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Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 1262/84 of 10 April 1984 concerning the conclusion of the International Convention on the Harmonization of Frontier Controls of Goods . . .** 1
 - International Convention on the Harmonization of Frontier Controls of Goods** 3
-

II *Acts whose publication is not obligatory*

Council

84/253/EEC:

- ★ **Eighth Council Directive of 10 April 1984 based on Article 54 (3) (g) of the Treaty on the approval of persons responsible for carrying out the statutory audits of accounting documents** 20

84/254/EEC:

- ★ **Council Decision of 10 April 1984 amending Decision 79/783/EEC adopting a multiannual programme (1979 to 1983) in the field of data processing** 27

84/255/EEC:

- ★ **Council Decision of 10 April 1984 on the conclusion of an Agreement in the form of an exchange of letters amending the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Finland concerning reciprocal trade in cheese** 34

- Agreement in the form of an exchange of letters amending the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Finland concerning reciprocal trade in cheese** 35

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1262/84

of 10 April 1984

concerning the conclusion of the International Convention on the Harmonization of Frontier Controls of Goods

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

confers on its Member States which are Contracting Parties thereto;

Having regard to the Treaty establishing the European Economic Community,

Whereas the International Convention on the Harmonization of Frontier Controls of Goods should therefore be approved on behalf of the Community,

Having regard to the recommendation from the Commission,

HAS ADOPTED THIS REGULATION:

Having regard to the opinion of the European Parliament ⁽¹⁾,

Article 1

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

The International Convention on the Harmonization of Frontier Controls of Goods is hereby approved on behalf of the European Economic Community.

Whereas the International Convention on the Harmonization of Frontier Controls of Goods, concluded at Geneva on 21 October 1982, introduces provisions intended to facilitate the international movement of goods, to contribute to the progressive abolition of barriers to trade and to promote the development of world trade, thus attaining objectives consistent with those of the commercial policy of the European Economic Community;

The Community shall apply the Convention to the controls carried out at its external frontiers in accordance with Article 15 of the Convention.

The text of the Convention is attached to this Regulation.

Article 2

Whereas the Convention allows *inter alia* the Community on the one hand to apply its own legislation to checks carried out at its own internal frontiers and, on the other hand, as regards questions within its competence, to exercise on its own behalf the rights and to fulfil the responsibilities which the said Convention

The President of the Council is hereby authorized to deposit, on behalf of the Community, the instrument of ratification in accordance with Article 16 (3) (a) of the Convention ⁽³⁾.

⁽¹⁾ OJ No C 46, 20. 2. 1984, p. 113.

⁽²⁾ OJ No C 35, 9. 2. 1984, p. 3.

⁽³⁾ The date of entry into force of the Convention will be published in the *Official Journal of the European Communities* by the Council General Secretariat.

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

Done at Brussels, 10 April 1984.

For the Council

The President

C. CHEYSSON

**INTERNATIONAL CONVENTION ON THE HARMONIZATION OF FRONTIER
CONTROLS OF GOODS**

PREAMBLE

THE CONTRACTING PARTIES,

DESIRING to improve the international movement of goods,

BEARING IN MIND the need to facilitate the passage of goods at frontiers,

NOTING that control measures are applied at frontiers by different control services,

ACKNOWLEDGING that the conditions under which such controls are carried out may be extensively harmonized without impairing their purpose, their proper implementation and their effectiveness,

CONVINCED that the harmonization of frontier controls constitutes an important means for attaining these objectives,

HAVE AGREED AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Convention:

- (a) 'Customs' means the Government Service which is responsible for the administration of customs law and the collection of import and export duties and taxes and which also has responsibility for the application of other laws and regulations relating *inter alia* to the importation, transit and exportation of goods;
- (b) 'Customs control' means measures applied to ensure compliance with the laws and regulations which the Customs are responsible for enforcing;
- (c) 'Medico-sanitary inspection' means the inspections exercised for the protection of the life and health of persons, with the exception of veterinary inspection;
- (d) 'Veterinary inspection' means the sanitary inspection applied to animals and animal products with a view to protecting the life and health of persons and animals, as well as that carried out on objects or goods which could serve as a carrier for animal diseases;

(e) 'Phytosanitary inspection' means the inspection intended to prevent the spread and the introduction across national boundaries of pests of plants and plant products;

(f) 'Control of compliance with technical standards' means the control to ensure that goods meet the minimum international or national standards specified by relevant laws and regulations;

(g) 'Quality control' means any control other than those referred to above to ensure that the goods correspond to the minimum international or national definitions of quality specified by relevant laws and regulations;

(h) 'Control services' means any service responsible for carrying out all or part of the controls defined above or any other controls regularly applied to the importation, exportation or transit of goods.

Article 2

Aim

In order to facilitate the international movement of goods, this Convention aims at reducing the requirements for completing formalities as well as the number and duration of controls, in particular by

national and international coordination of control procedures and of their methods of application.

Article 3

Scope

1. This Convention applies to all goods being imported or exported or in transit, when being moved across one or more maritime, air or inland frontiers.
2. This Convention applies to all control services of the Contracting Parties.

CHAPTER II

HARMONIZATION OF PROCEDURES

Article 4

Coordination of controls

The Contracting Parties shall undertake, to the extent possible, to organize in a harmonized manner the intervention of the Customs services and the other control services.

Article 5

Resources of the services

To ensure that the control services operate satisfactorily, the Contracting Parties shall see to it that, as far as possible, and within the framework of national law, they are provided with:

- (a) qualified personnel in sufficient numbers consistent with traffic requirements;
- (b) equipment and facilities suitable for inspection, taking into account the mode of transport, the goods to be checked and traffic requirements;
- (c) official instructions to officers for acting in accordance with international agreements and arrangements and with current national provisions.

Article 6

International cooperation

The Contracting Parties undertake to cooperate with each other and to seek any necessary cooperation from the competent international bodies, in order to achieve

the aims of this Convention, and furthermore to attempt to arrive at new multilateral or bilateral agreements or arrangements, if necessary.

Article 7

Cooperation between adjacent countries

Whenever a common inland frontier is crossed, the Contracting Parties concerned shall take appropriate measures, whenever possible, to facilitate the passage of the goods, and they shall, in particular:

- (a) endeavour to arrange for the joint control of goods and documents, through the provision of shared facilities;
- (b) endeavour to ensure that the following correspond:
 - opening hours of frontier posts,
 - the control services operating there,
 - the categories of goods, the modes of transport and the international customs transit procedures accepted or in use there.

Article 8

Exchange of information

The Contracting Parties shall, on request, send each other information necessary for the application of this Convention under the conditions specified in the Annexes.

Article 9

Documents

1. The Contracting Parties shall endeavour to further the use, between themselves and with the competent international bodies, of documents aligned on the United Nations Layout Key.

2. The Contracting Parties shall accept documents produced by any appropriate technical process, provided that they comply with official regulations as to their form, authenticity and certification, and that they are legible and understandable.

3. The Contracting Parties shall ensure that the necessary documents are prepared and authenticated in strict compliance with the relevant legislation.

CHAPTER III

PROVISIONS CONCERNING TRANSIT

Article 10

Goods in transit

1. The Contracting Parties shall, wherever possible, provide simple and speedy treatment for goods in transit, especially for those travelling under cover of an international customs transit procedure, by limiting their inspections to cases where these are warranted by the actual circumstances or risks. Additionally, they shall take into account the situation of land-locked countries. They shall endeavour to provide for extension of the hours and the competence of existing customs posts available for customs clearance for goods carried under an international customs transit procedure.

2. They shall endeavour to facilitate to the utmost the transit of goods carried in containers or other load units affording adequate security.

CHAPTER IV

MISCELLANEOUS PROVISIONS

Article 11

Public order

1. No provision in this Convention shall preclude the application of the prohibitions or restrictions relating to importation, exportation, or transit, imposed for reasons of public order, and in particular public safety, morality, and health, or for the protection of the environment, of cultural heritage or industrial, commercial and intellectual property.

2. Nevertheless, whenever possible without prejudice to the effectiveness of the controls, the Contracting Parties shall endeavour to apply to the controls in connection with the application of the measures mentioned in paragraph 1 above the provisions of this Convention *inter alia* those which are the subject of Articles 6 to 9.

Article 12

Emergency measures

1. The emergency measures which the Contracting Parties may be led to introduce because of particular circumstances, must be proportionate to the reasons which give rise to their introduction and must be suspended or abrogated when these reasons no longer exist.

2. Whenever possible without prejudice to the effectiveness of the measures, the Contracting Parties shall publish the relevant provisions for such measures.

Article 13

Annexes

1. The Annexes to this Convention form an integral part of the Convention.

2. New annexes relating to other sectors of control may be added to this Convention according to the procedure specified in Articles 22 or 24 below.

Article 14

Relation to other treaties

Without prejudice to the provisions of Article 6, the Convention shall not override the rights and obligations arising from treaties which the Contracting Parties to the Convention concluded before becoming Contracting Parties to this Convention.

Article 15

This Convention shall not prevent the application of greater facilities which two or more Contracting Parties may wish to grant to each other, nor the right of regional economic integration organizations referred to in Article 16 which are Contracting Parties to apply their own legislation to controls at their internal frontiers, on condition that this does not reduce in any way the facilities deriving from this Convention.

Article 16

Signature, ratification, acceptance, approval and accession

1. This Convention, deposited with the Secretary-General of the United Nations, shall be open to the participation of all States and of regional economic integration organizations constituted by sovereign States which have competence to negotiate, conclude and apply international agreements on matters covered by the Convention.

2. The regional economic integration organizations referred to in paragraph 1 may, for the matters within their competence, exercise on their own behalf the rights and fulfil the responsibilities which this Convention otherwise confers on their Member States which are Contracting Parties to this Convention. In

such cases the Member States of the said organizations shall not be entitled to exercise individually such rights, including the right to vote.

3. States and the regional economic integration organizations referred to above may become Contracting Parties to this Convention:

(a) by depositing an instrument of ratification, acceptance or approval after signing it, or

(b) by depositing an instrument of accession.

4. This Convention shall be open from 1 April 1983 until 31 March 1984 inclusive for signature at the Office of the United Nations at Geneva by all States and the regional economic integration organizations referred to in paragraph 1.

5. From 1 April 1983 it shall be open for their accession.

6. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

Article 17

Entry into force

1. This Convention shall enter into force three months after the date on which five States have deposited their instruments of ratification, acceptance, approval or accession.

2. After five States have deposited their instruments of ratification, acceptance, approval or accession, this Convention shall enter into force for further Contracting Parties three months after the date of the deposit of their instruments of ratification, acceptance, approval or accession.

3. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention shall be deemed to apply to this Convention as amended.

4. Any such instrument deposited after an amendment has been accepted in accordance with the procedure in Article 22 but before it has entered into force shall be deemed to apply to this Convention as amended on the date when the amendment enters into force.

Article 18

Denunciation

1. Any Contracting Party may denounce this Convention by so notifying the Secretary-General of the United Nations.

2. Denunciation shall take effect six months after the date of receipt by the Secretary-General of the notification of denunciation.

Article 19

Termination

If, after the entry into force of this Convention, the number of States which are Contracting Parties is for any period of 12 consecutive months reduced to less than five, the Convention shall cease to have effect from the end of the 12-month period.

Article 20

Settlement of disputes

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention shall, so far as possible, be settled by negotiation between them or by other means of settlement.

2. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention which cannot be settled by the means indicated in paragraph 1 of this Article shall, at the request of one of them, be referred to an arbitration tribunal composed as follows: each party to the dispute shall appoint an arbitrator and these arbitrators shall appoint another arbitrator, who shall be chairman. If, three months after receipt of a request, one of the parties has failed to appoint an arbitrator or if the arbitrators have failed to elect the chairman, any of the parties may request the Secretary-General of the United Nations to appoint an arbitrator or the chairman of the arbitration tribunal.

3. The decision of the arbitration tribunal established under the provisions of paragraph 2 shall be final and binding on the parties to the dispute.

4. The arbitration tribunal shall determine its own rules of procedure.

5. The arbitration tribunal shall take its decisions by majority vote and on the basis of the treaties existing between the parties to the dispute and of general international law.

6. Any controversy which may arise between the parties to the dispute as regards the interpretation and execution of the award may be submitted by any of the parties for judgement to the arbitration tribunal which made the award.

7. Each party to the dispute shall bear the cost of its own appointed arbitrator and of its representatives in the arbitral proceedings; the cost of the chairman and the remaining costs shall be borne in equal parts by the parties to the dispute.

Article 21

Reservations

1. Any Contracting Party may, at the time of signing, ratifying, accepting or approving this Convention or acceding to it, declare that it does not consider itself bound by Article 20 (2) to (7) of this Convention. Other Contracting Parties shall not be bound by these paragraphs in respect of any Contracting Party which has entered such a reservation.

2. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this Article may at any time withdraw such reservation by notifying the Secretary-General of the United Nations.

3. Apart from the reservations provided for in paragraph 1 of this Article, no reservation to this Convention shall be permitted.

Article 22

Procedure for amending this Convention

1. This Convention, including its Annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this Article.

2. Any proposed amendment to this Convention shall be considered in an Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure set out in Annex 7. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance.

3. Any proposed amendment communicated in accordance with the preceding paragraph shall come into force with respect to all Contracting Parties three months after the expiry of a period of 12 months following the date of communication of the proposed amendment during which period no objection to the

proposed amendment has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party or by a regional economic integration organization, itself a Contracting Party, which then acts within the conditions specified in Article 16 (2) of this Convention.

4. If an objection to the proposed amendment has been communicated in accordance with paragraph 3 of this Article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.

Article 23

Requests, communications and objections

The Secretary-General of the United Nations shall inform all Contracting Parties and all States of any request, communication or objection under Article 22 and of the date on which any amendment enters into force.

Article 24

Review conference

After this Convention has been in force for five years, any Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing the Convention, indicating the proposals which should be dealt with by the conference. In such a case:

- (i) The Secretary-General of the United Nations shall notify all the Contracting Parties of the request and invite them to submit, within a period of three months, their comments on the original proposals and such other proposals as they may wish the conference to consider.
- (ii) The Secretary-General of the United Nations shall also communicate to all the Contracting Parties the text of any other proposals made and shall convene a review conference if, within a period of six months from the date of that communication, not less than one-third of the Contracting Parties notify the Secretary-General of the United Nations of their concurrence with the convening of such a conference.
- (iii) However, if the Secretary-General of the United Nations considers that a review proposal may be regarded as a proposed amendment under paragraph 1 of Article 22, he may, by agreement with the Contracting Party which has made the proposal, implement the amendment procedure provided for by Article 22 instead of the review procedure.

Article 25
Notifications

In addition to the notifications and communications provided for in Articles 23 and 24, the Secretary-General of the United Nations shall notify all States of the following:

- (a) signatures, ratifications, acceptances, approvals and accessions under Article 16;
- (b) the dates of entry into force of this Convention in accordance with Article 17;
- (c) denunciations under Article 18;

(d) the termination of this convention under Article 19;

(e) reservations under Article 21.

Article 26

Certified true copies

After 31 March 1984 the Secretary-General of the United Nations shall transmit two certified true copies of this Convention to each of the Contracting Parties and to all States which are not Contracting Parties.

Done at Geneva, this twenty-first day of October one thousand nine hundred and eighty-two, in a single original, of which the English, French, Russian and Spanish texts are equally authentic.

In witness whereof, the undersigned plenipotentiaries, being duly authorized thereto, have signed this Convention.

*ANNEX 1***HARMONIZATION OF CUSTOMS CONTROLS AND OTHER CONTROLS***Article 1***Principles**

1. As the customs are present at all frontiers and as their interventions are of a general nature, other controls shall, as far as possible, be organized in a harmonized manner with customs controls.
2. In application of this principle, it is possible if appropriate to carry out all or part of these controls elsewhere than at the frontier, provided that the procedures used contribute to facilitate the international movement of goods.

Article 2

1. The customs shall be kept fully informed of the requirements prescribed by laws or regulations which may lead to the operation of controls other than customs controls.
2. When it is found that other controls are necessary, the customs shall ensure that the services concerned are informed and shall cooperate with them.

*Article 3***Organization of controls**

1. When several controls have to be carried out at the same place, the competent services shall make all appropriate arrangements to carry them out simultaneously, if possible, or with the minimum delay. They shall endeavour to coordinate their requirements as to documents and information.
2. In particular, the competent services shall make all appropriate arrangements for the necessary personnel and facilities to be available at the place where the controls are carried out.
3. The customs may, through explicit delegation of powers by the competent services, carry out on their behalf all or part of the controls of which these services are responsible. In this case, these services will see to it that the necessary means be furnished to customs.

*Article 4***Result of controls**

1. In all matters dealt with by this Convention, control services and customs shall exchange all relevant information as soon as possible so as to ensure that controls are efficient.
 2. On the basis of the results of the controls carried out, the competent service shall decide on the subsequent treatment of the goods, and if necessary, shall inform the services responsible for other controls. On the basis of this decision customs shall subject the goods to the appropriate customs procedure.
-

ANNEX 2

MEDICO-SANITARY INSPECTION

*Article 1***Principles**

Wherever carried out, medico-sanitary inspection shall comply with the principles laid down in this Convention, and particularly in Annex 1 thereto.

*Article 2***Information**

Each Contracting Party shall ensure that information on the following is readily available to any person interested:

- the goods subject to medico-sanitary inspection;
- the places where the goods in question may be presented for inspection;
- the requirements as set out in laws and regulations concerning medico-sanitary inspection as well as their procedures of general application.

*Article 3***Organization of controls**

1. The control services shall see to it that the necessary facilities at frontier points where medico-sanitary inspection may take place are provided.
2. Medico-sanitary inspection may also be carried out at places in the interior of the country, if it is clear from the certificates produced and from the transport techniques employed, that the goods cannot deteriorate or cause contamination during carriage.
3. Within the framework of Conventions in force the Contracting Parties shall endeavour to reduce, as far as possible, the physical controls of perishable goods en route.
4. When goods have to be held pending the results of medico-sanitary inspection, the competent control services of the Contracting Parties shall arrange that such storage shall be in conditions providing for the conservation of the goods and involving the minimum of customs formalities.

*Article 4***Goods in transit**

Within the framework of Conventions in force the Contracting Parties shall, as far as possible, dispense with the medico-sanitary inspection of goods in transit in those circumstances where there is no risk of contamination.

*Article 5***Cooperation**

1. The medico-sanitary inspection services shall cooperate with the corresponding services of other Contracting Parties so as to expedite the passage of perishable goods subjected to medico-sanitary inspection *inter alia* through the exchange of useful information.
2. When a consignment of perishable goods is intercepted during medico-sanitary inspection, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.

ANNEX 3

VETERINARY INSPECTION

*Article 1***Principles**

Wherever carried out, veterinary inspection shall comply with the principles laid down in the Convention, and particularly in Annex 1 thereto.

*Article 2***Definitions**

The veterinary inspection defined in Article 1 (d) of this Convention covers also the inspection of means and conditions of transport of animals and animal products. It may also include the inspections bearing on quality standards and the various regulations, such as the inspection aiming at the conservation of endangered species, which, for reasons of effectiveness, are often associated with the veterinary inspection.

*Article 3***Information**

Each Contracting Party shall ensure that information on the following is readily available to any person interested:

- the goods subject to veterinary inspection,
- the places where the goods may be presented for inspection,
- the compulsorily notifiable diseases,
- the requirements as set out in laws and regulations concerning veterinary inspection as well as their procedures of general application.

*Article 4***Organization of controls**

1. The Contracting Parties shall endeavour:

- to set up, where necessary and possible, appropriate facilities for veterinary inspection, in conformity with traffic requirements,
- to facilitate the movement of goods, in particular through the coordination of working hours of the veterinary and customs services and agreement to effect clearance outside normal hours, where their arrival has been notified in advance.

2. The veterinary inspection of animal products may be undertaken at points within the country provided that it can be shown, and the means of transport used are such, that the products will not deteriorate or cause contamination during their transport.

3. Within the framework of Conventions in force the Contracting Parties shall endeavour to reduce, as far as possible, the physical controls of perishable goods en route.

4. When goods have to be held pending the results of veterinary inspection, the competent control services of the Contracting Parties shall arrange that such storage shall take place with the minimum of customs formalities and in conditions providing for the quarantine safety and conservation of the goods.

*Article 5***Goods in transit**

Within the framework of Conventions in force the Contracting Parties shall, as far as possible, dispense with the veterinary inspection of animal products in transit in those circumstances where there is no risk of contamination.

*Article 6***Cooperation**

1. The veterinary inspection services shall cooperate with the corresponding services of other Contracting Parties so as to expedite the passage of goods subjected to veterinary inspection *inter alia* through the exchange of useful information.

2. When a consignment of perishable goods or live animals is intercepted during veterinary inspection, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.

ANNEX 4

PHYTOSANITARY INSPECTION

*Article 1***Principles**

Wherever carried out, phytosanitary inspection shall comply with the principles laid down in this Convention, and particularly in Annex 1 thereto.

*Article 2***Definitions**

The phytosanitary inspection defined in Article 1 (e) of the present Convention covers also the inspection of means and conditions of transport of plants and plant products. It may also cover the measures aiming at the conservation of endangered plant species.

*Article 3***Information**

Each Contracting Party shall ensure that information on the following is readily available to any person interested:

- the goods subject to special phytosanitary conditions,
- the places where particular plants and plant products may be presented for inspection,
- the list of pests of plants and plant products for which prohibitions and restrictions are in force,
- the list of requirements as set out in laws and regulations concerning phytosanitary inspection as well as their procedures of general application.

*Article 4***Organization of controls**

1. The Contracting Parties shall endeavour:
 - to set up, where necessary and possible, appropriate phytosanitary inspection, storage, and disinfection and disinfection facilities, in conformity with traffic requirements,
 - to facilitate the movement of goods, in particular through the coordination of working hours of the phytosanitary and customs services and agreement to effect clearance of perishable goods outside normal hours where their arrival has been notified in advance.
2. The phytosanitary inspection of plants and plant products may be undertaken at points within the country provided that it can be shown, and the means of transport used are such, that the goods will not cause infestation during their transport.
3. Within the framework of Conventions in force the Contracting Parties shall endeavour to reduce, as far as possible, the physical controls of perishable plants and plant products en route.
4. When goods have to be held pending the results of phytosanitary inspection, the competent control services of the Contracting Parties shall arrange that such storage shall take place with the minimum of customs formalities and in conditions providing for the quarantine safety and conservation of the goods.

*Article 5***Goods in transit**

Within the framework of Conventions in force the Contracting Parties shall, as far as possible, dispense with the phytosanitary inspection of goods in transit, unless such measures are necessary for the protection of their own plants.

*Article 6***Cooperation**

1. The phytosanitary services shall cooperate with the corresponding services of other Contracting Parties so as to expedite the passage of plants and plant products subjected to phytosanitary inspection *inter alia* through the exchange of useful information.
 2. When a consignment of plants or plant products is intercepted during phytosanitary inspection, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.
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ANNEX 5

CONTROL OF COMPLIANCE WITH TECHNICAL STANDARDS

*Article 1***Principles**

Wherever carried out, the control of compliance with technical standards relating to the goods covered by this Convention, shall comply with the principles laid down in the Convention, and particularly in Annex 1 thereto.

*Article 2***Information**

Each Contracting Party shall ensure that information on the following is readily available to any person interested:

- the standards applied by it,
- the places where the goods may be presented for inspection,
- the requirements as set out in laws and regulations concerning the control of compliance with technical standards as well as their procedures of general application.

*Article 3***Harmonization of standards**

In the absence of international standards, Contracting Parties which apply national standards shall endeavour to harmonize them by way of international agreements.

*Article 4***Organization of controls**

1. The Contracting Parties shall endeavour:
 - to set up, where necessary and possible, stations for the control of compliance with technical standards, in conformity with traffic requirements,
 - to facilitate the movement of goods, in particular through the coordination of working hours of the service responsible for the control of compliance with technical standards and the customs services and agreement to effect clearance of perishable goods outside normal hours where their arrival has been notified in advance.
2. The control of compliance with technical standards may also be undertaken at points within the country provided that it can be shown, and the means of transport used are such, that the goods, and especially perishable goods, will not deteriorate during their transport.
3. Within the framework of Conventions in force the Contracting Parties shall endeavour to reduce, as far as possible, the physical controls en route of perishable goods subjected to control of compliance with technical standards.
4. The Contracting Parties shall organize control of compliance with technical standards, harmonizing wherever possible the procedures of the service responsible for these controls with those of any services responsible for other controls and inspections.
5. In the case of perishable goods held pending the results of control of compliance with technical standards, the competent control services of the Contracting Parties shall ensure that the storage of the goods or the parking of transport equipment shall take place with the minimum of customs formalities and in conditions providing for the conservation of the goods.

*Article 5***Goods in transit**

The controls of compliance with technical standards do not normally apply to goods in through transit.

*Article 6***Cooperation**

1. The services responsible for the control of compliance with technical standards shall cooperate with the corresponding services of other Contracting Parties so as to expedite the passage of perishable goods subjected to control of compliance with technical standards *inter alia* through the exchange of useful information.
 2. When a consignment of perishable goods is intercepted during control of compliance with technical standards, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.
-

ANNEX 6

QUALITY CONTROL

*Article 1***Principles**

Wherever carried out, quality control of the goods covered by this Convention, shall comply with the principles laid down in the Convention, and particularly in Annex 1 thereto.

*Article 2***Information**

Each Contracting Party shall ensure that information on the following is readily available to any person interested:

- the place where the goods may be presented for inspection,
- the requirements as set out in laws and regulations concerning quality control as well as their procedures of general application.

*Article 3***Organization of controls**

1. The Contracting Parties shall endeavour:
 - to set up, where necessary and possible, quality control stations, in conformity with traffic requirements;
 - to facilitate the movement of goods, in particular through the coordination of working hours of the quality control and customs services and agreement to effect clearance of perishable goods outside normal hours where their arrival has been notified in advance.
2. The quality control may be undertaken at points within the country provided that the procedures used contribute to facilitate the international movement of goods.
3. Within the framework of Conventions in force the Contracting Parties shall endeavour to reduce, as far as possible, the physical controls en route of perishable goods subjected to quality control.
4. The Contracting Parties shall organize quality control, harmonizing wherever possible the procedures of the service responsible for this control with those of any services responsible for other controls and inspections.

*Article 4***Goods in transit**

Quality controls do not normally apply to goods in through transit.

*Article 5***Cooperation**

1. The quality control services shall cooperate with the corresponding services of other Contracting Parties so as to expedite the passage of perishable goods subjected to quality control *inter alia* through the exchange of useful information.
2. When a consignment of perishable goods is intercepted during quality control, the competent service shall endeavour to notify the corresponding service of the country of exportation within as short a time as possible, indicating the reasons for the interception and the measures taken concerning the goods.

ANNEX 7

RULES OF PROCEDURE OF THE ADMINISTRATIVE COMMITTEE REFERRED TO IN
ARTICLE 22 OF THIS CONVENTION*Article 1***Members**

The members of the Administrative Committee shall be the Contracting Parties to this Convention.

*Article 2***Observers**

1. The Administrative Committee may decide to invite the competent administrations of all States which are not Contracting Parties, or representatives of international organizations which are not Contracting Parties, to attend, for questions which interest them, the sessions of the Committee as observers.

2. However, without prejudice to Article 1, the international organizations referred to in paragraph 1 which are competent for the subjects dealt with in the Annexes to this Convention, shall have the right to participate as observers in the work of the Administrative Committee.

*Article 3***Secretariat**

The Secretariat of the Committee shall be provided by the Executive Secretary of the Economic Commission for Europe.

*Article 4***Convocations**

The Executive Secretary of the Economic Commission for Europe shall convene the Committee:

- (i) two years after the Convention entered into force;
- (ii) thereafter, at a date fixed by the Committee, but not less frequently than every five years;
- (iii) at the request of the competent administrations of at least five States which are Contracting Parties.

*Article 5***Officers**

The Committee shall elect a chairman and a vice-chairman on the occasion of every session.

*Article 6***Quorum**

A quorum consisting of not less than one-third of the States which are Contracting Parties is required for the purposes of taking decisions.

*Article 7***Decisions**

- (i) Proposals shall be put to the vote.
- (ii) Each State which is a Contracting Party represented at the session shall have one vote.
- (iii) Where Article 16 (2) of the Convention applies, the regional economic integration organizations parties to the Convention shall have in case of voting only a number of votes equal to the total votes allotted to their Member States which are also parties to the Convention. In this latter case, these Member States do not exercise their right to vote.
- (iv) Subject to the provisions of subparagraph (v) below, proposals shall be adopted by a simple majority of the members present and voting in accordance with the conditions specified in subparagraphs (ii) and (iii) above.
- (v) Amendments to this Convention shall be adopted by a two-thirds majority of the members present and voting in accordance with the conditions specified in subparagraphs (ii) and (iii) above.

*Article 8***Report**

Before the closure of its session, the Committee shall adopt its report.

*Article 9***Supplementary provisions**

In the absence of relevant provisions in this Annex, the Rules of Procedure of the Economic Commission for Europe shall be applicable, unless the Committee decides otherwise.

II

(Acts whose publication is not obligatory)

COUNCIL

EIGHTH COUNCIL DIRECTIVE

of 10 April 1984

based on Article 54 (3) (g) of the Treaty on the approval of persons responsible for carrying out the statutory audits of accounting documents

(84/253/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 (3) (g) thereof,

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

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

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

Whereas, under Directive 78/660/EEC ⁽⁴⁾, the annual accounts of certain types of company must be audited by one or more persons entitled to carry out such audits from which only the companies mentioned in Article 11 of that Directive may be exempted;

Whereas the aforementioned Directive has been supplemented by Directive 83/349/EEC ⁽⁵⁾ on consolidated accounts;

Whereas the qualifications of persons entitled to carry out the statutory audits of accounting documents should be harmonized; whereas it should be ensured that such persons are independent and of good repute;

Whereas the high level of theoretical knowledge required for the statutory auditing of accounting documents and the ability to apply that knowledge in practice must be ensured by means of an examination of professional competence;

Whereas the Member States should be given the power to approve persons who, while not fulfilling all the conditions imposed concerning theoretical training, nevertheless have engaged in professional activities for a long time, affording them sufficient experience in the fields of finance, law and accountancy and have passed the examination of professional competence;

Whereas the Member States should also be authorized to adopt transitional provisions for the benefit of professional persons;

⁽¹⁾ OJ No C 112, 13. 5. 1978, p. 6; OJ No C 317, 18. 12. 1975, p. 6.

⁽²⁾ OJ No C 140, 5. 6. 1979, p. 154.

⁽³⁾ OJ No C 171, 9. 7. 1979, p. 30.

⁽⁴⁾ OJ No L 222, 14. 8. 1978, p. 11.

⁽⁵⁾ OJ No L 193, 18. 7. 1983, p. 1.

Whereas the Member States will be able to approve both natural persons and firms of auditors which may be legal persons or other types of company, firms or partnership;

Whereas natural persons who carry out the statutory audits of accounting documents on behalf of such firms of auditors must fulfill the conditions of this Directive;

Whereas a Member State will be able to approve persons who have obtained qualifications outside that State which are equivalent to those required by this Directive;

Whereas a Member State which, when this Directive is adopted, recognizes categories of natural persons who fulfil the conditions imposed in this Directive, but whose level of examination of professional competence is below university, final examination level, should be allowed to continue, under certain conditions and until subsequent coordination, to grant such persons special approval for the purpose of carrying out the statutory audits of the accounting documents of companies and bodies of undertakings, of limited size, when such Member State has not made use of the possibilities for exemption afforded by Community Directives in respect of the preparation of consolidated accounts;

Whereas this Directive does not cover either the right of establishment or the freedom to provide services with regard to persons responsible for carrying out the statutory audits of accounting documents;

Whereas recognition of the approval given to nationals of other Member States for the purpose of carrying out such audits will be specifically regulated by Directives on the taking up and pursuit of activities in the fields of finance, economics and accountancy, as well as on the freedom to provide services in those fields,

HAS ADOPTED THIS DIRECTIVE:

SECTION I

Scope

Article 1

1. The coordination measures prescribed in this Directive shall apply to the laws, regulations and administrative provisions of the Member States concerning persons responsible for:

- (a) carrying out statutory audits of the annual accounts of companies and firms and verifying that the annual reports are consistent with those annual accounts in so far as such audits and such verification are required by Community law;
- (b) carrying out statutory audits of the consolidated accounts of bodies of undertakings and verifying that the consolidated annual reports are consistent with those consolidated accounts in so far as such audits and such verification are required by Community law.

2. The persons referred to in paragraph 1 may, depending on the legislation of each Member State, be natural or legal persons or other types of company, firm or partnership (firms of auditors as defined in this Directive).

SECTION II

Rules on approval

Article 2

1. Statutory audits of the documents referred to in Article 1 (1) shall be carried out only by approved persons. The authorities of the Member States may approve only:

- (a) natural persons who satisfy at least the conditions laid down in Articles 3 to 19;
- (b) firms of auditors which satisfy at least the following conditions:
 - (i) the natural persons who carry out statutory audits of the documents referred to in Article 1 on behalf of firms of auditors must satisfy at least the conditions imposed in Articles 3 to 19; the Member States may provide that such natural persons must also be approved;
 - (ii) a majority of the voting rights must be held by natural persons or firms of auditors who satisfy at least the conditions imposed in Articles 3 to 19 with the exception of Article 11 (1) (b); the Member States may provide that such natural persons or firms of auditors must also be approved. However, those Member States which do not impose such majority at the time of the adoption of this Directive need not impose it provided that all the shares in a firm of auditors are registered and can be transferred only with the agreement of the firm

of auditors and/or, where the Member State so provides, with the approval of the competent authority;

- (iii) a majority of the members of the administrative or management body of a firm of auditors must be natural persons or firms of auditors who satisfy at least the conditions imposed in Articles 3 to 19; the Member States may provide that such natural persons or firms of auditors must also be approved. Where such body has no more than two members, one of those members must satisfy at least those conditions.

Without prejudice to Article 14 (2), the approval of a firm of auditors must be withdrawn when any of the conditions imposed in (b) is no longer fulfilled. The Member States may, however, provide for a period of grace of not more than two years for the purpose of meeting the requirements imposed in (b) (ii) and (iii).

2. For the purposes of this Directive, the authorities of the Member States may be professional associations provided that they are authorized by national law to grant approval as defined in this Directive.

Article 3

The authorities of a Member State shall grant approval only to persons of good repute who are not carrying on any activity which is incompatible, under the law of that Member State, with the statutory auditing of the documents referred to in Article 1 (1).

Article 4

A natural person may be approved to carry out statutory audits of the documents referred to in Article 1 (1) only after having attained university entrance level, then completed a course of theoretical instruction, undergone practical training and passed an examination of professional competence of university, final examination level organized or recognized by the State.

Article 5

The examination of professional competence referred to in Article 4 must guarantee the necessary level of theoretical knowledge of subjects relevant to the statutory auditing of the documents referred to in Article 1 (1) and the ability to apply such knowledge in practice.

Part at least of that examination must be written.

Article 6

The text of theoretical knowledge included in the examination must cover the following subjects in particular:

- (a) — auditing,
 — analysis and critical assessment of annual accounts,
 — general accounting,
 — consolidated accounts,
 — cost and management accounting,
 — internal audit,
 — standards relating to the preparation of annual and consolidated accounts and to methods of valuing balance sheet items and of computing profits and losses,
 — legal and professional standards relating to the statutory auditing of accounting documents and to those carrying out such audits;
- (b) in so far as they are relevant to auditing:
 — company law,
 — the law of insolvency and similar procedures,
 — tax law,
 — civil and commercial law,
 — social-security law and law of employment,
 — information and computer systems,
 — business, general and financial economics,
 — mathematics and statistics,
 — basic principles of the financial management of undertakings.

Article 7

1. By way of derogation from Articles 5 and 6, a Member State may provide that a person who has passed a university or equivalent examination or holds a university degree or equivalent qualification in one or more of the subjects referred to in Article 6 may be exempted from the test of theoretical knowledge in the subjects covered by that examination or degree.

2. By way of derogation from Article 5, a Member State may provide that a holder of a university degree or equivalent qualification in one or more of the subjects referred to in Article 6 may be exempted from the test of

the ability to apply in practice his theoretical knowledge of such subjects when he has received practical training in them attested by an examination or diploma recognized by the State.

Article 8

1. In order to ensure the ability to apply theoretical knowledge in practice, a test of which is included in the examination, a trainee must complete a minimum of three years' practical training in *inter alia* the auditing of annual accounts, consolidated accounts or similar financial statements. At least two-thirds of such practical training must be completed under a person approved under the law of the Member State in accordance with this Directive; the Member State may, however, permit practical training to be carried out under a person approved by the law of another Member State in accordance with this Directive.

2. Member States shall ensure that all training is carried out under persons providing adequate guarantees regarding training.

Article 9

Member States may approve persons to carry out statutory audits of the documents referred to in Article 1 (1) even if they do not fulfil the conditions imposed in Article 4, if they can show either:

- (a) that they have, for 15 years, engaged in professional activities which have enabled them to acquire sufficient experience in the fields of finance, law and accountancy and have passed the examination of professional competence referred to in Article 4, or
- (b) that they have, for seven years, engaged in professional activities in those fields and have, in addition, undergone the practical training referred to in Article 8 and passed the examination of professional competence referred to in Article 4.

Article 10

1. Member States may deduct periods of theoretical instruction in the fields referred to in Article 6 from the years of professional activity referred to in Article 9, provided that such instruction is attested by an examination recognized by the State. Such instruction must last not less than one year, nor may it reduce the

period of professional activity by more than four years.

2. The period of professional activity as well as the practical training must not be shorter than the programme of theoretical instruction and the practical training required by Article 4.

Article 11

1. The authorities of a Member State may approve persons who have obtained all or part of their qualifications in another State provided they fulfil the following two conditions:

- (a) the competent authorities must consider their qualifications equivalent to those required under the law of that Member State in accordance with this Directive; and
- (b) they must have furnished proof of the legal knowledge required in that Member State for purposes of the statutory auditing of the documents referred to in Article 1 (1). The authorities of that Member State need not, however, require such proof where they consider legal knowledge obtained in another State sufficient.

2. Article 3 shall apply.

Article 12

1. A Member State may consider to be approved, in accordance with this Directive, those professional persons who were approved by individual acts of that Member State's competent authorities before the application of the provisions referred to in Article 30 (2).

2. The admission of a natural person to a professional association recognized by the State where, according to the law of that State, such admission confers on the members of that association the right to carry out statutory audits of the documents referred to in Article 1 (1), may be considered as approval by individual act for the purposes of paragraph 1 of this Article.

Article 13

Until the application of the provisions referred to in Article 30 (2), a Member State may consider approved, in accordance with this Directive, those professional persons who have not been approved by individual acts of the competent authorities but who have nevertheless the same qualifications in that Member State as persons

approved by individual acts who on the date of approval are carrying out statutory audits of the documents referred to in Article 1 (1) on behalf of such approved persons.

Article 14

1. A Member State may consider to be approved in accordance with this Directive those firms of auditors which have been approved by individual acts of that Member State's competent authorities before the application of the provisions referred to in Article 30 (2).

2. The conditions imposed in Article 2 (1) (b) (ii) and (iii) must be complied with no later than the end of a period which may not be fixed at more than five years from the date of application of the provisions referred to in Article 30 (2).

3. Those natural persons who, until the application of the provisions referred to in Article 30 (2), carried out statutory audits of the documents referred to in Article 1 (1) in the name of a firm of auditors may, after that date, be authorized to continue to do so even if they do not fulfil all the conditions imposed by this Directive.

Article 15

Until one year after the application of the provisions referred to in Article 30 (2), those professional persons who have not been approved by individual acts of the competent authorities but who are nevertheless qualified in a Member State to carry out statutory audits of the documents referred to in Article 1 (1) and have in fact carried on such activities until that date may be approved by that Member State in accordance with this Directive.

Article 16

For one year after the application of the provisions referred to in Article 30 (2), Member States may apply transitional measures in respect of professional persons who, after that date, maintain the right to audit the annual accounting documents of certain types of company or firm not subject to statutory audit but who will no longer be able to carry out such audits upon the introduction of new statutory audits unless special measures are enacted for their benefit.

Article 17

Article 3 shall apply to Articles 15 and 16.

Article 18

1. For six years after the application of the provisions referred to in Article 30 (2), Member States may apply transitional measures in respect of persons already undergoing professional or practical training when those provisions are applied who, on completion of their training, would not fulfil the conditions imposed by this Directive and would therefore be unable to carry out statutory audits of the documents referred to in Article 1 (1) for which they had been trained.

2. Article 3 shall apply.

Article 19

None of the professional persons referred to in Articles 15 and 16 or of those persons referred to in Article 18 may be approved by way of derogation from Article 4 unless the competent authorities consider that they are fit to carry out statutory audits of the documents referred to in Article 1 (1) and have qualifications equivalent to those of persons approved under Article 4.

Article 20

A Member State which does not make use of the possibility provided for in Article 51 (2) of Directive 78/660/EEC and in which, at the time of the adoption of this Directive, several categories of natural persons may, under national legislation, carry out statutory audits of the documents referred to in Article 1 (1) (a) of this Directive, may, until subsequent coordination of the statutory auditing of accounting documents, specially approve, for the purpose of carrying out statutory audits of the documents referred to in Article 1 (1) (a) in the case of a company which does not exceed the limits of two of the three criteria established in Article 27 of Directive 78/660/EEC, natural persons acting in their own names who:

- (a) fulfil the conditions imposed in Articles 3 to 19 of this Directive save that the level of the examination of professional competence may be lower than that required in Article 4 of this Directive; and

(b) have already carried out the statutory audit of the company in question before it exceeded the limits of two of the three criteria established in Article 11 of Directive 78/660/EEC.

However, if a company forms part of a body of undertakings to be consolidated which exceeds the limits of two of the three criteria established in Article 27 of Directive 78/660/EEC, such persons may not carry out the statutory audit of the documents referred to in Article 1 (1) (a) of this Directive in the case of that company.

Article 21

A Member State which does not make use of the possibility provided for in Article 6 (1) of Directive 83/349/EEC and in which, when this Directive is adopted, several categories of natural persons may, under national legislation, carry out statutory audits of the documents referred to in Article 1 (1) (b) of this Directive may, until subsequent coordination of the statutory auditing of accounting documents, specially approve, for the purpose of carrying out statutory audits of the documents referred to in Article 1 (1) (b), a person approved pursuant to Article 20 of this Directive if on the parent undertaking's balance sheet date, the body of undertakings to be consolidated does not, on the basis of those undertakings' latest annual accounts, exceed the limits of two of the three criteria established in Article 27 of Directive 78/660/EEC, provided that he is empowered to carry out the statutory audit, of the documents referred to in Article 1 (1) (a) of this Directive, of all the undertakings included in the consolidation.

Article 22

A Member State which makes use of Article 20 may allow the practical training of the persons concerned as referred to in Article 8 to be completed under a person who has been approved under the law of that Member State to carry out the statutory audits referred to in Article 20.

SECTION III

Professional integrity and independence

Article 23

Member States shall prescribe that persons approved for the statutory auditing of the documents referred to in Article 1 (1) shall carry out such audits with professional integrity.

Article 24

Member States shall prescribe that such persons shall not carry out statutory audits which they have required if such persons are not independent in accordance with the law of the Member State which requires the audit.

Article 25

Articles 23 and 24 shall also apply to natural persons who satisfy the conditions imposed in Articles 3 to 19 and carry out the statutory audit of the documents referred to in Article 1 (1) on behalf of a firm of auditors.

Article 26

Member States shall ensure that approved persons are liable to appropriate sanctions when they do not carry out audits in accordance with Articles 23, 24 and 25.

Article 27

Member States shall ensure at least that the members and shareholders of approved firms of auditors and the members of the administrative, management and supervisory bodies of such firms who do not personally satisfy the conditions laid down in Articles 3 to 19 in a particular Member State do not intervene in the execution of audits in any way which jeopardizes the independence of the natural persons auditing the documents referred to in Article 1 (1) on behalf of such firms of auditors.

SECTION IV

Publicity

Article 28

1. Member States shall ensure that the names and addresses of all natural persons and firms of auditors approved by them to carry out statutory audits of the documents referred to in Article 1 (1) are made available to the public.

2. In addition, the following must be made available to the public in respect of each approved firm of auditors:

(a) the names and addresses of the natural persons referred to in Article 2 (1) (b) (i); and

(b) the names and addresses of the members or shareholders of the firm of auditors;

(c) the names and addresses of the members of the administrative or management body of the firm of auditors.

3. Where a natural person is permitted to carry out statutory audits of the documents referred to in Article 1 (1) in the case of a company according to the conditions referred to in Articles 20, 21 and 22, paragraph 1 of this Article shall apply. The category of company or firm or the bodies of undertakings in respect of which such an audit is permitted must, however, be indicated.

SECTION V

Final provisions

Article 29

The Contact Committee set up by Article 52 of Directive 78/660/EEC shall also:

(a) facilitate, without prejudice to Articles 169 and 170 of the Treaty, harmonized application of this Directive through regular meetings dealing, in particular, with practical problems arising in connection with its application;

(b) advise the Commission, if necessary, on additions or amendments to this Directive.

Article 30

1. Member States shall bring into force before 1 January 1988 the laws, regulations and administrative provisions necessary for them to comply with this Directive. They shall forthwith inform the Commission thereof.

2. Member States may provide that the provisions referred to in paragraph 1 shall not apply until 1 January 1990.

3. Member States shall ensure that they communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

4. Member States shall also ensure that they communicate, to the Commission, lists of the examinations organized or recognized pursuant to Article 4.

Article 31

This Directive is addressed to the Member States.

Done at Brussels, 10 April 1984.

For the Council

The President

C. CHEYSSON

COUNCIL DECISION

of 10 April 1984

amending Decision 79/783/EEC adopting a multiannual programme (1979 to 1983) in the field of data processing

(84/254/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

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

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

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

Whereas the use made of the mechanism for Community support in the field of data processing, provided in accordance with Regulation (EEC) No 1996/79 ⁽⁴⁾, has led to the maximum amount laid down in Article 2 of Decision 79/783/EEC ⁽⁵⁾ being used up as far as activities for the promotion of data processing are concerned;

Whereas the Council, when it adopted Decision 79/783/EEC, indicated that it was prepared, in the light of the results achieved by the programme during its first two years, to consider a new programme;

Whereas the number and quality of the projects supported justify continuing the use of the support mechanism for projects to promote data processing in accordance with Regulation (EEC) No 1996/79;

Whereas it is evident that continuation of the programme is necessary in order to achieve certain Community aims in the operation of the common market; whereas the Treaty does not provide specific powers for this purpose,

Article 1

The title of Decision 79/783/EEC is hereby replaced by the following:

'Council Decision of 11 September 1979 adopting a multiannual programme in the field of data processing'.

Article 2

Article 1 of Decision 79/783/EEC is hereby replaced by the following:

'Article 1

A multiannual programme is hereby adopted for the field of data processing. Its objects are as follows:

- general measures: standardization, public procurement, collaboration between research centres and organizations supporting the use of data processing, a study of the sector and of employment, the confidentiality and security of data, and legal protection for computer programmes,
- promotion measures: measures covering software, applications and aspects to be agreed on by the Council in the light of the studies carried out within the framework of the general measures and pursuant to the Council resolution of 11 September 1979 on a Community action promoting micro-electronic technology ⁽¹⁾.

The programme is defined in the Annex hereto. The duration of the programme shall be four years for the general measures; and the promotion measures; it shall be extended for two years from 15 April 1984 for the promotion measures.'

⁽¹⁾ OJ No C 193, 28. 7. 1982, p. 4

⁽²⁾ OJ No C 128, 16. 5. 1983, p. 101.

⁽³⁾ OJ No C 346, 31. 12. 1982, p. 12.

⁽⁴⁾ OJ No L 231, 13. 9. 1979, p. 1.

⁽⁵⁾ OJ No L 231, 13. 9. 1979, p. 23.

Article 3

Article 2 of Decision 79/783/EEC is hereby replaced by the following:

'Article 2

The amounts estimated as necessary for the implementation of the programme shall be 10 million European units of account for the general projects and 30 million ECU for the promotion projects.'

Article 4

The Annex to Decision 79/783/EEC shall be replaced by the Annex to this Decision.

Done at Brussels, 10 April 1984.

For the Council

The President

C. CHEYSSON

ANNEX

MULTIANNUAL PROGRAMME FOR A COMMUNITY POLICY IN THE FIELD OF DATA PROCESSING

1. GENERAL MEASURES

1.1. STANDARDIZATION POLICY

Aims:

- (a) to define priority sectors after the widest possible consultation with users and industry;
- (b) to promote research or any other form of action designed to foster a Community contribution towards international standards and, where necessary, practices approved at Community level;
- (c) to ensure that the Member States apply standards approved at Community level, particularly in the public sector, and to encourage their general application through concerted measures between nation centres competent in the matter;
- (d) to look to the dissemination of Community information in the field of standardization;
- (e) to facilitate contribution of Community organizations towards international standardization.

1.2. PUBLIC PROCUREMENT

Aims:

- (a) to determine the most efficient methods for the rapid application in the public procurement sector of standards on which agreement has been reached;
- (b) to examine the measures required in the public procurement sector to assist European industry in preparing for the full application of the relevant Community rules;
- (c) to coordinate national efforts concerning the general appraisal of systems and, in conjunction with national research centres in the field of data processing, to lay down principles for the establishment of appraisal criteria;
- (d) to study the possibility of laying down a number of principles to be applied in the evaluation of tenders;
- (e) to study the possibility of establishing common principles on the basis of which standard conditions of contract can be drawn up;
- (f) to organize exchanges of technical experience between national departments responsible for public procurement and to promote these exchanges by coordinating the work of national research centres in the field of data processing;
- (g) to compare the progress of European industry with the measures taken by the Member States in the area of data-processing procurement; to collect the necessary statistical data; to facilitate the establishment of equal conditions for the access of companies to Community markets within the framework of Council Directive 77/62/EEC of 21 December 1976 coordinating procedures for the award of public supply contracts ⁽¹⁾;
- (h) to identify topics likely to lead to the development of projects of common interest to public procurement agencies.

⁽¹⁾ OJ No L 13, 15. 1. 1977, p. 1.

1.3. GENERAL ASPECTS OF THE DATA-PROCESSING POLICY

1.3.1. Collaboration in research and development

Aims:

- (a) the establishment of procedure for joint consultations between research centres and with the Community to ensure effective contact with the Commission in the framework of the Community data-processing policy;
- (b) the execution or extension of studies in support of the use of informatics which are decided on by the Council ⁽¹⁾;
- (c) a contribution towards the studies decided on by the Council in the field of software portability ⁽²⁾, and towards their development with regard to selection criteria and the assessment of certain factors;
- (d) the assistance of experts in contributing towards examination of technical documents as regards the award of contracts in the field of data processing;
- (e) the discussion and possible definition of research projects in the context of the Community data-processing policy, for the purpose of:
 - (i) promoting collaboration and the exchange of results between research teams, users and groups of users,
 - (ii) pooling of resources,
 - (iii) developing solutions to transnational problems,
 - (iv) transferring results to industry,
 - (v) promoting standardization,in particular by support for:
 - (i) the mobility of research workers and for other forms of collaboration relating to research into real-time data processing, and
 - (ii) concerting the Member States' research activities in the field of network technology.

1.3.2. Medium-term study of the data-processing sector

Aims:

- (a) continuation on a permanent basis of the work which led to the preparation of the report on developments in the data-processing sector required under the Council resolution of 15 July 1974 on a Community policy on data processing;
- (b) widening of the terms of reference of the work to include forward data in the medium and long term. In this context, the execution of studies of the market and the priorities for possible common measures in the field of peri-informatics;
- (c) establishment of the necessary relations with organizations working in similar fields so as to compare the results obtained and avoid duplication;
- (d) preparation of an annual consolidated report containing an interpretation of statistical data and the appropriate diagnoses;
- (e) systematic studies in the field of electronic component technology with a view to defining the aspects of and ways of implementing projects which will be the subject of Commission proposals under the Council resolution of 11 September 1979 on a Community project promoting micro-electronic technology.

⁽¹⁾ OJ No L 255, 6. 10. 1977, p. 25.

⁽²⁾ OJ No L 255, 6. 10. 1977, p. 22.

1.3.3. Effects of data processing on employment and its impact on society*Aims:*

- (a) introduction, with the Governments of the Member States and both sides of industry, of suitable methods for ensuring the collection of data or the holding of any necessary discussions on the subject;
- (b) inclusion of employment problem in the medium- and long-term study of the data-processing sector, including regional aspects;
- (c) other aspects of the impact of data processing on society, in particular training problems.

1.3.4. Confidentiality and data security*Aims:*

- (a) further studies on confidentiality and data security;
- (b) examination of legislation in force or in preparation in the Member States and discussion of harmonization possibilities and of instruments which might be implemented at Community level;
- (c) development at Community level of cooperation with non-member States with a view to the exchange of knowledge and of experience gained in this field.

1.3.5. Legal protection for computer programs*Aims:*

- (a) consultation by the Commission with the circles concerned;
- (b) development of suitable relations between the Commission and national or international bodies dealing with the problem.

2. PROMOTION MEASURES**2.1. GENERAL OBJECTIVES AND CRITERIA****2.1.1. The programme is designed to promote projects of Community interest meeting the following objectives:**

- (a) contribution towards standardization and software portability policies;
- (b) better use of data processing and the creation of more uniform markets;
- (c) rationalization of public expenditure;
- (d) development in the Community of a strong and competitive European data-processing industry, in particular through industrial cooperation which would enable it to achieve better market penetration;
- (e) applications which improve the competitiveness of European industry, thus expanding its share of exports to markets of non-member States.

2.1.2. The promotion measures concern the software and applications sub-sector, with priority for ADA and new technological developments in the application of distributed data-base techniques in connection with trans-national information systems.**2.1.3. Financing will be provided by the Community support scheme. Since undertakings should, in principle, see themselves that their development projects are implemented, the scheme is designed in particular to supplement the financing of projects presenting too high a degree of risk to be assumed by the private sector alone.**

With a view to making the most efficient use of public funds in the Community and to strengthening the competitiveness of European industry, national programmes and measures in this sector must be coordinated, so that national programmes and the Community programme become complementary aspects contributing to a common effort and thereby help to establish balanced competition.

2.1.4. All projects must satisfy the following general criteria:

- (a) studies and developments must be capable of being completed within the space of four years;
- (b) the project must not be dependent on a prior process of legal or other harmonization;
- (c) implementation of a project at Community level must bring economic or technical benefits; such benefits must be greater than those it would achieve at national level, where, in the absence of Community aid, the project could not be implemented, or could be implemented only with difficulty;
- (d) encouragement will be given to projects involving industrial cooperation between undertakings from different Member States. The efficiency of the proposed method of cooperation will therefore be a factor in the assessment, the aim being to foster the development of commercially viable industrial structures adapted to the European scale and to strengthen competition;
- (e) projects proposed by users should be based on cooperation on a scale of more than one Member State;
- (f) any software developed in these projects must be portable.

2.2. SOFTWARE AND APPLICATIONS

2.2.1. General software

Support may be granted for studies and projects on the development of general software which, in addition to satisfying the general criteria set out under 2.1.4, meet one or more of the following objectives:

- (a) the implementation and diffusion of standards and norms;
- (b) improved portability;
- (c) improved conversion conditions;
- (d) greater efficiency of data-processing systems;
- (e) the development of network management techniques or of techniques relating to distributed data processing, with a view to a more general use of Community standards and norms.

2.2.2. Applications

Support may be granted for applications which, in addition to satisfying the general criteria set out in 2.1.4, possess one or more of the following features:

- (a) applications of a transnational character (e.g. environmental monitoring, air, sea and land traffic control, international transport operations, customs);
- (b) applications which help, through data processing, to fulfill specific European Economic Community policy aims (e.g. free movement of labour and capital, international communications, agricultural and regional policies, energy policy, environmental protection, social policy);
- (c) applications which make for obvious savings in public expenditure through either a joint study or joint development (e.g. health, medical and educational applications likely to be implemented in more than one Member State);
- (d) applications which increase productivity and competitiveness in economic sectors important to the Community through effective application, taking particular account of standardization

objectives, of data-processing techniques, such as computer-aided design (CAD), process and industrial control systems and automated administrative systems, where a common need arises;

- (e) applications whose implementation at Community level is such as to have a significant impact on standards on a Community scale and on strategic developments in the field of distributed data processing, such as networks, data communication, etc.

2.3. PERI-INFORMATICS AND MICRO-ELECTRONIC TECHNOLOGY

In the light of developments in the programme and of studies carried out within the framework of those referred to in 1.3.2, the Commission will be able to submit to the Council proposals on support for these aspects and on other aspects.

Criteria and more precise objectives shall be drawn up in the light of the studies undertaken and of consultation between the Member States in the Advisory Committee for the Management and Coordination of Data-Processing Programmes. The objective of such consultation will be to insert in the Community framework any promotion programme which may appear necessary.

COUNCIL DECISION

of 10 April 1984

on the conclusion of an Agreement in the form of an exchange of letters amending the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Finland concerning reciprocal trade in cheese

(84/255/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

Having regard to the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Finland,

Having regard to the recommendation from the Commission,

Whereas it has proved desirable to amend some of the provisions of the Arrangement for a concerted discipline in order to bring it more closely into line with actual market requirements;

Whereas the Commission initiated consultations with the Republic of Finland on this subject and an agreement satisfactory to both parties was reached,

Article 1

The Agreement amending the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Finland concerning reciprocal trade in cheese in the form of an exchange of letters is hereby approved, on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

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

Done at Brussels, 10 April 1984.

For the Council

The President

C. CHEYSSON

AGREEMENT

in the form of an exchange of letters amending the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Finland concerning reciprocal trade in cheese

Letter No 1

Brussels,

Your Excellency,

I have the honour to refer to the Temporary Arrangement between the European Economic Community and the Republic of Finland for a concerted discipline concerning reciprocal trade in cheese, signed in Brussels on 9 December 1981, and to the exchange of letters signed in Brussels on 12 October 1983.

I. At the consultations held under Part II, paragraph 5 of the Temporary Arrangement it was considered desirable to change some of the provisions thereof in order to bring it more closely into line with actual market requirements. Thus, it was thought necessary to change in respect of certain categories of cheese:

- the quantities laid down in Part II, paragraph 2 (a) and (b) of the Arrangement,
- the duties on imports into Finland laid down in Part II, paragraph 2 (b) of the Arrangement.

II. By common accord, the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Finland concerning reciprocal trade in cheese is hereby amended as follows:

Part II, paragraph 2 shall be replaced by the following:

2. The European Economic Community and the Republic of Finland will establish for the same period as the suspensions mentioned in paragraph 1 the following trade arrangements:

For the period 1 January to 31 December 1984, for the cheeses listed below, the quantities traded and the duties to be levied on importation may not exceed the following levels:

- (a) *On importation into the Community*

Cheese falling within heading No 04.04 of the Common Customs Tariff originating in and coming from Finland, accompanied by an approved certificate:

| | <i>Quantities</i> | <i>Import duty</i> |
|--|--|----------------------------|
| — Finlandia, of a minimum fat content of 45 %, by weight, in the dry matter matured for at least 100 days, in rectangular blocks, of a net weight of not less than 30 kilograms, falling within subheading 04.04 E I b) 2 of the Common Customs Tariff | 6 250 tonnes including a maximum of 2 900 tonnes for Finlandia | 18,13 ECU/100 kilograms |
| — Emmentaler, Gruyère, Sbrinz and Bergkäse, not grated or powdered, of a minimum fat content of 45 % by weight in the dry matter, matured for at least three months, falling within subheading 04.04 A of the Common Customs Tariff: | | |
| — whole cheeses | | |
| — pieces packed in vacuum or in inert gas with rind on at least one side, of a net weight of not less than 1 kilogram but less than 5 kilograms | 1 600 tonnes | 18,13 ECU/100 kilograms |
| — Processed cheese, not grated or powdered, in the blending of which only Emmentaler, Gruyère and Appenzeller have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger), put up for retail sale, of a fat content, by weight, in the dry matter, not exceeding 56 %, falling within subheading 04.04 D of the Common Customs Tariff | 550 tonnes | 36,27 ECU/100 kilograms |
| — Tilsit, matured for at least one month, falling within subheading 04.04 E I b) 2 of the Common Customs Tariff | 100 tonnes | 55 ECU/100 kilograms |
| — Other | 0 tonnes | — |

(b) *On importation into Finland*

Cheese falling within heading No 04.04 of the Finnish Customs Tariff, originating in and coming from the European Economic Community, and accompanied by an approved certificate of quality and origin:

| | <i>Import duty</i> | <i>Quantity</i> |
|-----------------------------------|------------------------|---|
| 04.04.150 Fresh cheese, curd | two-thirds of the levy | } 1 000 tonnes with no restrictions as to type or quality |
| 04.04.200 Processed cheese | one-third of the levy | |
| 04.04.300 Whey cheese | two-thirds of the levy | |
| 04.04.400 Mould-cured cheese | one-sixth of the levy | |
| 04.04.901 Emmentaler-type cheeses | full levy | |
| 04.04.902 Edam-type cheeses | full levy | |
| 04.04.909 Other cheeses: | | |
| — 'soft matured cheeses' (*) | one-sixth of the levy | |
| — other | one-third of the levy | |

(*) By soft matured cheeses are understood those which are processed or matured by biological agents such as moulds, yeasts or other organisms leading to the formation of a visible rind on the surface of the cheese. The effects of the processing or maturing must progress visibly from the surface towards the interior of the cheese.

The minimum fat content by weight in the dry matter shall be 50 %.

The minimum water content by weight in the non-fatty matter shall be 65 %.

The following are examples of some cheeses that could correspond to this definition:

| | | |
|----------------|-------------|-----------------|
| Bibress | Coulommiers | Munster |
| Brie | Epoisse | Pont-l'Évêque |
| Camembert | Herve | Reblochon |
| Cambré | Limbourg | Saint-Marcellin |
| Carré de l'Est | Livarot | Taleggio |
| Chaource | Maroilles | |

Examples of cheeses sold under brand names are:

| | |
|-------------------|--------------------|
| Boursault | Ducs (Suprême des) |
| Caprice des Dieux | Explorateur. |

III. All other provisions of the Arrangement shall remain unchanged.

I should be grateful if you would confirm that you are in agreement with the contents of this letter.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

Letter No 2

Brussels,

Sir,

I have the honour to confirm the Agreement of my Government with the contents of your letter of today's date which reads as follows:

'Your Excellency,

I have the honour to refer to the Temporary Arrangement between the European Economic Community and the Republic of Finland for a concerted discipline concerning reciprocal trade in cheese, signed in Brussels on 9 December 1981, and to the exchange of letters signed in Brussels on 12 October 1983.

I. At the consultations held under Part II, paragraph 5 of the Temporary Arrangement it was considered desirable to change some of the provisions thereof in order to bring it more closely into line with actual market requirements. Thus, it was thought necessary to change in respect of certain categories of cheese:

- the quantities laid down in Part II, paragraph 2 (a) and (b) of the Arrangement,
- the duties on imports into Finland laid down in Part II, paragraph 2 (b) of the Arrangement.

II. By common accord, the Temporary Arrangement for a concerted discipline between the European Economic Community and the Republic of Finland concerning reciprocal trade in cheese is hereby amended as follows:

Part II, paragraph 2 shall be replaced by the following:

"2. The European Economic Community and the Republic of Finland will establish for the same period as the suspensions mentioned in paragraph 1 the following trade arrangements:

For the period 1 January to 31 December 1984, for the cheeses listed below, the quantities traded and the duties to be levied on importation may not exceed the following levels:

(a) *On importation into the Community*

Cheese falling within heading No 04.04 of the Common Customs Tariff originating in and coming from Finland, accompanied by an approved certificate:

- | | <i>Quantities</i> | <i>Import duty</i> |
|--|-------------------|--------------------|
| — Finlandia, of a minimum fat content of 45 %, by weight, in the dry matter matured for at least 100 days, in rec- | | |

| | | |
|--|---|-------------------------|
| tangular blocks, of a net weight of not less than 30 kilograms, falling within subheading 04.04 E I b) 2 of the Common Customs Tariff | 6 250 tonnes including a maximum of 2 900 tonnes for Finlandia | 18,13 ECU/100 kilograms |
| — Emmentaler, Gruyère, Sbrinz and Bergkäse, not grated or powdered, of a minimum fat content of 45 % by weight in the dry matter, matured for at least three months, falling within subheading 04.04 A of the Common Customs Tariff: | | |
| — whole cheeses | | |
| — pieces packed in vacuum or in inert gas with rind on at least one side, of a net weight of not less than 1 kilogram but less than 5 kilograms | 1 600 tonnes | 18,13 ECU/100 kilograms |
| — Processed cheese, not grated or powdered, in the blending of which only Emmentaler, Gruyère and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger), put up for retail sale, of a fat content, by weight, in the dry matter, not exceeding 56 %, falling within subheading 04.04 D of the Common Customs Tariff | 550 tonnes | 36,27 ECU/100 kilograms |
| — Tilsit, matured for at least one month, falling within subheading 04.04 E I b) 2 of the Common Customs Tariff | 100 tonnes | 55 ECU/100 kilograms |
| — Other | 0 tonnes | — |

(b) *On importation into Finland*

Cheese falling within heading No 04.04 of the Finnish Customs Tariff, originating in and coming from the European Economic Community, and accompanied by an approved certificate of quality and origin:

| | <i>Import duty</i> | <i>Quantity</i> |
|-----------------------------------|------------------------|---|
| 04.04.150 Fresh cheese, curd | two-thirds of the levy | } 1 000 tonnes with no restrictions as to type or quality |
| 04.04.200 Processed cheese | one-third of the levy | |
| 04.04.300 Whey cheese | two-thirds of the levy | |
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| 04.04.901 Emmentaler-type cheeses | full levy | |
| 04.04.902 Edam-type cheeses | full levy | |
| 04.04.909 Other cheeses: | | |
| — 'soft matured cheeses' (*) | one-sixth of the levy | |
| — other | one-third of the levy | |

(*) By soft matured cheeses are understood those which are processed or matured by biological agents such as moulds, yeasts or other organisms leading to the formation of a visible rind on the surface of the cheese. The effects of the processing or maturing must progress visibly from the surface towards the interior of the cheese.

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The minimum water content by weight in the non-fatty matter shall be 65 %.

The following are examples of some cheeses that could correspond to this definition:

| | | |
|----------------|-------------|-----------------|
| Bibress | Coulommiers | Munster |
| Brie | Epoisse | Pont-l'Evêque |
| Camembert | Herve | Reblochon |
| Cambré | Limbourg | Saint-Marcellin |
| Carré de l'Est | Livarot | Taleggio |
| Chaource | Maroilles | |

Examples of cheeses sold under brand names are:

| | |
|-------------------|--------------------|
| Boursault | Ducs (Suprême des) |
| Caprice des Dieux | Explorateur". |

III. All other provisions of the Arrangement shall remain unchanged.

I should be grateful if you would confirm that you are in agreement with the contents of this letter.'

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

*For the Government
of the Republic of Finland*