p. 1.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

2. For the purpose of this Regulation:

- (a) 'residence permit' shall mean any authorisation issued by the authorities of a Member State allowing a third country national to stay legally on its territory, with the exception of:
- (i) visas,
 - (ii) permits issued pending examination of an application for a residence permit or for asylum.
- (b) 'third-country national' shall mean any person who is not a citizen of the Union within the meaning of Article 17 (1) of the Treaty establishing the European Community.

Article 2

Additional technical specifications for the uniform format for residence permits relating to the following shall be established in compliance with the procedure referred to in Article 6 (2):

- (a) further security requirements including enhanced anti-forgery, counterfeiting and falsification standards.
- (b) conditions of storage to prevent theft;
- (c) rules for the filling-in of the uniform residence permit;
- (d) other conditions necessary for the implementation of the uniform format.

Article 3

The specifications referred to in Article 2 shall be secret and not be published. They shall be made available only to the bodies designated by the Member States as responsible for the printing and to persons duly authorised by a Member State or the Commission.

Each Member State shall designate one body having responsibility for printing the uniform residence permit. It shall communicate the name of that body to the Commission and the other Member States. The same body may be designated by two or more Member States. Each Member State shall be entitled to change its designated body. It shall inform the Commission and the other Member States accordingly.

Article 4

The format, production and use of the uniform residence permit shall comply with Directive 95/46/EC.

Without prejudice to these rules, persons to whom the residence permit is issued shall have the right to verify the personal particulars contained in the residence permit and,

where appropriate, to ask for any corrections or deletions to be made.

No information in machine-readable form shall be included in the residence permit, unless provided for in the Annex hereto, or unless it is mentioned in the relevant travel document.

Article 5

This Regulation does not apply to third-country nationals, who are:

- members of the families of citizens of the Union exercising their right to free movement,
- nationals of Member States of the European Free Trade Association party to the Agreement on the European Economic Area and members of their families exercising their right to free movement in accordance with this agreement.

Article 6

1. The Commission shall be assisted by the Committee instituted by Article 6 of Regulation (EC) No 1683/95.

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 thereof.

3. The period provided for in Article 5 (6) of Decision 1999/468/EC shall be one month.

Article 7

Member States shall issue the uniform form for residence permits set out in Article 1 no later than one year after the adoption of the measures referred to in Article 2(a).

From that time, this Regulation shall replace in the Member State concerned the Joint Action 97/11/JHA.

However, the validity of authorisations granted in documents already issued shall not be affected by the introduction of the uniform format for residence permits, unless the Member State concerned decides otherwise.

Article 8

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

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the EC Treaty.

ANNEX

(a) **Description**

The residence permit will be produced either as a sticker, if possible in ID 2 format, or as a stand-alone document in ID 1 or ID 2 format. It should be orientated to the specifications set out in the ICAO Document on machine-readable visas (Document 9303 part 2) or on machine-readable travel documents (cards) (Document 9303 part 3). It shall contain the following items:

1. The title of the document (Residence permit) shall appear in the language(s) of the issuing Member State (*).
2. The document number — with special security features and preceded by an identification letter —.
3. 1. *Name*: surname and forename(s) in that order (*).
4. 2. *Valid until*: shall indicate the relevant expiry date, or, where appropriate, a word to indicate unlimited validity
5. 3. *Place/date of issue*: the place and date of issue of the residence permit (*).
6. 4. *Type of permit*: the specific type of residence permit issued to the third country national by the Member State (*). For the member of the family of a EU citizen, who has not exercised the right of free movement it should be mentioned 'family member'.
7. 5.-9. *Remarks*: Member States may enter details and indications for national use necessary with regard to their rules on third country nationals including indications relating to any permission to work (*).
8. *Date/Signature/Authorisation*: — if necessary — the signature and seal of the issuing authority and/or the holder.
9. The printed area shall contain the national emblem of the Member State to distinguish the residence permit and provide a safeguard of its national origin.
10. Machine-readable area. The machine-readable area shall conform to ICAO guidelines.
11. The machine-readable area shall contain a printed text indicating exclusively the respective Member State. This text may not affect the technical features of the machine-readable zone.
12. Metallized latent image effect including the country code of the Member State, if a sticker or a non-laminated paper card is used.
13. OVD (kinegram or equivalent sign).
14. If the residence permit is produced as a stand-alone document, an identity photograph shall be affixed and secured with OVD film (kinefilm or equivalent security laminate).
15. The following additional information boxes shall be provided on the back in the case of a stand-alone document:
 - date/place of birth (*),
 - nationality (*),
 - sex (*),
 - remarks (*).

The address of the permit holder may also be indicated (*).

(*) Where this information appears in an official language using non-Latin characters, it should be transliterated in Latin characters.

(b) Colour, Printing procedure

The Member States establish the colour and the printing procedure in accordance with the uniform model set out in this Annex and the technical specifications to be established in accordance with Article 2 of the Regulation.

(c) Material

The paper used for the residence permit giving personal particulars or other data shall meet the following requirements:

- no optical brighteners,
- duo-tone watermarks,
- security reagents to guard against attempts at tampering by chemical erasure,
- coloured fibres (partly visible, partly fluorescent under UV light),
- UV-fluorescent planchettes.

If a card for inserting personal data is made entirely of plastic, it is not usually possible to incorporate the authentication marks used in residence permit paper. The lack of marks in the materials shall be compensated for by measures in respect of security printing, use of OVDs (OVD = optically variable device), or an issuing technique over and above the following enhanced standards. The essential security features of the material should be of a uniform pattern.

(d) Printing technique

The following printing techniques shall be available:

- Background printing:
 - two-tone guilloches,
 - fluorescent rainbow colouring,
 - UV-fluorescent overprinting,
 - effective anti-counterfeiting and falsification motifs
 - reagent inks must be used on paper cards and stickers.

The lay-out of the front side of a card shall be distinguishable from the back side.

- Form printing:
 - with integrated micro printing (unless already included in background printing).
- Numbering:

Printed (where possible with a special style of figures or typeface and in UV-fluorescent ink), or, in cards integrated using the same technique as for the biographical data. If a sticker is used, printed numbering using fluorescent ink and a special style of figures is obligatory.

If stickers or non-laminated paper cards are used, intaglio printing with latent image effect, micro text and optically variable ink shall also be employed. Additional optically variable security devices shall also be used on cards made entirely of plastic, at least through the use of optically variable ink or equivalent measures. The essential features of the security printing should be of a uniform pattern.

(e) Protection against copying

A harmonised optically variable (OVD) or equivalent device shall be used on the residence permit sticker or on the front of the residence permit card and shall take the form of diffractive structures (kinegram or equivalent) incorporated into the hot-sealed laminate or as an OVD overlay, or, on stickers or a non-laminated paper card, as metallised OVD (with intaglio overprinting).

(f) **Issuing technique**

To ensure that residence permit data are properly secured against attempts at counterfeiting and falsification, personal data including the photograph, the holder's signature and main issue data shall in future be integrated into the basic material of the document. Conventional methods of attaching the photograph shall no longer be used.

The following issuing techniques may be used:

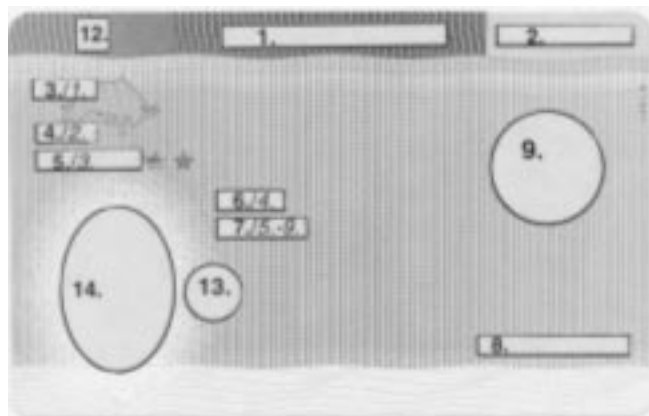
- laser printing,
- thermo-transfer,
- ink-jet printing,
- photographic,
- laser engraving.

To ensure that biographical issue data are adequately protected against attempts at tampering, hot-seal lamination with OVD security laminate shall be made compulsory where laser printing, thermo-transfer or photographic techniques are used.

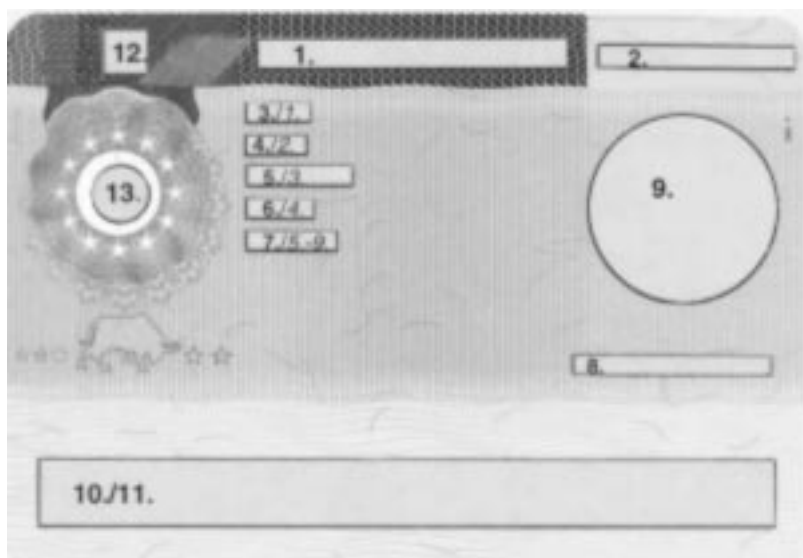
- (g) Member States have the possibility as regards to point (c), (d) and (e) to introduce further security features in so far as these are in conformity with decisions already taken about these matters.

The technical requirements and the security features shall correspond to the requirements and specifications set out in Regulation (EC) 1683/95 laying down a uniform format for visas.

Residence Permit for third country nationals in card-form



Residence Permit for third country nationals in sticker form



Proposal for a Council Regulation amending Regulation (EC) No 1683/95 laying down a uniform format for visas

(2001/C 180 E/30)

(Text with EEA relevance)

COM(2001) 157 final — 2001/0080(CNS)

(Submitted by the Commission on 23 March 2001)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 62 (2) (b) (iii) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Council Regulation (EC) No 1683/95⁽¹⁾ laid down a uniform format for visas.
- (2) It is necessary to be able to establish common standards relating to the implementation of the format in particular common standards for filling in the form and enhanced security standards for their storage.
- (3) Common standards relating to the implementation of the uniform format of visas are essential to achieve a high technical standard and to facilitate detection of forged or falsified visa stickers.
- (4) The powers to adopt such common standards should be conferred to the Committee established by Article 6 of Regulation (EC) No 1683/95. Since the measures necessary for the implementation of the Regulation are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.
- (5) It is therefore necessary to amend Regulation (EC) No 1683/95 consequently.
- (6) The present Regulation constitutes in relation to the implementation of the Agreement on the association of Norway and Iceland a development of the Schengen *acquis* in the sense of the Protocol integrating the Schengen *acquis* into the framework of the European Union,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1683/95 is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

Further technical specifications for the uniform format for visas relating to the following shall be established in compliance with the procedure referred to in Article 6(2):

- (a) further security requirements including enhanced anti-forgery, counterfeiting and falsification standards;
- (b) conditions of storage to prevent theft;
- (c) rules for the filling in of the uniform visa;
- (d) other conditions necessary for the implementation of the uniform format for visas.'

2. Article 6 is replaced by the following:

'Article 6

1. The Commission shall be assisted by a committee, composed of representatives of the Member States and chaired by a representative of the Commission.
2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply in compliance with Article 7 thereof.
3. The period provided for in Article 5(6) shall be of one month.'

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the EC Treaty.

⁽¹⁾ OJ L 164, 14.7.1995, p. 1.

Proposal for a Council Regulation amending Regulation (EC) No 2549/2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa)

(2001/C 180 E/31)

(Text with EEA relevance)

COM(2001) 165 final — 2001/0083(CNS)

(Submitted by the Commission on 26 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

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

Whereas:

- (1) The conditions laid down in Regulation (EC) No 2549/2000 of 17 November 2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa) ⁽¹⁾ are intended to ensure that the selectivity of fishing gears deployed in the Irish sea are such that few young cod are captured.
- (2) Article 2(1) and 2(2) stipulate that it is prohibited to use any demersal towed net other than beam trawls incorporating a cod/end and/or extension piece made entirely or partly of multiple twine netting materials and any demersal towed net other than beam trawls incorporating a cod-end and/or extension piece of which the thickness of the twine exceeds 6 mm.
- (3) However, recent scientific advice concurs with the opinion of fishermen that a cod-end and/or extension piece constructed of double twine of thickness no more than 4 mm is technically equivalent to a cod-end and/or extension piece as currently defined.

(4) There is a requirement on the part of some fishermen to deploy double-twine cod-ends.

(5) The text of Article 3 of the current regulation refers to conditions which were relevant only during 2000 and therefore may be replaced with text which defines the required amendment.

(6) Regulation 2549/2000 should, therefore, be modified accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The text of Article 3 of Regulation 2549/2000 is replaced by the following text:

'Notwithstanding the conditions laid down in Article 2(1) and Article 2(2), when fishing with towed gears in the Irish Sea, it shall be permitted to use a cod-end and/or extension piece constructed of double-twine netting material of which the thickness of any individual twine does not exceed 4 mm.'

Article 2

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

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

⁽¹⁾ OJ L 292, 21.11.2000, p. 5.

Proposal for a Directive of the European Parliament and of the Council on financial collateral arrangements

(2001/C 180 E/32)

COM(2001) 168 final — 2001/0086(COD)

(Submitted by the Commission on 27 March 2001)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank,

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

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems⁽¹⁾ constituted a milestone in establishing a sound legal framework for payment and securities settlement systems. Implementation of that Directive has demonstrated the importance of limiting systemic risk inherent in such systems stemming from the different influence of several jurisdictions, and the benefits of common rules in relation to collateral pledged to such systems.
- (2) In its Communication of 11 May 1999 to the European Parliament and to the Council on Financial Services: Implementing the Framework for Financial Markets: Action Plan⁽²⁾ the Commission undertook, after consultation with market experts and national authorities, to work on further proposals for legislative action on collateral urging further progress in the field of collateral, beyond the Directive 98/26/EC.
- (3) A Community regime should be created for the provision of securities and cash as collateral under both pledge and title transfer structures including repurchase agreements (repos). This will contribute to the integration and cost-efficiency of the financial market as well as to the stability of the financial system in the Community, thereby supporting the freedom to provide services and the free movement of capital in the single market in financial services. This Directive focuses on the provision of collateral between two parties to a collateral arrangement.
- (4) In order to improve the legal certainty of collateral arrangements, Member States should ensure that certain provisions of insolvency law do not apply to such arrangements, in particular, those that would inhibit the effective realisation of collateral or cast doubt on the validity of current techniques such as close-out netting, the provision of additional collateral in the form of top-up collateral and substitution of collateral.
- (5) The principle in Directive 98/26/EC, whereby the law applicable to book entry securities provided as collateral is the law of the jurisdiction where the relevant register, account or centralised deposit system is located, should be extended in order to create legal certainty regarding the use of such securities held in a cross-border context and used as collateral under the scope of this Directive.
- (6) In order to limit the administrative burdens for participants using book-entry securities as collateral the only perfection requirement should be that the interest be notified to, and recorded by, the relevant entity maintaining the account, while for bearer securities the perfection requirement should be delivery of the collateral.
- (7) The simplification of the use of collateral through the limitation of administrative burdens will promote the efficiency of the cross-border operations of the European Central Bank and the national Central Banks of Member States participating in the Economic and Monetary Union, necessary for the implementation of the common monetary policy. Furthermore, the provision of limited protection of collateral arrangements from some rules of insolvency law will in addition support the wider aspect of the common monetary policy, where the participants in the money market balance the overall amount of liquidity in the market among themselves, by cross-border transactions backed by collateral.
- (8) The *lex rei sitae* rule, according to which the applicable law for determining whether a collateral arrangement is properly perfected and therefore good against third parties is the law of the country where the collateral is located, including where the location is in a third country, is currently recognised by all Member States. The location of book entry collateral should be determined. If the collateral taker has a valid and effective collateral arrangement according to the governing law of the country in which the relevant account is maintained, whether or not that country is a Member State, then the validity against any competing title or interest and enforceability of the collateral should be governed solely by the law of that country, thus preventing legal uncertainty as a result of other unforeseen legislation.

⁽¹⁾ OJ L 166, 11.6.1998, p. 45.

⁽²⁾ COM(1999) 232 final.

- (9) The possibilities for Community counterparties to conclude collateral arrangements with counterparties from third countries should also be enhanced, by Member States ensuring that certain provisions of insolvency law do not apply to such arrangements. Those exceptions should therefore also apply to a Community collateral provider where the collateral taker is from a third country.
- (10) The enforceability of close-out netting should be protected, not only as an enforcement mechanism for title transfer collateral arrangements including repurchase agreements but more widely, where close-out netting forms part of a collateral arrangement. Sound risk management practices commonly used in the financial market should be protected by enabling participants to manage and reduce their credit exposures arising from all kinds of financial transactions on a net basis, where the credit exposure is calculated by combining the estimated current exposures under all outstanding transactions with a counterparty, setting off reciprocal items to produce a single aggregated amount that is compared with the current value of the collateral.
- (11) The sound market practice favoured by regulators where participants in the financial market use top-up collateral arrangements to manage and limit their credit risk to each other by mark-to-market calculations of the current market value of the credit exposure and the value of the collateral and accordingly ask for top-up collateral or return the surplus of collateral should be protected. However, there should be no protection for the provision of top-up collateral which is required upon deterioration of the credit rating of the collateral provider because this could contradict the basic insolvency law policy of Member States, which discourages provisions under which a creditor's position is improved as a result of an insolvency-related event.
- (12) In order to limit the systemic risk in the Community financial market, the formalities, which may be required for the execution of a collateral arrangement should be limited. Penalties for breach of such formalities should not include the invalidity of a collateral arrangement.
- (13) It should be possible to provide cash as collateral under both title transfer and pledge structures respectively protected by the recognition of netting or by the pledge of cash collateral. The collateral provider should therefore be able to retain ownership of the pledged cash and consequently be protected in cases where the collateral taker becomes bankrupt. This is of particular importance in the frequent situations where cash is used in substitution for securities.
- (14) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of

28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾ they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision.

- (15) This Act complies with the fundamental rights and follows the principles laid down in particular in the Charter of Fundamental Rights of the European Union as general principles of Community law ⁽²⁾.
- (16) In accordance with the principles of subsidiarity and proportionality, the objectives of the proposed action, to create a minimum regime relating to the use of financial collateral, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effect of the action be better achieved by the Community. This Directive confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

This Directive lays down a Community regime in relation to financial collateral arrangements between a collateral provider and a collateral taker.

Article 2

Scope of application

1. This Directive shall apply to financial collateral arrangements which satisfy the requirements set out in paragraphs 2, 3 and 4.
2. The arrangement must be in writing or evidenced in writing and signed by or on behalf of the collateral provider.
3. The arrangement must contain the following provisions:
 - (a) it must identify the financial collateral to which it applies; for this purpose it is sufficient if the arrangement identifies the account to which financial collateral can be credited from time to time;
 - (b) it must describe the relevant financial obligations for which the collateral is provided. Where the relevant financial obligations consist of a specified class or kind of obligations, it must describe the class or kind of obligation for which the collateral is provided;

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ C 364, 18.12.2000, p. 1.

- (c) where the arrangement is a security financial collateral arrangement and the financial collateral consists of or includes cash, it must provide for the cash to be deposited with or transferred to the collateral taker or deposited with or transferred to a third party for the account of the collateral taker or to be deposited in an account with a third party designated as an account which is subject to the security financial collateral arrangement;
- (d) where the arrangement is a title transfer financial collateral arrangement and the financial collateral consists of or includes cash, it must provide for the cash to be deposited with or transferred to the collateral taker or a third party for the account of the collateral taker;
- (e) where the financial collateral consists of or includes bearer securities, it must provide for those securities to be delivered to the collateral taker or to another person acting as agent or custodian on behalf of the collateral taker;
- (f) where the arrangement is a security financial collateral arrangement and the financial collateral consists of or includes book entry securities collateral, it must provide for the book entry securities collateral:
 - (i) to be transferred into a securities collateral account; or
 - (ii) to be otherwise held and designated so as to indicate that it is held for the account of the collateral provider but subject to the security financial collateral arrangement;
- (g) where the arrangement is a title transfer financial collateral arrangement and the financial collateral consists of or includes book entry securities collateral, it must provide for the book entry securities collateral to be transferred into an account in the name of the collateral taker or an account in the name of another person designated by the collateral taker.

4. The collateral provider and the collateral taker must each be:

- (a) a public authority or a central bank;
- (b) a financial institution under prudential supervision; or
- (c) a person other than a natural person whose capital base exceeds EUR 100 million or whose gross assets exceed EUR 1 000 million, at the time where financial collateral is actually delivered, according to the most recently prepared account published within a period no greater than two years prior to that time.

5. Except as provided by Article 9, this Directive shall not apply in respect of any financial collateral unless and until that financial collateral is actually delivered, transferred, held or designated in accordance with the collateral arrangement.

6. The relevant financial obligations under a financial collateral arrangement may consist of or include:

- (a) future, contingent or prospective obligations (including such obligations arising under a master agreement or similar arrangement);
- (b) obligations owed to the collateral taker by a person other than the collateral provider; or
- (c) obligations of a specified class or kind arising from time to time.

Article 3

Definitions

1. For the purpose of this Directive:

- (a) 'financial collateral arrangement' means a title transfer financial collateral arrangement or a security financial collateral arrangement;
- (b) 'title transfer financial collateral arrangement' means a sale and repurchase agreement or an arrangement under which a collateral provider transfers ownership of financial collateral to a collateral taker, for the purpose of securing the performance of relevant financial obligations;
- (c) 'security financial collateral arrangement' means an arrangement under which a collateral provider disposes of, or delivers financial collateral by way of security in favour of, or to, a collateral taker, for the purpose of securing the performance of relevant financial obligations, where ownership of the financial collateral remains with the collateral provider unless and until the financial collateral is transferred or appropriated to the collateral taker or transferred to a third party as a result of:
 - (i) the exercise of the rights of the collateral taker following the occurrence of an enforcement event; or
 - (ii) the exercise of a right of use;
- (d) 'sale and repurchase agreement' means an agreement under which a collateral provider sells financial instruments or interests in or in respect of financial instruments to a collateral taker subject to an agreement by the collateral provider to purchase and by the collateral taker to sell equivalent financial instruments at a future date (the 'repurchase date') or on demand, and at a price (the 'repurchase price'), specified in or determined as provided in the agreement and includes any term of such an agreement under which:
 - (i) either party is obliged to transfer to the other full ownership of financial collateral in order to maintain a specified ratio or margin between the current market value of the equivalent financial instruments due to be purchased at the repurchase date and the repurchase price; or
 - (ii) the collateral provider is entitled, before the repurchase date, to require the collateral taker to transfer to it full ownership of financial instruments equivalent to some or all of those sold in exchange for the transfer to the collateral taker of full ownership of other financial instruments by way of substitution;

- (e) 'collateral provider' means the party providing financial collateral under a financial collateral arrangement, whether or not that party is from a Member State;
- (f) 'collateral taker' means the party receiving financial collateral under a financial collateral arrangement, whether or not that party is from a Member State;
- (g) 'financial collateral' means cash in any currency ('cash collateral') and financial instruments;
- (h) 'financial instruments' means shares in companies and other securities equivalent to shares in companies and bonds and other forms of securitized debt if these are negotiable on the capital market and any other securities normally dealt in giving the right to acquire any such transferable securities by subscription or exchange or giving rise to a cash settlement excluding instruments of payment and it means as well units in collective investment undertakings, money market instruments and interests in or in respect of any of the foregoing;
- (i) 'relevant financial obligations' means, in relation to a financial collateral arrangement, the obligations in respect of which the financial collateral is provided and on the discharge of which the collateral provider is entitled to the retransfer of the financial collateral or the transfer of equivalent collateral;
- (j) 'book entry securities collateral' means financial collateral which consists of financial instruments, title to which is evidenced by entries in a register or account;
- (k) 'relevant intermediary' means, in relation to book entry securities collateral which is subject to a financial collateral arrangement, the person — who may also be the collateral provider or the collateral taker — who maintains the relevant account;
- (l) 'relevant account' means:
- (i) in relation to cash collateral, the account to which that cash collateral is credited;
- (ii) in relation to book entry securities collateral which is subject to a financial collateral arrangement, the register or account in which the entries by which that book entry securities collateral is transferred to or disposed of in favour of the collateral taker are made;
- (m) 'securities collateral account' means, in relation to book entry securities, collateral provided under a security financial collateral arrangement:
- (i) an account with the relevant intermediary in the name of the collateral taker, or of a third party acting for the collateral taker, designated as an account for holding book entry securities collateral under that security financial collateral arrangement; or
- (ii) an account or sub-account with the relevant intermediary in the name of the collateral provider, or of a third party acting for the collateral provider, on which the interest of the collateral taker under that security financial collateral arrangement has been noted;
- (n) 'equivalent collateral':
- (i) in relation to an amount of cash, means a payment of the same amount and in the same currency;
- (ii) in relation to financial instruments, means financial instruments of the same issuer or debtor, forming part of the same issue and of the same nominal amount, currency and description or, where a financial collateral arrangement provides for the transfer of other assets following the occurrence of any event relating to or affecting any financial instruments provided as financial collateral, those other assets;
- (o) 'winding-up proceedings' means collective proceedings involving realisation of the assets and distribution of the proceeds among the creditors, shareholders or members as appropriate, which necessarily involve any intervention by administrative or judicial authorities, including where the collective proceedings are terminated by a composition or other analogous measure, whether or not they are founded on insolvency or are voluntary or compulsory;
- (p) 'reorganisation measures' means measures involving any intervention by administrative bodies or judicial authorities which are intended to preserve or restore the financial situation and which affect pre-existing rights of third parties, including but not limited to measures involving the possibility of a suspension of payments, suspension of enforcement measures or reduction of claims;
- (q) 'enforcement event' means an event on the occurrence of which, under the terms of a financial collateral arrangement, the collateral taker is entitled to realise or appropriate financial collateral or a close-out netting provision comes into effect;
- (r) 'right of use' means the right of the collateral taker to use and dispose of financial collateral held under a security financial collateral arrangement as though he were the absolute owner of it, in accordance with the security financial collateral arrangement;
- (s) 'close-out netting provision' means a provision of a financial collateral arrangement, or of an arrangement of which a financial collateral arrangement forms part, under which, on the occurrence of an enforcement event:
- (i) the relevant financial obligations are accelerated so as to be immediately due and expressed as an obligation to pay an amount representing their estimated current value, or are terminated and replaced by an obligation to pay such an amount, in either case in accordance with points (iii) and (iv);

- (ii) any obligation of the collateral taker to deliver equivalent collateral, or to cause equivalent collateral to be credited to a securities collateral account, is accelerated so as to be immediately performable and expressed as an obligation to pay an amount representing its current value or replacement value or its estimated current value or replacement value, or is replaced by an obligation to pay such an amount, in either case in accordance with points (iii) and (iv);
- (iii) any obligations arising under point (i) or (ii) which are expressed in different currencies are converted into one single currency; and
- (iv) an account is taken of what is due from each party to the other in respect of the obligations arising under points (i) to (iii) and those obligations fall to be discharged by the payment of an aggregate net sum equal to the balance of the account by the party from whom the larger amount is due.

2. References to 'writing' include recording in electronic form and references to 'signature' include electronic signature with authentication.

Article 4

Formal requirements on financial collateral arrangement

1. Member States shall ensure that the creation, validity, perfection, enforceability or admissibility in evidence of a financial collateral arrangement shall not be dependent on the performance by the collateral provider or the collateral taker or by a third party of any formal act beyond those specified in Article 2(1).
2. The formal acts referred to in the first paragraph include, but are not limited to:
 - (a) the execution of a document in a particular form or in a particular manner;
 - (b) the making of any filing with an official or public body or registration in a public or private register;
 - (c) advertisement in a newspaper or journal, in an official register or publication or in any other manner;
 - (d) notification to a public officer, to a custodian or agent or to any other person;
 - (e) the provision of evidence in a particular form as to the date of execution of a document or instrument, the amount of the relevant financial obligations or any other matter.

Article 5

Enforcement of financial collateral arrangement

1. On the occurrence of an enforcement event, the collateral taker shall be able to realise any of the following financial

collateral provided under, and in accordance with the terms in, a security financial collateral arrangement:

- (a) financial instruments by sale without any requirement:
 - (i) that notice of the intention to sell shall have been given;
 - (ii) that the terms of the sale be approved by any court, public officer or other person;
 - (iii) that the sale be conducted by public auction or in any other prescribed manner; or
 - (iv) that any additional time period shall have elapsed.
- (b) cash collateral by setting it off against or applying it in discharge of relevant financial obligations without any requirement that prior notice of the intention to realise the cash collateral shall have been given.

2. On the occurrence of an enforcement event, it must be possible for a close-out netting provision to take effect in accordance with its terms without any requirement that prior notice shall have been given. Paragraph 1(a) applies where the value of any item taken into account in the close-out netting provision is or may be determined by reference to the sale of equivalent securities or any other asset.

3. Member States shall ensure that a financial collateral arrangement can be enforced in the event of winding-up proceedings or reorganisation measures. Any of the following events may be enforcement events if the terms of a financial collateral arrangement so provide:

- (a) the commencement of winding-up proceedings or reorganisation measures in respect of the collateral provider or the collateral taker;
- (b) the occurrence of an event on the basis of which winding-up proceedings or reorganisation measures could be commenced in respect of the collateral provider or the collateral taker;
- (c) the occurrence of an event referred to in point (a) or (b) followed by the lapse of a specified period without the relevant insolvency event having been reversed or cancelled; or
- (d) the occurrence of an event referred to in point (a), (b) or (c) coupled with the giving of a notice by the collateral taker, where the relevant event occurs in relation to the collateral provider, or by the collateral provider, where the relevant event occurs in relation to the collateral taker, electing to treat such occurrence as an enforcement event.

4. This Article is without prejudice to any requirement imposed by applicable law, that the realisation or valuation of financial collateral is conducted in a commercially reasonable manner.

*Article 6***Right of use of financial collateral under security financial collateral arrangement**

1. Where a collateral taker exercises a right of use, he thereby incurs an obligation to cause equivalent collateral to be transferred so as again to be held subject to the security financial collateral arrangement in the manner referred to in Article 2(3) or, subject to the discharge of the relevant financial obligations, to be transferred to the collateral provider.

2. Where a collateral taker, in discharge of an obligation as described in paragraph 1, causes equivalent collateral to be transferred so as again to be held in the manner referred to in Article 2(3), that equivalent collateral shall be subject to the security financial collateral arrangement to which the original collateral was subject.

3. For the purposes of any rule of law under which any disposition is deemed to be invalid or may be reversed or declared void by reason of or by reference to the time at which it is made, that equivalent collateral shall be treated as having been delivered or disposed of under that security financial collateral arrangement at the time when the original collateral was first transferred so as to be held in the manner referred to in Article 2(3).

4. If an enforcement event occurs while an obligation as described in paragraph 1 remains outstanding, the obligation may be the subject of a close-out netting provision.

*Article 7***Recognition of title transfer financial collateral arrangements**

If a financial collateral arrangement provides that ownership of financial collateral is to pass to the collateral taker on delivery or payment, subject to an obligation to deliver equivalent collateral, Member States shall recognise that ownership of the financial collateral passes to the collateral taker in accordance with the arrangement.

*Article 8***Recognition of close-out netting provisions**

1. A close-out netting provision shall be effective notwithstanding the commencement or continuation of winding-up proceedings or reorganisation measures in respect of the collateral provider and/or the collateral taker.

2. A close-out netting provision shall be effective in accordance with its terms notwithstanding any purported assignment, judicial or other attachment or other disposition of or in respect of such rights.

*Article 9***Certain insolvency provisions disapplied**

1. Winding-up proceedings or reorganisation measures shall not have retroactive effects on the rights and obligations under a financial collateral arrangement.

2. Where under a financial collateral arrangement a collateral provider:

- (a) has an obligation to provide financial collateral or additional financial collateral in order to take account of changes in the value of the financial collateral or in the amount of the relevant financial obligations; or
- (b) has a right to withdraw financial collateral on providing, by way of substitution or exchange, financial collateral of substantially the same value;

the provision of the financial collateral, additional financial collateral or substitute or replacement financial collateral shall not be treated as invalid, defective or voidable under any such rule of law as is described in paragraph 3 unless, and then only to the extent that, the financial collateral arrangement is itself treated as invalid, defective or voidable.

3. Paragraphs 1 and 2 apply to any rule of law under which a disposition or transfer of financial collateral is or may be deemed to be invalid, or may be reversed or declared void if made within a prescribed period defined by reference to the commencement of winding-up proceedings or reorganisation measures or by reference to the making of any order or decree or the taking of any other action or occurrence of any other event in the course of such proceedings or measures. This includes any rule under which an order or decree made in the course of such proceedings or measures takes effect from a time earlier than the time when it is actually made.

*Article 10***Conflict of laws**

1. Any question with respect to any of the matters specified in paragraph 3 arising in relation to the application of a financial collateral arrangement to any book entry securities collateral or cash collateral shall be governed by the law of the country or, where appropriate, the law of the part of the country in which the relevant account is maintained, whether or not that country is a Member State. The reference to the law of a country or part of a country is a reference to its domestic law, disregarding any rule under which, in deciding the relevant question, reference would be made to the law of another country.

2. A relevant account shall be treated for the purposes of this Article as maintained at any given time:

- (a) at the office or branch of the relevant intermediary identified in the agreement governing the relevant account, provided that the relevant intermediary allocates the relevant account to that office or branch for purposes of reporting to its account holders or for regulatory or accounting purposes;

- (b) where the relevant intermediary is legally established or, where the relevant intermediary is acting in relation to the relevant account through a branch, where that branch is legally established, in any other case.

3. The matters referred to in paragraph 1 are:
- the creation of any title to or interest in the book entry securities collateral arising under the financial collateral arrangement and the ranking or priority of any such title or interest as against any competing title or interest claimed by another person;
 - any act or thing necessary to ensure that any title to or interest in the book entry securities collateral arising under the financial collateral arrangement may be asserted generally against third parties;
 - the steps required for the realisation of the collateral following the occurrence of an enforcement event, including any act or thing necessary to ensure that any disposal of the collateral will be effective generally as against persons who are not parties to the financial collateral arrangement.

Article 11

Updating of thresholds

The Commission shall update the thresholds relating to capital base and gross assets in Article 2(4)(c) in order to adjust to development in the market practice. In updating those thresholds the Commission shall act in accordance with the procedure referred to in Article 12(2).

Article 12

Committee

- The Commission shall be assisted by the [Securities Committee], instituted by ...

2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 [and Article 8] thereof.

- The period provided for in Article 5(6) of Decision 1999/468/EC shall be [maximum of three months].

Article 13

Implementation

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [31 December 2004] at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 14

Entry into force

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

Article 15

Addressees

This Directive is addressed to the Member States.

Proposal for a Council Regulation on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 28 February 2001 to 27 February 2004

(2001/C 180 E/33)

(Text with EEA relevance)

COM(2001) 173 final — 2001/0088(CNS)

(Submitted by the Commission on 28 March 2001)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) In accordance with the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros⁽¹⁾, the two parties held negotiations to determine amendments or additions to be made to the Agreement at the end of the period of application of the Protocol attached to it.
- (2) As a result of those negotiations, a new Protocol setting out the fishing opportunities and financial contribution provided for in the above Agreement for the period from 28 February 2001 to 27 February 2004 was initialled on 13 December 2000.
- (3) It is in the Community's interest to approve that Protocol.
- (4) The method of allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 28 February 2001 to 27 February 2004 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

- (a) Tuna seiners:

Spain: 18 vessels

France: 21 vessels

Italy: 1 vessel

- (b) Surface longliners:

Spain: 20 vessels

Portugal: 5 vessels

If licence applications from these Member States do not cover all the fishing opportunities set out in the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 3

The President of the Council is hereby authorised 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 day following its publication in the *Official Journal of the European Communities*.

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

⁽¹⁾ OJ L 137, 2.6.1988, p. 19.

PROTOCOL**setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros for the period from 28 February 2001 to 27 February 2004***Article 1*

Pursuant to Article 2 of the Agreement, licences authorising simultaneous fishing in Comorian waters shall be granted to 40 freezer tuna seiners and 25 surface longliners for a period of three years beginning on 28 February 2001.

Article 2

1. The financial contribution for the fishing opportunities referred to in Article 1 shall be fixed at EUR 350 250 per year (comprising EUR 140 000 financial compensation, to be paid not later than 1 September each year, and EUR 210 250 for the measures referred to in Article 3 of this Protocol).

2. The financial contribution shall cover catches of 4 670 tonnes per year in Comorian waters. If the quantity of tuna caught by Community vessels in Comorian waters exceeds this weight, the above sum shall be increased proportionally.

3. The financial compensation shall be paid into an account to be indicated by the Government of the Comoros, in the name of the Public Treasury.

4. The use to which the compensation is to be put shall fall within the exclusive competence of the Government of the Comoros.

Article 3

The measures set out below shall be financed from the financial contribution provided for in Article 2(1), to the amount of EUR 210 250 per year, broken down as follows:

1. assistance for the development of non-industrial fishing: EUR 126 000;
2. the financing of scientific and technical programmes and interinstitutional support to the Ministry responsible for fisheries and the structures responsible for fisheries surveillance: EUR 31 600;
3. the participation of Comorian delegates in international meetings concerning fisheries, the Comoros' contribution to regional fisheries organisations and the financing of study grants and practical training courses in the fisheries field: EUR 52 650.

The measures will be adopted by the Ministry responsible for fisheries, which will inform the Commission thereof.

The amounts referred to in points 1 and 2 shall be made available to the structures concerned by 1 September each year at the latest, and paid into the bank accounts of the competent Comorian authorities according to the schedule for their use.

The amounts referred to in point 3 shall be payable as they are used.

The Ministry responsible for fisheries shall transmit an annual report on the implementation of these measures and the results achieved to the Delegation of the European Commission in the Comoros, not later than three months after the anniversary date of the Protocol. The Commission reserves the right to ask the Ministry for any additional information on the results and to reconsider the payments concerned should the measures not be implemented.

Article 4

Should the Community fail to make the payments provided for in Articles 2 and 3, the Fishing Agreement may be suspended.

Article 5

Where severe circumstances prevent fishing activities in the Comorian fishing zone, the Community may suspend payment of the financial contribution following prior consultations, where possible, between the two parties.

Payment of the financial contribution shall recommence once the situation returns to normal and following consultation between the two parties confirming that the situation is likely to allow a return to normal fishing activities.

Article 6

The Protocol to the Agreement between the European Economic Community and the Islamic Federal Republic of the Comoros on fishing off the Comoros is hereby repealed and replaced by this Protocol.

Article 7

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

It shall apply from 28 February 2001.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN COMORIAN WATERS**1. Formalities concerning applications for, and the issue of, licences**

The procedure for application for, and issue of, the licences allowing Community vessels to fish in Comorian waters shall be as follows:

- 1.1. The European Commission, through its representative in the Comoros, shall submit to the Comorian Ministry responsible for fisheries, at least 20 days before the date of commencement of the period of validity requested, an application in respect of each vessel wishing to fish under this Agreement, drawn up by the owner. The applications shall be made on the forms provided for that purpose by the Comoros, a specimen of which is attached.
- 1.2. Licences shall be issued to shipowners for a specific vessel. At the request of the European Commission, a licence issued for one vessel may, and in cases of force majeure shall, be replaced by a licence issued for another Community vessel.
- 1.3. Licences shall be issued by the Ministry responsible for fisheries to the Commission's representative in the Comoros.
- 1.4. Licences must be held on board at all times; however, fishing shall be authorised as soon as the Comorian Ministry responsible for fisheries has received notification from the European Commission that the advance payment has been made. Pending receipt of the original of the licence, a copy of the licence that has been drawn up may be issued by fax to be held on board the vessel.
- 1.5. Licences shall be valid for a period of one year. They shall be renewable.
- 1.6. The licence fee shall be set at EUR 25 per tonne of tuna caught in Comorian waters.
- 1.7. Licences shall be issued on advance payment to the Comoros of an annual sum of EUR 2 250 per tuna seiner, EUR 1 375 per surface longliner of more than 150 GRT and EUR 1 000 per surface longliner of 150 GRT or less.
- 1.8. Before the entry into force of the Agreement the Comorian authorities shall communicate the arrangements for payment of the licence fees, in particular the details of the bank account and the currency to be used.

2. Statement of catch and statement of fees due from shipowners

The captain shall complete a fishing form corresponding to the specimen in Appendix 2 for each period spent fishing in the Comorian fishing zone. The form may be replaced during the period of application of the Protocol by another document devised for the same purpose by an international organisation responsible for tuna fishing in the Indian Ocean.

The forms, which must be legible and signed by the captain of the ship, shall be sent to the IRD (Institut de Recherche et Développement), IEO (Instituto Español de Oceanografía) and IPIMAR (Instituto de Investigação das Pescas e do Mar) for processing within one month of the end of each calendar quarter.

If these provisions are not complied with, the Comorian Ministry responsible for fisheries reserves the right to suspend the licence of the offending vessel until these formalities have been carried out and to apply the penalties provided for under national law.

Member States shall inform the European Commission before 15 April of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall establish a breakdown of the fees due in respect of a fishing year, which it shall then send to the Comorian Ministry responsible for fisheries for its comments.

Shipowners shall receive notification by the end of April of the statement drawn up by the Commission, and shall have 30 days to make any payment due. The shipowner cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

3. Inspection and monitoring

Community vessels fishing in the Comorian fishing zone shall permit and facilitate the boarding and fulfilment of the tasks of Comorian officials responsible for the inspection and monitoring of fishing activities. Those officials should not remain on board any longer than is necessary to verify catches by sampling and carry out any other inspection relating to fishing activities.

4. Observers

At the request of the Comorian Ministry responsible for fisheries, tuna vessels shall take on board an observer designated by the former to check catches made in Comorian waters. Observers shall have all the facilities needed for the performance of their duties, including access to parts of the ship and documents. Observers shall not remain on board for longer than the time required to carry out their duties. They shall be provided with suitable food and accommodation while on board. Should a tuna vessel with a Comorian observer on board leave Comorian waters, every step shall be taken to ensure that the observer returns to Comoros as soon as possible, at the shipowner's expense.

5. Communication of information

Fishing vessels shall communicate the date and time direct to the Comorian Ministry responsible for fisheries immediately on entering or leaving the Comorian fishing zone and their position and catches held on board within three hours of entering or leaving the zone and every three days while engaged in fishing activities in Comorian waters. This information should preferably be communicated by fax or, for vessels not equipped with a fax, by radio.

The Comorian Ministry responsible for fisheries shall inform vessels of the relevant fax number and radio frequency when the fishing licence is issued.

The Comorian Ministry responsible for fisheries and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in point 2.

A vessel found to be fishing without having informed the Comorian Ministry responsible for fisheries shall be regarded as a vessel without a licence.

6. Fishing zones

To avoid adverse effects on small-scale fisheries in Comorian waters, Community tuna vessels shall not be allowed to fish within 10 nautical miles of any of the islands nor within a radius of three nautical miles of fish aggregating devices placed by the Comorian Ministry responsible for fisheries, the positions of which have been communicated to the representative of the European Commission in the Comoros.

These provisions may be reviewed by the Joint Committee referred to in Article 7 of the Agreement.

7. Ownership of rare species

Any coelacanth (*Latimeria chalumnae*) caught by a Community vessel authorised to fish in Comorian waters remains the property of the Comoros and must be turned over, without charge, to the port authorities of Moroni, Mutsamudu or Mohéli immediately in the best state possible.

8. Transhipment

Community vessel owners must give consideration to the existence of the harbour facilities of the Comoros for any transhipment operations

9. Procedure in case of boarding

1. Transmission of information

The Comorian Ministry responsible for fisheries shall inform the Delegation and the flag State, within 48 hours, of the boarding of any fishing vessel flying the flag of a Member State of the Community fishing under the Fisheries Agreement in the Comorian fishing zone and shall transmit a brief report of the circumstances and reasons leading to such boarding. The Delegation and the flag State shall be kept informed of any proceedings initiated and penalties imposed.

2. Settlement of boarding

In accordance with the law on fisheries and the relevant regulations, infringements may be settled:

- (a) either out of court, in which case the amount of the fine shall be determined in accordance with Comorian legislation laying down minimum and maximum figures;
- (b) or by legal proceedings, if no out-of-court settlement was possible, in accordance with Comorian law.

3. The vessel shall be released and its crew authorised to leave the port:

- (a) either as soon as the obligations imposed by the out-of-court procedure have been completed, on presentation of the receipt for settlement, or
- (b) on presentation of proof that a bank security has been lodged, pending completion of the legal proceedings.

Appendix 1

LICENCE APPLICATION FORM FOR A FOREIGN FISHING VESSEL

Name of applicant:

Address of applicant:

Name and address of charterer of vessel if different from above:

Name and address of representative (agent) in Comoros:

Name of vessel:

Type of vessel:

Country of registry:

Port and registration number:

Vessel's external identification:

Radio call sign and frequency:

Length of vessel:

Width of vessel:

Engine type and horse power:

Gross registered tonnage of vessel:

Net registered tonnage of vessel:

Minimum crew:

Type of fishing:

Proposed catch species:

Period of validity requested:

I, the undersigned, declare that the above particulars are correct.

.....
Date

.....
Signature



