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## COUNCIL

## COUNCIL DECISION

of 10 December 1984

concerning the conclusion of a Community – COST Concertation Agreement on five concerted action projects in the field of environment

(84/639/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

*Article 1*

Having regard to Council Decision 81/213/EEC of 3 March 1981 adopting a sectoral research and development programme in the field of environment (environmental protection and climatology) – indirect and concerted actions – (1981 to 1985) <sup>(1)</sup> as revised by Decision 84/139/EEC <sup>(2)</sup>, and in particular Article 8 (1) thereof,

The Community – COST Concertation Agreement on five concerted action projects in the field of environment is hereby approved on behalf of the European Economic Community.

The text of the Agreement is attached hereto.

*Article 2*

Having regard to the proposal from the Commission,

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

Whereas, pursuant to Article 8 (2) of Decision 81/213/EEC, the Commission has negotiated an Agreement with some third States involved in European cooperation in the field of scientific and technical research (COST) with a view to associating them wholly or partly with this programme;

Done at Brussels, 10 December 1984.

Whereas this Agreement should be approved,

*For the Council*

*The President*

A. DUKES

<sup>(1)</sup> OJ No L 101, 11. 4. 1981, p. 1.

<sup>(2)</sup> OJ No L 71, 14. 3. 1984, p. 13.

**COMMUNITY – COST CONCERTATION AGREEMENT ON FIVE CONCERTED ACTION PROJECTS IN THE FIELD OF ENVIRONMENT**

THE EUROPEAN ECONOMIC COMMUNITY,  
hereinafter referred to as 'the Community',

THE SIGNATORY STATES TO THIS AGREEMENT,  
hereinafter referred to as 'the participating non-member States',

whereas European cooperation in the field of environment is likely to contribute effectively to the reduction of environmental pollution and to a more economic use of natural resources;

whereas a Community – COST Concertation Agreement on a concerted action project on physico-chemical behaviour of atmospheric pollutants (COST Project 61a bis) was concluded between the Community, Austria, Sweden, Switzerland and Yugoslavia on 27 March 1980 and expired on 31 December 1983;

whereas a Community – COST Agreement on a concerted action project on analysis of organic micropollutants in water (COST Project 64b bis) was concluded between the Community, Spain, Norway, Portugal, Sweden, Switzerland and Yugoslavia on 27 March 1980 and expired on 31 December 1984;

whereas a Community – COST Concertation Agreement on a concerted action project on treatment and use of sewage sludge (COST Project 68 ter) was concluded between the Community, Austria, Finland, Norway, Sweden and Switzerland on 16 February 1982 and expired on 31 December 1983;

whereas a memorandum of understanding on a European research project on benthic coastal ecology (COST Project 47), carried out in the framework of European cooperation in the field of scientific and technical research (COST) was signed by the Community, Belgium, Denmark, France, Germany, Ireland, the Netherlands, the United Kingdom, Spain, Norway, Portugal and Sweden on 5 April 1979 and expired on 4 April 1984;

whereas the abovementioned concerted action projects have produced very encouraging results;

whereas by its Decision of 3 March 1981 the Council of the European Communities adopted a sectorial research

and development programme in the field of environment (environmental protection and climatology) – indirect and concerted actions – (1981 to 1985);

whereas by its Decision of 1 March 1984 the Council of the European Communities adopted the revision of the programme adopted by its Decision of 3 March 1981 and this revision includes five concerted action projects respectively on physico-chemical behaviour of atmospheric pollutants, hereinafter referred to as 'COST Project 611', organic micropollutants in the aquatic environment, hereinafter referred to as 'COST Project 641', treatment and use of organic sludges and liquid agricultural wastes, hereinafter referred to as 'COST Project 681', benthic coastal ecosystems, hereinafter referred to as 'COST Project 647' and air pollution effects on terrestrial and aquatic ecosystems, hereinafter referred to as 'COST Project 612';

whereas the Member States of the Community and the participating non-member States, hereinafter referred to as 'the States', intend, subject to the rules and procedures applicable to their national programmes, to carry out the research described in Annex A and are prepared to integrate such research into a process of concertation which they consider will be of mutual benefit;

whereas the implementation of the research covered by the concerted action projects will require a financial contribution of approximately 60 million ECU from the States,

HAVE AGREED AS FOLLOWS:

*Article 1*

The Community and the participating non-member States, hereinafter referred to as 'the Contracting Parties', shall participate for a period extending until 31 December 1985 in one or more of the following concerted action projects: COST Project 611, COST Project 641, COST Project 681, COST Project 647 and COST Project 612.

These projects shall consist in concertation between the Community concerted action programmes and the corresponding programmes of the participating non-member States. Research topics covered by this Agreement are listed in Annex A.

The States shall remain entirely responsible for the research carried out by their national institutions or bodies.

*Article 2*

Concertation between the Contracting Parties shall be effected through Community – COST Concertation Committees, one for each project, hereinafter referred to as 'the Committees'.

The Committees shall draw up their rules of procedure. Their Secretariats will be provided by the Commission of the European Communities, hereinafter referred to as 'the Commission'.

The terms of reference and the composition of these Committees are defined in Annex B.

*Article 3*

In order to ensure optimum efficiency in the execution of these concerted action projects, project leaders may be appointed by the Commission in agreement with the delegates of the participating non-member States on the Committees.

*Article 4*

The estimated financial contributions by the Contracting Parties to the coordination costs for the period referred to in the first paragraph of Article 1 shall be:

- COST Project 611:  
260 000 ECU from the Community,  
26 000 ECU from each participating non-member State;
- COST Project 641:  
260 000 ECU from the Community,  
26 000 ECU from each participating non-member State;
- COST Project 681:  
260 000 ECU from the Community,  
26 000 ECU from each participating non-member State;
- COST Project 647:  
260 000 ECU from the Community,  
26 000 ECU from each participating non-member State;
- COST Project 612:  
260 000 ECU from the Community,  
26 000 ECU from each participating non-member State;

The ECU is that defined by the Financial Regulation in force applicable to the general budget of the European Communities and by the financial arrangements adopted pursuant thereto.

The rules governing the financing of the Agreement are set out in Annex C.

*Article 5*

1. Through the Committees, the States shall exchange regularly all useful information resulting from the execution of the research covered by the concerted action projects. They shall also endeavour to provide information on similar research planned or carried out by other bodies. Any information shall be treated as confidential if the State which provides it so requests.

2. In agreement with the Committees, the Commission shall prepare annual progress reports on the basis of the information supplied and shall forward them to the States.

3. As the end of the concertation period, the Commission shall, in agreement with the Committees, forward to the non-member States the general reports on the execution and results of the projects. These reports shall be published by the Commission not later than six months after they have been forwarded, unless one of those States objects. In that case the reports shall be treated as confidential and shall be forwarded, on request and with the agreement of the Committees, solely to the institutions and undertakings whose research or production activities justify access to knowledge resulting from the performance of the research covered by the concerted action projects.

*Article 6*

1. This Agreement shall be open for signature by the Community and by the non-member States which took part in the ministerial conference held in Brussels on 22 and 23 November 1971.

2. As a condition precedent to its participating in the concerted action projects defined in Article 1, each of the Contracting Parties shall, when signing this Agreement, have notified the Secretary-General of the Council of the European Communities of the concerted action projects in which it intends to participate and, after signing this Agreement, have notified the Secretary-General of the Council of the European Communities not later than 30 June 1985 of the completion of the procedures necessary under its internal provisions for the implementation of this Agreement.

3. For the Contracting Parties which transmit the latter notification provided for in paragraph 2, this Agreement shall come into force on the first day of the month following that in which the Community and at least one of the participating non-member States transmitted these notifications.

For those Contracting Parties which transmit the notification after the entry into force of this Agreement, it shall come into force on the first day of the second month following the month in which the notification was transmitted.

Contracting Parties have not transmitted this notification when this Agreement comes into force shall be able to take part in the work of the Committee without voting rights until 30 June 1985.

4. The Secretary-General of the Council of the European Communities shall inform each of the Contracting Parties of the notifications made pursuant to paragraph 2 and of the date of entry into force of the Agreement.

#### *Article 7*

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European

Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of the participating non-member States.

#### *Article 8*

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek and Italian languages, each text being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities which shall transmit a certified copy to each of the Contracting Parties.

## ANNEX A

## RESEARCH TOPICS COVERED BY THE AGREEMENT

## COST Project 611 – Physico-chemical behaviour of atmospheric pollutants

- (a) Improvement of standardization of analytical methods, especially for  $\text{NO}_x$ , hydrocarbons and photochemical oxidants;
- (b) Elucidation of mechanisms and rate constants of the reactions between atmospheric pollutants and of their reactions with natural constituents of the atmosphere, in particular in the aqueous state, including: oxidation and degradation chemistry of selected atmospheric pollutants in fresh and sea water, reactions with soil constituents, and the investigation of catalytic processes in cloud and rainwater chemistry;
- (c) Investigation of the physico-chemical processes leading to the formation of particles, characterization of the chemical and physical nature of very fine aerosols, and determination of the chemical composition of aerosols;
- (d) Identification and quantification of sources and sinks of various pollutants, especially for nitrogen oxides;
- (e) Investigation of phenomena leading to 'acid deposition' with particular emphasis on:
  - conversion, transport and deposition (dry and wet) of  $\text{SO}_2$ ,  $\text{NO}_x$  and aerosol particles,
  - analysis of precipitation chemistry data for acidity trends,
  - $\text{NO}_x$  chemistry in cloud droplets and chemical composition of cloud and rainwater,
  - dry deposition of  $\text{NO}_x$  and  $\text{HNO}_3$ ,
  - the role of oxidizing agents like  $\text{OH}$ ,  $\text{HO}_2$ ,  $\text{H}_2\text{O}_2$ ,
  - physico-chemical conversion of air pollutants after deposition, considering water bodies and soil,
  - analytical techniques for the measurement of ammonia, nitric acid and hydrogen peroxide in both gas and liquid phase at low concentrations,
  - analytical methods for the determination of acidity of aerosols;
- (f) Modelling of the diffusion of heavy gases (chlorine, phosgene, hydrocarbons, solvents) after accidental release, including development of three-dimensional models and testing in wind tunnels and under field conditions;
- (g) Elaboration of test protocols which enable abiotic degradability of chemicals to be predicted, in particular for persistent compounds.

## COST Project 641 – Organic micropollutants in the aquatic environment

- (a) Analytical methodologies and data treatment:
  - basic analytical techniques, including sampling and sample treatment, gas chromatography, high-pressure liquid chromatography, mass spectrometry,
  - specific analytical problems, in particular analysis of selected classes of compounds, such as those likely to be regulated by Directive 76/464/EEC, chlorinated paraffins, tensides, optical brighteners and metal-organic compounds,
  - collection and treatment of analytical data;
- (b) Physical/chemical behaviour of organic micropollutants in the aquatic environment:
  - distribution and transport mechanisms,
  - structure/activity relationships,
  - bioavailability and bioaccumulation;

- (c) Transformation reactions in the aquatic environment:
  - chemical and photochemical reactions,
  - biological transformations;
- (d) Behaviour and transformation of organic micropollutants in water treatment processes:
  - infiltration,
  - waste water treatment,
  - drinking water treatment (including haloform formation).

**COST Project 681 – Treatment and use of organic sludges and liquid agricultural wastes**

- (a) Treatment of sludges and agricultural wastes:
  - further improvement of conventional treatment methods, mainly with regard to their economic aspects and of processes for biogas production from sludges and manures,
  - study of technologies specifically applicable to small plants and of processes to eliminate heavy metals at their source;
- (b) Analysis of sludges and residues:
  - development and standardization of economic multi-element methods for the analysis of trace elements in sludges, soils and plants, and for the analysis of organic pollutants;
- (c) Hygienic aspects of treatment and use of sludges:
  - elaboration and improvement of methods for the detection and identification of bacteria, viruses and other pathogens, and study of their survival and contamination potential,
  - investigations of the efficiency of hygienization processes, definition of 'indicator organisms';
- (d) Nuisances:
  - odour characterization and emission control;
- (e) Environmental effects of spreading of sludges and manure:
  - long-term field experiments on the accumulation of heavy metals, their availability to crops and on transfer of pollutants via soil to plants, and assessment of various application methods with regard to ground and surface water pollution;
- (f) Improvement of land use of sludge and manure:
  - long-term field experiments on fertilizing value and soil improvement properties of sludges and manures,
  - improvement of treatment processes and spreading equipment with regard to optimum land use,
  - study of the agricultural value of residues from treatment processes,
  - use of sludges and derived products for land reclamation and specific crops (e.g. biomass production);
- (g) Use of ecosystem residues as animal feed.

**COST Project 647 – Benthic coastal ecosystems**

Implementation of 'baseline-studies' for selected key species in undisturbed conditions along the European North Sea and Atlantic coast, in the Mediterranean and in the Baltic Sea for the following habitats:



- subtidal sediments,
- intertidal sediments,
- subtidal rock,
- intertidal rock;

Assessment of the role of:

- local physical factors,
- biological interactions,
- climatic and hydrographic factors on the population dynamics of selected components of benthic coastal ecosystems.

#### **COST Project 612 – Air pollution effects on terrestrial and aquatic ecosystems**

- (a) Direct effect of air pollutants (SO<sub>2</sub>, NO<sub>x</sub>, HCl, ozone, photochemical oxidants and their atmospheric reaction products) on plants and terrestrial ecosystems;
- (b) Indirect effects of such air pollutants on plants and terrestrial ecosystems, e.g. via the acidification of soil and the mobilization of phytotoxic elements;
- (c) Links between the effects of air pollutants and other factors involved in the observed phenomenon of severely damaged terrestrial ecosystems, in particular forests, such as **drought, plant diseases, fungi and pests**;
- (d) Effects of air pollutants and their reaction products on crop plants, in particular reduced productivity;
- (e) Effects of air pollutants and their reaction products on aquatic ecosystems (reduction of the population of fish and other aquatic organisms due to acidification and mobilization of trace elements).

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#### **ANNEX B**

##### **TERMS OF REFERENCE AND COMPOSITION OF EACH COMMUNITY – COST CONCERTATION COMMITTEE**

1. The Committee shall:
    - 1.1. contribute to the optimum execution of the project by giving its opinion on all aspects of its progress;
    - 1.2. evaluate the results of the project and draw conclusions regarding their application;
    - 1.3. be responsible for the exchange of information provided for in Article 5 (1) of the Agreement;
    - 1.4. suggest guidelines to the project leader, if any.
  2. The Committee's reports and the opinions shall be communicated to the States.
  3. The Committee shall be composed of one delegate from the Commission, as coordinator of the Community concerted action project, one delegate from each participating non-member State, one delegate from each Member State representing its national programme **and the project leader, if any**. Each delegate may be accompanied by experts.
-

ANNEX C  
FINANCING RULES

*Article 1*

These provisions lay down the financial rules referred to in Article 4 of the Community - COST Concertation Agreement.

*Article 2*

At the beginning of each financial year, the Commission shall send to each participating non-member State a call for funds corresponding to the number of concerted action projects in which it participates and to its share of the annual coordination costs under the Agreement, calculated in proportion to the amounts laid down in Article 4 of the Agreement.

This contribution shall be expressed both in ECU and the currency of the participating non-member State concerned, the value of the ECU being defined in the Financial Regulation applicable to the general budget of the European Communities and determined on the date of the call for funds.

The total contributions shall cover the travel and subsistence costs of the delegates to the Committee, in addition to the coordination costs proper.

Each participating non-member State shall pay its annual contribution to the coordination costs under the Agreement at the beginning of each year, and by 31 March at the latest. Any delay in the payment of the annual contribution shall give rise to the payment of interest by the participating non-member State concerned at a rate equal to the highest discount rate ruling in the States on the due date. The rate shall be increased by 0,25 of a percentage point for each month of delay. The increased rate shall be applied to the entire period of delay. However, such interest shall be chargeable only if payment is effected more than three months after the issue of a call for funds by the Commission.

*Article 3*

The funds paid by participating non-member States shall be credited to the concerted action projects in which they participate as budget receipts allocated to a heading in the statement of the revenue of the general budget of the European Communities (Commission Section).

*Article 4*

The provisional timetable for the coordination costs referred to in Article 4 of the Agreement is appended hereto.

*Article 5*

The Financial Regulation in force applicable to the general budget of the European Communities shall apply to the management of the appropriations.

*Article 6*

At the end of each financial year, a statement of appropriations for each concerted action project shall be prepared and transmitted to the participating non-member States for information.

## Appendix

PROVISIONAL TIMETABLE FOR CONCERTED ACTION PROJECTS  
(COST 611, 641, 681, 647, 612)

	1984		1985		Total	
	CA	PA	CA	PA	CA	PA
1. Initial estimate of overall requirements						
— Staff	—	—	—	—	—	—
— Administrative operating expenditure	550 000	550 000	750 000	750 000	1 300 000	1 300 000
— Contracts	—	—	—	—	—	—
Total	550 000	550 000	750 000	750 000	1 300 000	1 300 000
2. Revised estimate of expenditure taking into account additional requirements arising from the accession of participating non-member States						
— Staff	—	—	—	—	—	—
— Administrative operating expenditure	550 000 + (n × 11 000)	550 000 + (n × 11 000)	750 000 + (n × 15 000)	750 000 + (n × 15 000)	1 300 000 + (n × 26 000)	1 300 000 + (n × 26 000)
— Contracts	—	—	—	—	—	—
New total	550 000 + (n × 11 000)	550 000 + (n × 11 000)	750 000 + (n × 15 000)	750 000 + (n × 15 000)	1 300 000 + (n × 26 000)	1 300 000 + (n × 26 000)
3. Difference between 1 and 2 to be covered by contributions from participating non-member States	n × 11 000	n × 11 000	n × 15 000	n × 15 000	n × 26 000	n × 26 000

n = number of participating non-member States.

CA = commitment appropriations.

PA = payment appropriations.

## COUNCIL DECISION

of 10 December 1984

**authorizing the automatic renewal or continuance in force of certain friendship, trade and navigation treaties and similar agreements concluded between Member States and third countries**

(84/640/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Decision 69/494/EEC of 16 December 1969 on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on the negotiation of Community agreements <sup>(1)</sup>, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas the automatic renewal or continuance in force of the friendship, trade and navigation treaties and similar agreements concluded by Member States was last authorized by Decision 83/594/EEC <sup>(2)</sup>;

Whereas the Member States concerned have again requested authorization for the automatic renewal or continuance in force of provisions governing matters covered by the common commercial policy within the meaning of Article 113 of the Treaty and contained in the friendship, trade and navigation treaties and similar agreements listed in the Annex, in order to avoid interrupting their commercial relations with the third countries concerned as are based on such agreements;

Whereas, however, most of the matters covered by these provisions of national treaties and agreements will in future be governed by Community agreements; whereas in that case authorization should be given only in respect of matters not covered by Community agreements; whereas such authorization does not, therefore, absolve the Member States from the obligation of avoiding and, where appropriate, eliminating any incompatibility between such treaties and agreements and the provisions of Community law;

Whereas the provisions of the treaties and agreements to be automatically renewed or maintained in force must

not, furthermore, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas the Member States concerned have stated that the automatic renewal or continuance in force of these treaties and agreements would not be such as to constitute an obstacle to the opening of Community commercial negotiations with the relevant third countries; whereas they are willing to transfer the commercial content of the current bilateral agreements to such Community agreements as it is proposed to negotiate;

Whereas, at the conclusion of the consultation provided for in Article 2 of Decision 69/494/EEC, it was established, as the aforesaid statements by the Member States confirm, that the relevant treaties and bilateral agreements will not, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas, nevertheless, the Member States concerned have stated that they would be willing to adapt and, if necessary, denounce those treaties and agreements should it be found, during the period under consideration, that the automatic renewal or continuance in force of the provisions thereof relating to matters covered by Article 113 of the Treaty hinder the implementation of the common commercial policy;

Whereas the treaties and agreements involved contain denunciation clauses requiring a period of notice of between three and 12 months;

Whereas, therefore, there is no reason for not authorizing the automatic renewal or continuance in force, until 31 December 1986, of the provisions in question,

HAS ADOPTED THIS DECISION:

*Article 1*

The provisions governing matters covered by the common commercial policy within the meaning of

<sup>(1)</sup> OJ No L 326, 29. 12. 1969, p. 39.

<sup>(2)</sup> OJ No L 340, 6. 12. 1983, p. 13.

Article 113 of the Treaty and contained in the friendship, trade and navigation treaties and similar agreements listed in the Annex hereto may be automatically renewed or maintained in force until 31 December 1986 as regards those areas not covered by agreements between the Community and the third countries concerned in so far as their provisions are not contrary to existing common policies.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 10 December 1984.

*For the Council*

*The President*

A. DUKES

## BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE

Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat	Tredjeland Drittland Τρίτη χώρα Third country Pays tiers Paese terzo Derde land	Aftalens art Art des Abkommens Φύση της συμφωνίας Type of Agreement Nature de l'accord Natura dell'accordo Aard van de overeenkomst	Aftalens dato Zeitpunkt des Abkommens Ημερομηνία της συμφωνίας Date of the Agreement Date de l'accord Data dell'accordo Datum van de overeenkomst
BELGIQUE/BELGIË	El Salvador États-Unis / Verenigde Staten Éthiopie / Ethiopië Honduras  Libéria / Liberia  Maroc / Marokko  Norvège / Noorwegen  République Dominicaine / Dominicaanse Republiek Suède / Zweden  Venezuela	Convention commerciale / Handelsovereenkomst Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag Traité / Verdrag Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag Déclaration complémentaire / Aanvullende verklaring Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag Traité de commerce et de navigation / Handels- en scheepvaartverdrag Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag Traité de commerce et de navigation / Handels- en scheepvaartverdrag Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag	21. 3. 1906 21. 2. 1961 6. 9. 1906 25. 3. 1909 30. 8. 1909  1. 5. 1885  4. 1. 1862  27. 6. 1910  21. 8. 1884 11. 6. 1895  1. 3. 1884
BENELUX	Paraguay  Union soviétique / USSR	Accord de commerce et de navigation / Handels- en scheepvaartakkoord Traité de commerce / Handelsverdrag	13. 8. 1963  14. 7. 1971
DANMARK	Bolivia Brésilien  Bulgarien  Burma  Chile Columbia Costa Rica Den arabiske republik Egypten Den dominikanske Republik De forenede Stater El Salvador Finland Guatemala Haiti Iran Israël  Japan	Handelstraktat Midlertidig aftale om mestbegunstigelses- klausul Ordning vedrørende den gensidige anvendelse af mestbegunstigelsesklausul (brevveksling) Noteveksling vedrørende mestbegunstigelses- klausul Handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Midlertidig handelsaftale Venskabs-, handels- og søfartstraktat  Handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Venskabs-, etablerings- og handelstraktat Foreløbig aftale (modus vivendi) om mestbegun- stigelsesklausul i alle sager om søfart og i alt vedrø- rende told, osv. Handels- og søfartstraktat	9. 11. 1931 30. 7. 1936  27. 7. / 5. 8. 1921  29. 4. 1948 og 17. 4. 1950 4. 2. 1899 21. 6. 1923 26. 9. 1956 7. 5. 1930  26. 7. 1852  1. 10. 1951 9. 7. 1958 3. 8. 1923 4. 3. 1948 21. 10. 1937 20. 2. 1934 14. 11. 1952  12. 2. 1912

Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat	Tredjeland Drittland Τρίτη χώρα Third country Pays tiers Paese terzo Derde land	Aftalens art Art des Abkommens Φύση της συμφωνίας Type of Agreement Nature de l'accord Natura dell'accordo Aard van de overeenkomst	Aftalens dato Zeitpunkt des Abkommens Ημερομηνία της συμφωνίας Date of the Agreement Date de l'accord Data dell'accordo Datum van de overeenkomst
DANMARK (fortsat)	Jugoslavien Liberia Norge Paraguay Peru Polen Portugal  Rumænien Schweiz Sovjetunionen Spanien Sverige Thailand  Tjekkoslavakiet  Tyrkiet Ungarn Uruguay Zaire Østrig	Handelsdeklaration Venskabs-, handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Handels- og søfartstraktat Deklaration om handel og søfart Tillægsdeklaration Noteveksling om handel og søfart Venskabs-, handels- og etableringstraktat Handels- og søfartstraktat Handels- og søfartskonvention Handels- og søfartstraktat Venskabs-, handels- og søfartstraktat Noteveksling Noteveksling om handel og søfart noteveksling om varebehandling Établerings-, handels- og søfartstraktat Handels- og søfartskonvention Handels- og søfartstraktat Handelskonvention Handelstraktat	17./30. 3. 1909 21. 5. 1860 2. 11. 1926 3. 5. 1967 10. 6. 1957 22. 3. 1924 18. 6. 1935 29. 4. 1966 28. 8. 1930 10. 2. 1875 17. 8. 1946 2. 1. 1928 2. 11. 1826 5. 11. 1937 9. 3. 1972 18. 4. 1925 26. 8. 1929 31. 5. 1930 14. 3. 1887 4. 3. 1953 23. 2. 1885 6. 4. 1928
DEUTSCHLAND	Arabische Republik Ägypten Argentinien Chile Dominikanische Republik Ekuador El Salvador Indien  Iran Island Japan Pakistan Paraguay  Peru Portugal  Saudi-Arabien  Türkei UdSSR  Uruguay  Vereinigte Staaten	Handelsabkommen (ratifiziert) Handelsvertrag Handelsvertrag Freundschafts-, Handels- und Schiffsverkehrsvertrag Handelsvertrag Abkommen über die Meistbegünstigung (ratifiziert) Handelsabkommen Handels-, Zoll- und Schiffsverkehrsvertrag Vorläufiger Handels- und Schiffsverkehrsvertrag Handels- und Schiffsverkehrsvertrag Handelsabkommen (ratifiziert) Abkommen über die Meistbegünstigung (ratifiziert) Handelsabkommen (ratifiziert) Handels- und Schiffsverkehrsabkommen (ratifiziert) Freundschaftsvertrag, bestätigt und abgeändert durch Briefwechsel Handelsvertrag Abkommen über allgemeine Fragen des Handels und der Schifffahrt (ratifiziert) Abkommen über die Meistbegünstigung (ratifiziert) Freundschafts-, Handels- und Schiffsverkehrsvertrag	21. 4. 1951 19. 9. 1857 2. 2. 1951 23. 12. 1957  1. 8. 1953 31. 10. 1952 19. 3. 1952 und 31. 3. 1955 17. 2. 1929 19. 12. 1950 20. 7. 1927 4. 3. 1950 30. 7. 1955  20. 7. 1951 20. 3. 1926 und 24. 8. 1950 26. 4. 1929 31. 3./10. 7. 1952 27. 5. 1930 25. 4. 1958 18. 4. 1953 29. 10. 1954





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ΕΛΛΑΔΑ (συνέχεια)	Ιράν Ισλανδία Ισραήλ Ιαπωνία Λίβανος Λιβύη Νορβηγία Πακιστάν Πορτογαλία Σουηδία Γιουγκοσλαβία Γκάνα Νιγηρία Σιέρα Λεόνε Νέα Ζηλανδία Τζαμάικα Τρινιτάντ και Τομπάγκο Σρι Λάνκα ΕΣΣΔ	Σύμβαση εγκαταστάσεως, εμπορίου και ναυτι- λίας Σύμβαση εμπορίου και ναυτιλίας Σύμβαση εμπορίου και ναυτιλίας Συνθήκη φιλίας, εμπορίου και ναυτιλίας Προξενική σύμβαση ναυτιλίας, εμπορικών και αστικών δικαιωμάτων Εμπορική συμφωνία Σύμβαση εμπορίου και ναυτιλίας Εμπορική συμφωνία Συνθήκη εμπορίου και ναυτιλίας Εμπορική σύμβαση Οικονομική συνεργασία και εμπορικές συναλ- λαγές Εμπορική συμφωνία Συμφωνία εμπορίου και ναυτιλίας Ανταλλαγή επιστολών Ανταλλαγή επιστολών Ανταλλαγή επιστολών Ανταλλαγή επιστολών Ανταλλαγή επιστολών Ανταλλαγή επιστολών Ανταλλαγή επιστολών Ανταλλαγή επιστολών Ανταλλαγή επιστολών Σύμβαση εμπορίου και ναυτιλίας	9. 1. 1931 28. 1. 1930 22. 7. 1952 20. 5. 1899 6. 10. 1948 16. 3. 1957 28. 6. 1927 17. 1. 1963 15. 8. 1938 10. 9. 1926 1. 10. 1960 17. 12. 1974 2. 11. 1927 13. 11. 1926 13. 11. 1926 13. 11. 1926 13. 11. 1926 17. 11. 1926 17. 11. 1926 26. 11. 1926 11. 6. 1969
IRELAND	Arab Republic of Egypt Brazil Costa Rica Guatemala Portugal United States Vietnam	Exchange of notes in regard to commercial rela- tions Exchange of notes prolonging the provisional Commercial Agreement of 25/28. 7. 1930 Exchange of notes in regard to commercial rela- tions Exchange of notes in regard to commercial rela- tions Exchange of notes in regard to commercial rela- tions Treaty of commerce and navigation Treaty of friendship, commerce and navigation Exchange of notes in regard to commercial rela- tions	25/28. 7. 1930 27. 2. 1951 16. 10. 1931 2. 8. 1933 and 2. 4. 1934 8. 2. and 10. 4. 1930 29. 10. 1929 21. 10. 1950 1. 12. 1964
ITALIA	Africa del Sud Argentina	Estensione del trattato con il <b>Regno Unito</b> alle province del Natal Transval Orange Nota verbale Convenzione commerciale Protocollo Protocollo addizionale Convenzione sui pagamenti	10. 3. 1884 28. 5. 1906 13. 7. 1907 1. 5. 1948 1. 6. 1894 31. 1. 1895 4. 3. 1937 4. 3. 1937

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ITALIA ( <i>segue</i> )	Bulgaria	Protocollo sostitutivo del trattato di commercio e di navigazione <sup>(1)</sup>	19. 12. 1950
	Cile	Trattato di commercio e di navigazione	12. 7. 1898
	Cuba	Trattato d'amicizia, di commercio e di navigazione Protocollo addizionale	29. 12. 1903
	Ecuador	Trattato d'amicizia, di commercio e di navigazione Convenzione addizionale	12. 8. 1900 26. 2. 1911
	Finlandia	Trattato di commercio e di navigazione e protocollo finale	22. 10. 1924
	Haiti	Convenzione di commercio e di navigazione e scambi di note	14. 6. 1954
	Iran	Trattato di commercio, di stabilimento e di navigazione Scambio di note	26. 1. 1955 9. 2. 1955
	Iugoslavia	Convenzione di commercio e di navigazione	31. 3. 1955
	Libano	Trattato d'amicizia, di commercio e di navigazione	15. 2. 1949
	Liberia	Trattato d'amicizia, di commercio e di navigazione Dichiarazione comune	23. 10. 1862 24. 11. 1951
	Nicaragua	Trattato d'amicizia, di commercio e di navigazione	25. 1. 1906
	Norvegia	Trattato di commercio e di navigazione Scambio di note	14. 6. 1862 15. 12. 1967
	Nuova Zelanda	Scambio di note	24. 11. 1967
	Panama	Trattato d'amicizia, di commercio e di navigazione, protocollo e scambio di note	7. 10. 1965
	Perù	Trattato di commercio e di navigazione e dichiarazione	23. 12. 1874
	Polonia	Trattato di commercio	12. 5. 1922
	Portogallo	Trattato di commercio e di navigazione e protocolli definitivi	4. 8. 1934
	Romania	Protocollo doganale <sup>(1)</sup>	25. 11. 1950
	Spagna	Convenzione di commercio e di navigazione, protocolli, scambio di lettere Scambio di note	15. 3. 1932 7. 10. 1935
	Stati Uniti	Trattato d'amicizia, di commercio e di navigazione Accordo supplementare al trattato	2. 2. 1948 26. 9. 1951
	Svezia	Trattato di commercio e di navigazione Scambio di note	14. 6. 1862 15. 12. 1966 e 15. 12. 1967
	Svizzera	Trattato di commercio Protocolli	27. 1. 1923 28. 11. 1925 e 30. 12. 1933
	Turchia	Trattato di commercio e di navigazione e scambio di note	29. 12. 1936
	Ungheria	Trattato di commercio e di navigazione Protocollo doganale <sup>(1)</sup>	4. 7. 1928 28. 3. 1950
	URSS	Trattato di commercio e di navigazione	11. 12. 1948
	Uruguay	Trattato di commercio	26. 2. 1947
Venezuela	Trattato d'amicizia, di navigazione e di commercio Modus vivendi	19. 6. 1861 29. 6. 1939	
Yemen	Trattato d'amicizia e di relazioni economiche	4. 9. 1937	

<sup>(1)</sup> Protocollo richiamato e riesaminato in occasione dell'accordo commerciale quadro fra i due paesi.

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LUXEMBOURG	États-Unis	Traité d'amitié, d'établissement et de navigation	23. 2. 1962
NEDERLAND	Afghanistan	Vriendschaps- en handelsverdrag	26. 7. 1939
	Arabische Republiek	Voorlopige handelsovereenkomst	17. 3. 1930
	Egypte		
	Bolivia	Handelsverdrag	30. 5. 1929
	Brazilië	Voorlopig handelsakkoord	15. 3. 1937
	Bulgarije	Notawisseling	1/9. 3. 1922
	Canada	Handelsovereenkomst	11. 7. 1924
	Colombia	Vriendschaps-, handels- en scheepvaartverdrag	1. 5. 1829
	Costa Rica	Handels- en scheepvaartovereenkomst	3. 6. 1957
	El Salvador	Handelsverdrag en briefwisseling	13. 3. 1956
	Ethiopië	Overeenkomst nopens de meestbegunstigingsclausule	30. 9. 1926
	Guatemala	Handelsverdrag	12. 5. 1926
	Haïti	Handelsverdrag en notawisseling	7. 9. 1926
	Hongarije	Handelsovereenkomst	9. 12. 1924
	Iran	Voorlopig handelsverdrag en briefwisseling	20. 6. 1928
	Japan	Handels- en scheepvaartverdrag	6. 7. 1912
	Jemen	Vriendschapsverdrag	12. 4. 1939
	Joegoslavië	Handels- en scheepvaartverdrag	28. 5. 1930
	Liberia	Vriendschaps-, handels- en scheepvaartverdrag	20. 12. 1862
	Marokko	Handels- en scheepvaartverdrag	18. 5. 1858
	Maskate	Handelsverdrag	27. 8. 1877
	Mexico	Handelsverdrag	27. 1. 1950
	Noorwegen	Handels- en scheepvaartverdrag	20. 5. 1912
	Oostenrijk	Handels- en scheepvaartverdrag	28. 3. 1929
	Polen	Handels- en scheepvaartverdrag	30. 5. 1924
	Portugal	Handels- en scheepvaartverdrag, aanvullend en ondertekeningsprotocol	28. 6. 1934
	Roemenië	Handelsschikking	29. 8. 1930
	Spanje	Handels- en scheepvaartverdrag	16. 6. 1934
	Tsjechoslowakije	Overeenkomst	20. 1. 1923
	Turkije	Notawisseling	21. 11. 1929
	Uruguay	Handels- en scheepvaartverdrag	29. 1. 1934
		Protocol	12. 6. 1953
	Venezuela	Verdrag betreffende de diplomatieke betrekkingen	11. 5. 1920
	Verenigde Staten	Vriendschaps-, handels- en scheepvaartverdrag	27. 3. 1956
	Zaire	Overeenkomst met de internationale Vereniging van de Kongo	27. 12. 1884
	Zuid-Afrika	Voorlopig akkoord nopens de handelsbetrekkingen en de scheepvaart	20. 2. 1935
	Zweden	Handels- en scheepvaartverdrag	25. 9. 1847
	Zwitserland	Vriendschaps- en handelsverdrag	19. 8. 1875
		Aanvullend protocol	24. 4. 1877

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UEBL/BLEU	Afrique du Sud / Zuid-Afrika Albanie / Albanië Argentine / Argentinië Bolivie / Bolivië  Brésil / Brazilië  Bulgarie / Bulgarije Canada Chili  Colombie / Colombia  Équateur / Ecuador  Espagne / Spanje  Guatemala Haïti Hongrie / Hongarije Iran  Nouvelle-Zélande / Nieuw Zeeland  Pologne / Polen Roumanie / Roemenië  Suisse / Zwitserland Tchécoslovaquie / Tsjechoslowakije Union soviétique / USSR  Uruguay  Viêt-nam / Vietnam  Yémen / Jemen Yougoslavie / Joegoslavië	Accord commercial provisoire / Voorlopig handelsakkoord Échange de lettres / Briefwisseling Accord provisoire / Voorlopig akkoord Traité d'amitié et de commerce / Vriendschaps- en Handelsverdrag Avenant au traité / Aanvullend protocol Accord commercial provisoire / Voorlopig handelsakkoord Échange de lettres / Briefwisseling Convention de commerce / Handelsovereenkomst Accord commercial provisoire / Voorlopig handelsakkoord Échange de lettres portant application à l'UEBL du traité conclu entre les Pays-Bas et la Colombie le 1 <sup>er</sup> mai 1829 / Briefwisseling van toepassing in de BLEU voor het Verdrag afgesloten tussen Nederland en Colombia van 1 mei 1829 Traité d'amitié, de commerce et de navigation / Vriendschaps-, handels- en scheepvaartverdrag Avenant au traité / Aanvullend protocol <i>Modus vivendi</i> Arrangement commercial modifiant le <i>modus vivendi</i> / Handelsregeling met wijziging van de <i>modus vivendi</i> Traité de commerce et de navigation / Handels- en scheepvaartverdrag Accord commercial provisoire / Voorlopig handelsakkoord Échange de lettres / Briefwisseling Convention de commerce et de navigation / Handels- en scheepvaartovereenkomst Accord commercial provisoire par échange de lettres / Voorlopig handelsakkoord bij briefwisseling Traité de commerce / Handelsverdrag Accord commercial provisoire / Voorlopig handelsakkoord Traité de commerce / Handelsverdrag Convention commerciale provisoire / Voorlopige handelsovereenkomst Accord commercial provisoire / Voorlopig handelsakkoord Échange de lettres portant sur le traitement de la nation la plus favorisée dans le domaine tarifaire / Briefwisseling betreffende de toepassing van de meestbegunstigingsclausule op tarifaal gebied Convention commerciale / Handelsovereenkomst Traité de commerce et de navigation / Handels- en scheepvaartverdrag	13. 7. 1937 19. 2. 1929 16. 1. 1934 18. 4. 1912  10. 12. 1963 14. 1. 1932  8. 2. 1926 3. 7. 1924 27. 8. 1936  19 et/en 22. 8. 1936  5. 3. 1887 19. 10. 1937 26. 10. 1925 15. 12. 1928  7. 11. 1924 9. 7. 1936 30. 9. 1924 9. 5. 1929  5. 12. 1933  30. 12. 1922 28. 8. 1930  26. 8. 1929 28. 12. 1925  5. 9. 1935 22. 2. 1937  16 et/en 20. 1. 1956  7. 12. 1936 16. 12. 1926

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UNITED KINGDOM	Afghanistan	Treaty of friendship and commerce	22. 11. 1921
		Trade convention	5. 6. 1923
		Exchange of notes	6. 5. 1930
	Argentina	Treaty of amity, commerce and navigation	2. 2. 1825
		Bolivia	Treaty of commerce
	Burma		Treaty regarding the recognition of Burmese independence, and related matters, with exchange of notes
		Exchange of notes regulation commercial relations pending the conclusion of a new Treaty of commerce and navigation	24. 12. 1949
		Colombia	Treaty of friendship, commerce and navigation
	Protocol applying the Treaty of certain parts of the Dominions		20. 8. 1912
	Exchange of notes		30. 12. 1938
	Costa Rica	Treaty of friendship, commerce and navigation	27. 11. 1849
		Protocol respecting the application of the Treaty to certain parts of the Dominions	18. 8. 1913
	Czechoslovakia	Treaty of commerce with declaration	14. 7. 1923
		Finland	Treaty of commerce and navigation
	Hungary		Treaty of commerce and navigation
		Iran	Treaty of peace and commerce
	Commercial convention		9. 2. 1903
	Agreement modifying the commercial convention		21. 3. 1920
	Japan		Treaty of commerce, establishment and navigation, with Protocols and exchanges of notes
		Exchange of notes on voluntary export control	14. 11. 1962
	Liberia	Treaty of friendship and commerce	21. 11. 1848
		Agreement modifying the Treaty of 21. 11. 1848	23. 7. 1908
	Morocco	General treaty	9. 12. 1856
		Convention of commerce and navigation	9. 12. 1856
		Exchange of notes, concerning the convention of 9. 12. 1856	1. 3. 1957
	Muscat and Oman	Treaty of friendship, commerce and navigation with exchange of letters	20. 12. 1951
		Nepal	Treaty of peace and friendship
	Nicaragua		Treaty of friendship, commerce and navigation
		Norway	Convention of commerce and navigation
	Convention regarding the application of the Convention of commerce of 1826 to the Dominions		16. 5. 1913
Peru	Treaty of friendship, commerce and navigation	10. 4. 1850	
	Agreement relating to commerce and navigation (with Protocols and exchanges of notes)	6. 10. 1936	
	Exchange of notes regarding the continuance in force of Articles 4 and 5 of the Commercial Agreement of 6. 10. 1936	28. 1. 1950	

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UNITED KINGDOM (cont'd)	Poland	Treaty of commerce and navigation	26. 11. 1923	
	Portugal	Treaty of commerce and navigation	12. 8. 1914	
	Romania	Treaty of commerce and navigation with Protocols and exchange of notes	6. 8. 1930	
	Soviet Union	Temporary Commercial Agreement	16. 2. 1934	
	Spain	Treaty of navigation and commerce	9. 12. 1713	
			Treaty of commerce	14. 12. 1715
			Treaty of commerce	5. 10. 1750
			Treaty of commerce and navigation	31. 10. 1922
			Convention revising certain provisions of the 1922 Treaty and exchange of notes	5. 4. 1927
			Exchange of notes regarding interpretation of Treaty of 1922	6. 2. 1928
			Exchange of notes modifying the Convention of 5. 4. 1927	31. 5. 1928
		Sweden	Treaty of peace and commerce	11. 4. 1654
			Treaty of commerce	17. 7. 1656
			Treaty of peace and commerce	21. 10. 1661
			Treaty of commerce and alliance	5. 2. 1766
			Treaty of peace, union and friendship	18. 7. 1812
			Convention of commerce and navigation	18. 3. 1826
		Switzerland	Treaty of friendship, commerce and reciprocal establishment	6. 9. 1855
			Convention applying the Treaty of 1855 to the Dominions	30. 3. 1914
			Exchange of notes applying to Liechtenstein Commercial Agreements in force	26. 4. 1924
		Turkey	Treaty of commerce and navigation	1. 3. 1930
			Exchange of notes relating to certain commercial matters	28. 2. 1957
		United States	Convention of commerce	3. 7. 1815
		Convention	20. 10. 1818	
		Convention of commerce	6. 8. 1827	
	Venezuela	Treaty of amity, commerce and navigation	18. 4. 1825	
		Convention	29. 10. 1834	
		Exchange of notes	3. 2. 1903	
	Yugoslavia	Treaty of commerce and navigation with exchanges of notes	12. 5. 1927	
		Agreement on trade and payments	27. 11. 1936	

## COUNCIL DIRECTIVE

of 10 December 1984

amending, particularly as regards tourist assistance, the First Directive (73/239/EEC) on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance

(84/641/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 57 (2) thereof,

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

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

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

Whereas the First Council Directive (73/239/EEC) of 4 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance <sup>(4)</sup>, hereinafter referred to as the 'First Directive', as amended by Directive 76/580/EEC <sup>(5)</sup>, eliminated certain differences between the laws of Member States in order to facilitate the taking-up and pursuit of the above business;

Whereas considerable progress has been achieved in that area of business involving the provision of benefits in kind; whereas such benefits are governed by provisions which differ from one Member State to another; whereas those differences constitute a barrier to the exercise of the right of establishment;

Whereas, in order to eliminate that barrier to the right of establishment, it should be specified that an activity is not excluded from the application of the First Directive for the simple reason that it constitutes a benefit solely in kind or one for which the person providing it uses his own staff or equipment only; whereas, therefore such provision of assistance consisting in the promise of aid on the occurrence of a chance event should be covered by the above Directive, taking into account the special characteristics of such assistance;

Whereas the purpose of the inclusion, for reasons of supervision, of assistance operations in the scope of the First Directive, which does not involve the definition of these operations, is not to affect the fiscal rules applicable to them;

Whereas the sole fact of providing certain forms of assistance on the occasion of an accident or breakdown involving a road vehicle normally occurring in the territory of the Member State of the undertaking providing cover is not a reason for any person or undertaking that is not an insurance undertaking to be subject to the arrangements of the First Directive;

Whereas provision should be made for certain relaxations to the condition that the accident or breakdown must occur in the territory of the Member State of the undertaking providing cover in order to take into account either the existence of reciprocal agreements or of certain specific circumstances relating to the geographical situation or to the structure of the organizations concerned, or to the very limited economic importance of the operations referred to;

Whereas an organization of a Member State whose main activity is to provide services on behalf of the public authorities should be excluded from the scope of the First Directive;

Whereas an undertaking offering assistance contracts must possess the means necessary for it to provide the benefits in kind which it offers within an appropriate period of time; whereas special provisions should be laid down for calculating the solvency margin and the minimum amount of the guarantee fund which such undertaking must possess;

Whereas certain transitional provisions are necessary in order to permit undertakings providing only assistance to adapt themselves to the application of the First Directive;

Whereas, having regard to special structural and geographical difficulties, it is necessary to allow a transitional period to the automobile club of a Member State for bringing itself into line with the said Directive concerning repatriation of the vehicle, possibly accompanied by the driver and passengers;

<sup>(1)</sup> OJ No C 51, 10. 3. 1981, p. 5; OJ No C 30, 4. 2. 1983, p. 6.

<sup>(2)</sup> OJ No C 149, 14. 6. 1982, p. 129.

<sup>(3)</sup> OJ No C 343, 31. 12. 1981, p. 9.

<sup>(4)</sup> OJ No L 228, 16. 8. 1973, p. 3.

<sup>(5)</sup> OJ No L 189, 13. 7. 1976, p. 13.

Whereas it is necessary to keep up-to-date the provisions of the First Directive concerning the legal forms which insurance undertakings may assume; whereas certain provisions of the said Directive concerning the rules applicable to agencies or branches established within the Community and belonging to undertakings whose head offices are situated outside the Community should be amended in order to make them consistent with the provisions of Directive 79/267/EEC <sup>(1)</sup>,

HAS ADOPTED THIS DIRECTIVE:

#### *Article 1*

Article 1 of the First Directive is hereby replaced by the following:

#### *'Article 1*

1. This Directive concerns the taking-up and pursuit of the self-employed activity of direct insurance, including the provision of assistance referred to in paragraph 2, carried on by undertakings which are established in the territory of a Member State or which wish to become established there.

2. The assistance activity shall be the assistance provided for persons who get into difficulties while travelling, while away from home or while away from their permanent residence. It shall consist in undertaking, against the prior payment of a premium, to make aid immediately available to the beneficiary under an assistance contract where that person is in difficulties following the occurrence of a chance event, in the cases and under the conditions set out in the contract.

The aid may consist in the provision of benefits in cash or in kind. The provision of benefits in kind may also be effected by means of the staff and equipment of the person providing them.

The assistance activity does not cover servicing, maintenance, after-sales service or the mere indication or provision of aid as an intermediary.

3. The classification by classes of the activity referred to in this Article appears in the Annex.'

#### *Article 2*

Article 2 of the First Directive is hereby supplemented by the following point:

3. The assistance activity in which liability is limited to the following operations provided in the event

of an accident or breakdown involving a road vehicle which normally occurs in the territory of the Member State of the undertaking providing cover:

- an on-the-spot breakdown service for which the undertaking providing cover uses, in most circumstances, its own staff and equipment,
- the conveyance of the vehicle to the nearest or the most appropriate location at which repairs may be carried out and the possible accompaniment, normally by the same means of assistance, of the driver and passengers to the nearest location from where they may continue their journey by other means,
- if provided for by the Member State of the undertaking providing cover, the conveyance of the vehicle, possibly accompanied by the driver and passengers, to their home, point of departure or original destination within the same State,

unless such operations are carried out by an undertaking subject to this Directive.

In the cases referred to in the first two indents, the condition that the accident or breakdown must have happened in the territory of the Member State of the undertaking providing cover

- (a) shall not apply where the latter is a body of which the beneficiary is a member and the breakdown service or conveyance of the vehicle is provided simply on presentation of a membership card, without any additional premium being paid, by a similar body in the country concerned on the basis of a reciprocal agreement;
- (b) shall not preclude the provision of such assistance in Ireland and the United Kingdom by a single body operating in both States.

In the circumstances referred to in the third indent, where the accident or the breakdown has occurred in the territory of Ireland or, in the case of the United Kingdom, in the territory of Northern Ireland, the vehicle, possibly accompanied by the driver and passengers, may be conveyed to their home, point of departure or original destination within either territory.

Moreover, the Directive does not concern assistance operations carried out on the occasion of an accident to or the breakdown of a road vehicle and consisting in conveying the vehicle which has been involved in an accident or has

<sup>(1)</sup> OJ No L 63, 13. 3. 1979, p. 1.



broken down outside the territory of the Grand Duchy of Luxembourg, possibly accompanied by the driver and passengers, to their home, where such operations are carried out by the Automobile Club of the Grand Duchy of Luxembourg.

Undertakings subject to this Directive may engage in the activity referred to under this point only if they have received authorization for class 18 in point A of the Annex without prejudice to point C of the said Annex. In that event this Directive shall apply to the operations in question.'

#### Article 3

Article 3 (1) of the First Directive is hereby supplemented by the following subparagraph:

'This Directive shall not apply to undertakings which fulfil the following conditions:

- the undertaking does not pursue any activity falling within the scope of this Directive other than the one described in class 18 in point A of the Annex,
- this activity is carried out exclusively on a local basis and consists only of benefits in kind, and
- the total annual income collected in respect of the activity of assistance to persons who get into difficulties does not exceed 200 000 ECU.'

#### Article 4

Article 4 of the First Directive is hereby supplemented by the following point:

'(f) *in Denmark*

Falcks Redningskorps A/S, København.'

#### Article 5

In the penultimate indent of Article 8 (1) (a) of the First Directive 'coöperatieve vereniging' is deleted.

#### Article 6

Articles 8 (3) and 10 (3) of the First Directive are hereby supplemented by the following subparagraph:

'Nor do they prevent Member States from subjecting undertakings requesting or having obtained authorization for class 18 in point A of the Annex to checks on their direct or indirect resources in staff and equipment, including the qualification of their medical teams and the quality of the equipment, available to the undertakings to meet their commitments arising from this class of insurance.'

#### Article 7

In Articles 9, first paragraph, and 11 (1) first subparagraph of the First Directive, point (e) is hereby replaced by the following:

- '(e) estimates relating to the expenses of installing the administrative services and the organization for securing business; the financial resources intended to cover them, and, where the risks to be covered are listed under No 18 in point A of the Annex, the resources available to the undertaking for providing the promised assistance.'

#### Article 8

Article 13 of the First Directive is hereby replaced by the following:

#### 'Article 13

Member States shall collaborate closely with one another in supervising the financial position of authorized undertakings. Should the undertakings in question be authorized to cover the risks listed under No 18 in point A of the Annex, Member States shall also collaborate in supervising the resources available to those undertakings for carrying out the assistance operations they have undertaken to perform, where their laws provide for supervision of such resources.'

#### Article 9

Article 16 (3) of the First Directive is hereby supplemented by the following subparagraph:

'In the case of the risks listed under No 18 in point A of the Annex, the amount of claims paid used to calculate the second result (claims basis) shall be the costs borne by the undertaking in respect of assistance given. Such costs shall be calculated in accordance with the national provisions of the Member State in whose territory the head office of the undertaking is situated.'

#### Article 10

In Article 17 of the First Directive, the second indent of paragraph 2 (a) is hereby replaced by the following:

- '— 300 000 ECU in the case where call or some of the risks included in one of the classes listed in point A of the Annex under Nos 1, 2, 3, 4, 5, 6, 7, 8, 16 and 18 are covered.'

#### Article 11

Article 19 of the First Directive is hereby replaced by the following:

*'Article 19*

1. Each Member State shall require every undertaking whose head office is situated in its territory to produce an annual account, covering all types of operation, of its financial situation, solvency and, as regards cover for risks listed under No 18 in point A of the Annex, other resources available to them for meeting their liabilities, where its laws provide for supervision of such resources.

2. Member States shall require undertakings operating in their territory to render periodically the returns, together with statistical documents, which are necessary for the purposes of supervision and, as regards cover for risks listed under No 18 in point A of the Annex, to indicate the resources available to them for meeting their liabilities, where their laws provide for supervision of such resources. The competent supervisory authorities shall furnish each other with the documents and information necessary for exercising supervision.'

*Article 12*

Article 26 of the First Directive is hereby replaced by the following:

*'Article 26*

1. Any undertaking which has requested or obtained authorization from more than one Member State may apply for the following advantages which may be granted only jointly:

- (a) the solvency margin referred to in Article 25 shall be calculated in relation to the entire business which it carries on within the Community; in such case, account shall be taken only of the operations effected by all the agencies or branches established within the Community for the purposes of this calculation;
- (b) the deposit required under Article 23 (2) (e) shall be lodged in only one of those Member States;
- (c) the assets representing the guarantee fund shall be localized in any one of the Member States in which it carries on its activities.

2. Application to benefit from the advantages provided for in paragraph 1 shall be made to the competent authorities of the Member States concerned. The application must state the authority of the Member State which in future is to supervise the solvency of the entire business of the agencies or branches established

within the Community. Reasons must be given for the choice of authority made by the undertaking. The deposit shall be lodged with that Member State.

3. The advantages provided for in paragraph 1 may only be granted if the competent authorities of all Member States in which an application has been made agree to them. They shall take effect from the time when the selected supervisory authority informs the other supervisory authorities that it will supervise the state of solvency of the entire business of the agencies or branches within the Community.

The supervisory authority selected shall obtain from the other Member States the information necessary for the supervision of the overall solvency of the agencies and branches established in their territory.

4. At the request of one or more of the Member States concerned, the advantages granted under this Article shall be withdrawn simultaneously by all Member States concerned.'

*Article 13*

The second paragraph of Article 27 of the First Directive is hereby replaced by the following:

'As regards the application of Article 20, where an undertaking qualifies for the advantages provided for in Article 26 (1), the authority responsible for verifying the solvency of agencies or branches established within the Community with respect to their entire business shall be treated in the same way as the authority of the State in the territory of which the head office of a Community undertaking is situated.'

*Article 14*

In point A of the Annex to the First Directive the following class is hereby added before the last sentence:

*'18. Assistance*

Assistance for persons who get into difficulties while travelling, while away from home or while away from their permanent residence.'

*Article 15*

Any Member State may, in its territory, make the provision of assistance to persons who get into difficulties in circumstances other than those referred to in Article 1 subject to the arrangements introduced by the First Directive. If a Member State makes use of this possibility it shall, for the purposes of applying these arrangements,

treat such activity as if it were listed in class 18 in point A of the Annex to the First Directive without prejudice to point C thereof.

The preceding paragraph shall in no way affect the possibilities for classification laid down in the Annex to the First Directive for activities which obviously come under other classes.

It shall not be possible to refuse authorization to an agency or branch solely on the grounds that the activity covered by this Article is classified differently in the Member State in the territory of which the head office of the undertaking is situated.

#### Transitional provisions

##### Article 16

1. Member States may allow undertakings which, on the date of notification of this Directive, provide only assistance in their territories, a period of five years from that date in order to comply with the requirements set out in Articles 16 and 17 of the First Directive.

2. Member States may allow any undertakings referred to in paragraph 1 which, upon expiry of the five-year period, have not fully established the solvency margin, a further period not exceeding two years in which to do so provided that such undertakings have, in accordance with Article 20 of the First Directive, submitted for the approval of the supervisory authority the measures which they propose to take for that purpose.

3. Any undertaking referred to in paragraph 1 which wishes to extend its business within the meaning of Article 8 (2) or Article 10 of the First Directive may do so only on condition that it complies forthwith with that Directive.

4. Any undertaking referred to in paragraph 1 which has a form different to those referred to in Article 8 of the First Directive may continue for a period of three years from the date of notification of this Directive to carry on its existing business in the form in which it exists on that date.

5. This Article shall apply *mutatis mutandis* to undertakings formed after the date of notification of this Directive which take over business already conducted on that date by a legally distinct body.

##### Article 17

Member States may allow agencies and branches referred to in Title III of the First Directive which provide only

assistance in the territories of those Member States a maximum period of five years commencing on the date of notification of this Directive in order to comply with Article 25 of the First Directive, provided such agencies or branches do not extend their business within the meaning of Article 10 (2) of the First Directive.

##### Article 18

During a period of eight years from the date of notification of this Directive, the condition that the accident or breakdown must have happened in the territory of the Member State of the undertaking providing cover shall not apply to the operations referred to in the third indent of the first subparagraph of Article 2 (3) of the First Directive where these operations are carried out by the ELPA (Automobile and Touring Club of Greece).

#### Final provisions

##### Article 19

1. Member States shall amend their national provisions in order to comply with this Directive not later than 30 June 1987. They shall forthwith inform the Commission thereof. The provisions thus amended shall, subject to Articles 16, 17 and 18 of this Directive apply at the latest beginning on 1 January 1988.

2. Member States shall communicate to the Commission the texts of the main provisions laid down by law, regulation or administrative action which they adopt in the field governed by this Directive.

##### Article 20

The Commission shall report to the Council, within six years of notification of this Directive, on the difficulties arising from the application thereof, and in particular Article 15 thereof. It shall, if appropriate, submit proposals to put an end to them.

##### Article 21

This Directive is addressed to the Member States.

Done at Brussels, 10 December 1984.

For the Council

The President

A. DUKES

**COUNCIL DIRECTIVE**  
**of 11 December 1984**  
**amending Directive 71/118/EEC on health problems affecting trade in fresh poultrymeat**  
**(84/642/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

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

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

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

Whereas the Commission has proposed the amendment of certain provisions of Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat <sup>(4)</sup>, as last amended by Directive 84/186/EEC <sup>(5)</sup>; whereas the derogations referred to in Article 14 (2) and Article 16a (a) of Directive 71/118/EEC should be prolonged subject to subsequent review;

Whereas, moreover, a Commission proposal was forwarded to the Council on 14 February 1979 aimed at extending the use of the chilling process to carcasses intended for marketing in a chilled state,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 71/118/EEC is hereby amended as follows:

1. Article 14 (2) is replaced by the following:
  2. However, with regard to carcasses obtained and intended for marketing in their territory, Member States shall be authorized to grant, on request, to undertakings, derogations from the requirements of paragraph 1.

Member States making use of the derogations provided for in the first paragraph may not object to the introduction into their territory of poultrymeat obtained in other Member States under the same conditions.'

2. In Article 14a (3), '31 December 1978' is replaced by '1 January 1986'.

3. In Article 16a (a), the third indent is replaced by the following:

— a derogation from the provisions relating to slaughter and evisceration laid down in Annex I, Chapter V, for the production of partially eviscerated or non-eviscerated poultry.

The Council, when carrying out the review provided for in Article 16b, shall examine the conditions under which the meat referred to in the first subparagraph may be admitted to intra-Community trade;'

4. The following Article is inserted:

*'Article 16b*

Before 15 August 1986, the Council, acting by a qualified majority on a proposal from the Commission, shall review the derogations laid down in Articles 14 (2) and 16a (a). The review of these derogations shall be carried out on the basis of a report from the Commission, accompanied by proposals where appropriate, which shall take into account the conclusions of current scientific studies on the guarantees offered by this type of production.'

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1984. They shall forthwith inform the Commission thereof.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 11 December 1984.

*For the Council*

*The President*

A. DEASY

<sup>(1)</sup> OJ No C 65, 9. 3. 1979, p. 5.

<sup>(2)</sup> OJ No C 140, 5. 6. 1979, p. 180.

<sup>(3)</sup> OJ No C 247, 1. 10. 1979, p. 16.

<sup>(4)</sup> OJ No L 55, 8. 3. 1971, p. 23.

<sup>(5)</sup> OJ No L 87, 30. 3. 1984, p. 27.

## COUNCIL DIRECTIVE

of 11 December 1984

amending Directives 64/432/EEC and 72/461/EEC as regards certain measures relating to foot-and-mouth disease and swine vesicular disease

(84/643/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

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

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

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

Whereas Directive 64/432/EEC <sup>(4)</sup>, as last amended by Directive 83/646/EEC <sup>(5)</sup>, lays down the conditions to be met, as regards health, by live cattle and pigs intended for intra-Community trade;

Whereas the Member States currently apply different policies in the matter of the control and prevention of foot-and-mouth disease; whereas it is important to provide all the Member States, regardless of the health policy pursued, with appropriate guarantees, which are strictly necessary until such time as harmonized measures to combat foot-and-mouth disease are implemented;

Whereas certain guarantees which may be required in respect of swine vesicular disease must be maintained within the framework of the rules applicable to intra-Community trade in live pigs,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 64/432/EEC is hereby amended as follows:

1. In Article 3 (3):

- point (a) is deleted,
- points (b), (c), (d) and (e) become points (a), (b), (c) and (d) respectively.

2. In Article 3 (6):

- point (a) is deleted,
- points (b) and (c) become points (a) and (b) respectively.

3. In the third sentence of Article 3 (7) (c) the phrase 'paragraph 3 (b) and (c)' is replaced by 'paragraph 3 (a) and (b)'.

4. Article 4 (a) and (b) is replaced by the following:

*Article 4a*

As regards the additional guarantees which may be required in respect of foot-and-mouth disease and swine vesicular disease, the following rules shall apply:

1. Member States which have been free of foot-and-mouth disease for at least two years, which do not practise vaccination and which do not allow on to their territory animals which have been vaccinated less than one year previously may make the introduction on to their territory of live cattle and pigs subject to the following conditions:

- A. where the animals come from a Member State satisfying the same criteria, a guarantee that they have not been vaccinated against foot-and-mouth disease;
- B. where the animals come from a Member State which has been free of foot-and-mouth disease for at least two years, which practises vaccination and which allows vaccinated animals on to its territory:

(a) a guarantee that the animals have not been vaccinated against foot-and-mouth disease;

(b) a guarantee that the cattle have reacted negatively to a foot-and-mouth virus test carried out by the laryngo-pharyngeal scrape method (probang test);

(c) a guarantee that the cattle and pigs have reacted negatively to a serological test carried out to detect the presence of foot-and-mouth antibodies;

<sup>(1)</sup> OJ No C 122, 5. 5. 1984, p. 7.

<sup>(2)</sup> OJ No C 172, 2. 7. 1984, p. 185.

<sup>(3)</sup> OJ No C 248, 17. 9. 1984, p. 16.

<sup>(4)</sup> OJ No 121, 29. 7. 1964, p. 1977/64.

<sup>(5)</sup> OJ No L 360, 23. 12. 1983, p. 44.

- (d) a guarantee that the cattle and pigs have been isolated in the exporting country, either on a holding or at a quarantine station, for 14 days under the surveillance of an official veterinarian. In this connection, no animal located on the holding of origin or, as the case may be, at the quarantine station shall have been vaccinated against foot-and-mouth disease during the 21 days preceding exportation and no animal other than those forming part of the consignment shall have been introduced to the holding or quarantine station during that same period;
  - (e) placing in quarantine for a period of 21 days.
- C. Where the animals come from a Member State which has not been free of foot-and-mouth disease for at least two years:
- (a) the guarantees referred to in point B, with the exception of quarantine in the holding of origin;
  - (b) possible further guarantees to be decided on in accordance with the procedure laid down in Article 12.
2. Member States practising vaccination and allowing vaccinated animals on to their territory shall make the introduction on to their territory of live cattle subject to the following conditions:
- (a) where the animals come from a Member State satisfying the same criteria:
    - (i) a guarantee that cattle for breeding or production which are more than four months old have been vaccinated not less than 15 days and not more than four months before loading against types A, O and C of the foot-and-mouth disease virus, using an inactivated virus vaccine approved and controlled by the competent authority of the exporting country;
    - (ii) a guarantee that cattle for slaughter which are more than four months old have been vaccinated not less than 15 days and not more than four months before loading against types A, O and C of the foot-and-mouth disease virus, using an inactivated virus vaccine approved and controlled by the competent authority of the exporting country; however, the period of validity of the vaccination shall be extended to 12 months in the case of cattle re-vaccinated in Member States where such animals are vaccinated annually and where they are systematically slaughtered when they contract foot-and-mouth disease;
  - (b) where the animals come from a Member State which has been free of foot-and-mouth

disease for at least two years, which does not practise vaccination and which does not allow animals which have been vaccinated on to its territory, a guarantee that they have not been vaccinated against foot-and-mouth disease, without prejudice, however, to the animals possibly being vaccinated against foot-and-mouth disease before they are introduced into the herd to which they are being sent.

- 3. The Member States referred to in paragraph 1 may also, while complying with the general provisions of the Treaty make the introduction into their territory of animals of the pig species for breeding or production subject to a negative reaction to a test to detect the presence of swine vesicular disease antibodies carried out not more than 30 days before dispatch.
- 4. Where the tests referred to in this Article are carried out on the holding, the animals to be dispatched must be isolated from other animals until they are dispatched.

For the purposes of this Article, a Member State shall continue to be considered as having been free of foot-and-mouth disease for at least two years, even if a limited number of outbreaks of the disease have been recorded on a limited part of its territory, on condition that such outbreaks were eliminated within a period of less than three months.

Every three years and for the first time three years after the date appearing in the first paragraph of Article 2, the Council shall, acting by a qualified majority on a Commission proposal, review the provisions of this Article. This review shall be made on the basis of a report from the Commission accompanied, if necessary, by proposals.'

- 5. Article 4c shall become Article 4b.
- 6. In the first sentence of Article 5, 'referred to in Article 3 (3) (a) and (6) (a)' is replaced by 'referred to in Article 4a (2)'.
- 7. In Article 7 (1):
  - point A (a), 'by way of derogation from Article 3 (3) (a) or (6) (a)' is replaced by 'by way of derogation from Article 4a (2)'.
  - point B (a), 'by way of derogation from Article 3 (3) (a)' is replaced by 'by way of derogation from Article 4a (2)'.

#### Article 2

The following subparagraph is hereby added to Article 12 of Directive 72/461/EEC:

'However, so as to allow Ireland and the United Kingdom in respect of Northern Ireland to substitute for the special arrangements which apply to them

under Article 13, the general rules concerning foot-and-mouth disease as set out in this Directive, the two Member States concerned shall bring into force the necessary measures to comply therewith not later than 30 September 1985.'

*Article 3*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1984 and shall forthwith inform the Commission thereof.

However, Ireland and the United Kingdom in respect of Northern Ireland shall have until 30 September 1985 in order to conform thereto. Until that date they shall be

authorized to retain their national rules with regard to imports on to their territory from other Member States of bovine animals for breeding, store and slaughter relating to protection against foot-and-mouth disease while complying with the general provisions of the Treaty.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 11 December 1984.

*For the Council*

*The President*

A. DEASY

## COUNCIL DIRECTIVE

of 11 December 1984

amending Directive 64/432/EEC as regards brucellosis in respect of the buffered brucella antigen test, the micro-agglutination test and the milk ring test as applied to samples of milk

(84/644/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

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

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

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

Whereas Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals <sup>(4)</sup>, as last amended by Directive 84/643/EEC <sup>(5)</sup>, lays down common standards on anti-brucellosis measures applicable to animals intended for intra-Community trade;

Whereas it is necessary to indicate precisely that the slow tube serum agglutination test is the test to be carried out on bovine animals and swine before they enter into intra-Community trade;

Whereas, in order to ensure the continuity of free trade within the Community of bovine animals, it is necessary to adapt the technical provisions of the above Directive relating to brucellosis to take account of scientific progress:

Whereas new scientific knowledge and technical developments in the diagnosis and control of bovine brucellosis require adjustment of existing Community measures in this field,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 64/432/EEC is hereby amended as follows:

<sup>(1)</sup> OJ No C 255, 23. 9. 1983, p. 3.<sup>(2)</sup> OJ No C 342, 19. 12. 1983, p. 117.<sup>(3)</sup> OJ No C 23, 30. 1. 1984, p. 23.<sup>(4)</sup> OJ No 121, 29. 7. 1964, p. 1977/64.<sup>(5)</sup> See page 27 of this Official Journal.

1. In Article 3 (3) (c), 'paragraph A' is added after 'Annex C'.
2. In Article 3 (4) (i), 'paragraph A' is added after 'Annex C'.
3. In Article 3 (6) (c), 'paragraph A' is added after 'Annex C'.
4. In Article 7 (1) C, 'paragraph A' is added after 'Annex C'.
5. In Article 7 (1) D, 'paragraph A' is added after 'Annex C'.
6. In Annex A.II.A.1 (c) (i):
  - in the first paragraph, 'paragraph A' is added after 'Annex C',
  - the second indent is replaced by the following:
    - the sero-agglutination tests referred to in the first paragraph may be replaced by two official buffered brucella antigen tests or two micro-agglutination tests carried out in accordance with Annex C (D) and (G). These tests shall also be carried out at intervals of at least three months and at most 12 months.'
7. Annex A.II.A.1 (c) (ii) is replaced by the following:
  - (ii) are checked annually to establish that brucellosis is not present by three ring tests carried out at intervals of at least three months or two ring tests at an interval of at least three months and one serological test (sero-agglutination test or buffered brucella antigen test or plasma agglutination test or plasma ring test or micro-agglutination test) carried out at not less than six weeks after the second ring test. If ring tests are not carried out, two serological tests (sero-agglutination test or buffered brucella antigen test or plasma agglutination test or plasma ring test or micro-agglutination test) shall be carried out each year at intervals of at least three months and not more than six months.

Where, in a Member State or region thereof in which all bovine herds are subject to official operations to combat brucellosis, not more than 1% of bovine herds are infected, it shall be sufficient to carry out each year two ring tests at



an interval of at least three months, or one serological test (sero-agglutination test or buffered brucella antigen test or plasma-agglutination test or plasma-ring test or micro-agglutination tests).

Where checks are carried out on bulk tanks, the number of tests referred to in the preceding subparagraphs shall be doubled and the intervals between the tests shall be halved.

8. In Annex A.II.A.2 (c), the last paragraph is replaced by the following:

'The sero-agglutination tests referred to in 1 (c) (i), first indent, may be replaced by buffered brucella antigen tests carried out in accordance with Annex C (D) or micro-agglutination tests carried out in accordance with Annex C (G).'

9. In Annex C:

— paragraph C is replaced by the following:

**C. Ring test**

1. The ring test must be made on the contents of each milk churn or on the contents of each bulk tank from the farm.
2. The standard antigen to be used must come from one of the institutes listed in paragraph A.9 (a) to (j). It is recommended that the antigens should be standardized according to the WHO/FAO recommendations.
3. The antigen may be stained only with hematoxylin or tetrazolium; hematoxylin should preferably be used.
4. If no preservation is used then the reaction test must be carried out between 18 and 24 hours of taking the sample from the cow. If milk is to be tested later than 24 hours after sampling, then preservation must be used, formalin or mercuric chloride may be used as preservatives and if either of these are used the test must be carried out within the following 14 days after the day of sampling. Formalin may be added to give a final concentration in the milk sample of 0,2% and, in such cases, the ratio between the amount of milk and the solution of formalin must be at least 10 to 1. A solution of mercuric chloride may be used instead of formalin to give a final concentration in the milk of 0,2% and, in such cases, the ratio between the amount of milk and the solution of mercuric chloride must be 10 to 1.
5. The reaction must be carried out using one of the following methods:

- on a column of milk at least 25 mm high and on a volume of milk of 1 ml to which 0,03 ml of one of the standardized stained antigens has been added,
- on a column of milk at least 25 mm high and on a volume of milk of 1 ml to which 0,05 ml of one of the standardized stained antigens has been added,
- on a volume of milk of 8 ml which 0,08 ml of one of the standardized stained antigens has been added,
- on a column of milk at least 25 mm high and on a volume of milk of 2 ml to which 0,05 ml of one of the standardized stained antigens has been added.

6. The mixture of milk and antigens must be incubated at 37 °C for not less than 45 minutes and not more than 60 minutes. The test must be assessed within 15 minutes of removal from the incubator.
7. The reaction must be assessed according to the following criteria:
  - (a) **negative reaction:** coloured milk, colourless cream;
  - (b) **positive reaction:** milk and cream identically coloured or colourless milk and coloured cream.'

— a new paragraph G shall be added:

**G. Micro-agglutination test**

1. Diluents are made up of 0,85% physiological saline solution phenolized at 0,5%.
2. The antigen shall be prepared as described under points 6, 7 and 8 of Annex C (A) and shall be titrated as described under point 5 of Annex C (A). At the moment the antigen is used safranin O shall be added at 0,02% (final dilution).
3. The standard serum is the same as that under point 1 of Annex C (A).
4. The standard serum must be supplied by the Bundesgesundheitsamt, Berlin.
5. The micro-agglutination test shall be carried out on plates bearing wells with conical bottoms of a volume of 0,250 ml. The test shall be carried out as follows:
  - (a) Predilution of the serum: 0,050 ml of each serum to be tested are added to each well containing 0,075 ml of diluent. The mixtures are shaken for 30 seconds.

- (b) Gradual serum dilution: prepare at least three dilutions for each serum. To this end from the predilutions (1 : 2,5) one takes 0,025 ml of each serum and transfers them to a well containing 0,025 ml of diluent. In this way the first dilution reaches a strength of 1 : 5 and the following dilutions are carried out by doubling.
- (c) Addition of antigen: 0,025 ml of antigen is added to each well containing the different serum dilutions. After being shaken for 30 seconds the plates are closed with their respective lids and kept at 37 °C for 20 to 24 hours in a humidified atmosphere.
- (d) Reading the results: assessment of the aspect of the sedimentation of the antigen is made by examining the bottom of the well reflected in a concave mirror placed above it. If there is a negative reaction, the antigen forms a sediment in the form of a compact button with clear edges and having an intense red colour. If there is a positive reaction, on the other hand, a diffused pink veil is formed that is evenly distributed. The different percentages of agglutination are determined by comparison with

antigen checks indicating 0, 25, 50, 75 and 100 % agglutination. The title of each serum is expressed in International Units of Agglutination per ml. There should be included in the test, controls with negative and positive serum diluted so as to contain 30 International Units of Agglutination per ml.'

#### *Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 1985. They shall forthwith inform the Commission thereof.

#### *Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 11 December 1984.

*For the Council*  
*The President*  
A. DEASY

## COUNCIL DIRECTIVE

of 11 December 1984

amending Directive 80/217/EEC introducing Community measures for the control of classical swine fever

(84/645/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 100 thereof,

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

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

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

Whereas Directive 80/217/EEC <sup>(4)</sup>, as last amended by Directive 81/476/EEC <sup>(5)</sup>, introduced Community measures to be applied in the event of suspected or confirmed cases of classical swine fever;

Whereas, in view of the way in which the disease has developed, the measures implemented should be stepped up;

Whereas the conditions for carrying out the protective vaccination of herds threatened with contamination and the conditions for controlling the movement of livestock should be specified;

Whereas, in the event of the disease assuming serious epizootic proportions, it must be possible to make regional measures, in particular preventive vaccination, compulsory; whereas, to this end, provision should be made for a rapid procedure for initiating close cooperation between the Member States and the Commission;

Whereas, in order to increase the effectiveness of Community recommendations regarding the intensification of measures to combat swine fever, it seems necessary to provide for the suspension of Community financial aid by way of derogation from Decision 80/1096/EEC <sup>(6)</sup>,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 80/217/EEC is hereby amended as follows:

1. In the seventh indent of Article 5 (1), '15 days' is replaced by '30 days'.
2. Article 9 is amended as follows:
  - (i) in paragraph 1, '2 kilometres' is replaced by '3 kilometres';
  - (ii) the second indent of paragraph 2 (a) is replaced by the following:
 

'— the pigs may not be removed from the holding on which they are kept during the first 15 days. Between the 15th day and the 30th day the pigs may not be removed from the said holding except to be transported under official supervision directly to a slaughterhouse for the purpose of immediate slaughter. Such transport may be authorized by the competent authority only after the official veterinarian has carried out an examination of all pigs on the holding and confirmed that none of the pigs is suspected of being infected with swine fever,';
  - (iii) in paragraph 2 (b), '15 days' is replaced by '30 days'.
3. Article 14 is replaced by the following:

*'Article 14*

1. Member States shall ensure that in general the following measures are applied:
  - the use of specific immune-serum or sero-vaccination is prohibited,
  - the manufacture, sale for any purpose, distribution and use of swine fever vaccine are placed under official control,
  - requirements relating to swine fever vaccine established in accordance with the procedure laid down in Article 16 are observed,
  - swine fever vaccines imported from third countries are authorized and checked by the

<sup>(1)</sup> OJ No C 19, 26. 1. 1984, p. 6.

<sup>(2)</sup> OJ No C 127, 14. 5. 1984, p. 186.

<sup>(3)</sup> OJ No C 206, 6. 8. 1984, p. 44.

<sup>(4)</sup> OJ No L 47, 21. 2. 1980, p. 11.

<sup>(5)</sup> OJ No L 186, 8. 7. 1981, p. 20.

<sup>(6)</sup> OJ No L 325, 1. 12. 1980, p. 5.

competent authority in the importing Member State and are subject to the same conditions in respect of sale, distribution and use as apply to vaccine produced in the Member States.

2. Where swine fever is detected on one or more holdings or in one or more production units, and without prejudice to national provisions, where the latter provide for preventive vaccination of pigs against swine fever either on part or all of the territory, the measures to control the disease may be supplemented by the prompt vaccination under official control of pigs in other holdings or production units threatened with contamination in a territorial vaccination area or a production branch demarcated, in each case, by the competent authority. The vaccinated pigs shall be permanently marked in accordance with the instructions issued by the competent authority.

3. Where the competent authority decides on vaccination in a specific region, such vaccination shall be carried out systematically on all the pigs in the vaccination area. In this case, the following measures shall be applied within a period of six months of the completion of the vaccination operations, which period may be extended for a further six months:

- (i) all pigs kept on holdings inside the vaccination area shall be vaccinated as soon as possible;
- (ii) all pigs kept on holdings inside the vaccination area must remain there throughout the vaccination operations stipulated in point (i);
- (iii) any pigs born on or transferred to a holding inside the vaccination area shall have been vaccinated. However, in the herds referred to in paragraph 4, piglets born after six months may be exempted from the vaccination operations;
- (iv) in order to be allowed to leave the vaccination area, live vaccinated pigs must be intended for immediate slaughter and have been vaccinated at least 15 days beforehand. However, three months after completion of the vaccination operations referred to in (i), the competent authority may authorize the departure of vaccinated pigs intended for fattening, provided they are transferred under official control and the receiving holding contains only pigs for fattening and is kept under official surveillance until the vaccinated pigs are slaughtered.

4. By way of derogation from paragraph 3, the competent authorities may, however, exempt herds of pigs of very great genetic value from systematic vaccination provided that all necessary steps are taken to ensure protection of their health and to subject them to periodic serological checks.

5. However, by way of derogation from paragraphs 3 and 4 a Member State may authorize vaccination to be confined to pigs for fattening in the vaccination area, subject to the condition that

vaccinated pigs may not leave the holding on which they are kept except to be taken to a slaughter house for slaughter. In such a case, the following measures shall be applied for a period of six months, which period may be extended for a further six months:

- (i) vaccination must be carried out as soon as possible;
- (ii) during the vaccination operations and for 15 days following completion of these operations, live pigs for fattening must remain in the vaccination area;
- (iii) all pigs for fattening brought to holdings in the vaccination area shall be vaccinated;
- (iv) piglets coming from herds in which vaccination has taken place may only be transferred to holdings situated within the vaccination area for fattening;
- (v) where live pigs for breeding or for fattening coming from non-vaccinated herds are moved to holdings situated outside the vaccination area, no pigs shall be allowed to leave the latter holdings, except for immediate slaughter, for 30 days following the arrival of the pigs from the vaccination area; in the case of gestating sows, the 30-day period shall commence on farrowing.

4. The following Article is inserted:

*'Article 14a*

1. Where, in a given region, an epizootic of swine fever is exceptionally serious and is tending to spread, the Member State concerned shall declare a demarcated territorial area including at least all the protection zones in that area "a high health-risk area" in accordance with Article 9 (1).

2. Where the Member State in question does not intend to have recourse to Article 14 (3) and (4) it shall apply the measures provided for in Article 9 in the "high health-risk area" and stipulate the following in particular:

- (a) no live pig may leave the "high health-risk" area;
- (b) live pigs leaving a holding situated in the protection zone shall do so in accordance with the conditions laid down in Article 9 (2) (a), second indent, while live pigs from a holding situated in the remainder of the "high health-risk area" may be introduced into another holding in that area provided that no pig leaves the latter holding, except for immediate slaughter, for 30 days either after the arrival of the pigs or, in the case of gestating sows from such a holding, for 30 days after farrowing.

3. If the alarming situation continues, all the measures to be taken by the Member States concerned, in particular determination of the high-risk area and recourse to the provisions of Article 14 (3) and (4), may be the subject of a recommendation in accordance with the procedure laid down in Article 16a.

If a Member State decides not to apply this recommendation, the Community financial assistance provided for under Decision 80/1096/EEC shall be suspended for the area by way of derogation from Article 1 of the Decision.

4. The measures laid down in the preceding paragraphs shall be discontinued after the elimination of the last protection zone in the "high health-risk area".

5. The following Article shall be inserted:

*Article 16a*

1. Where the procedure laid down in this Article is to be followed, the matter shall without delay be referred to the Committee by its chairman, either on his own initiative or at the request of a Member State.

2. Within the Committee, the votes of the Member States shall be weighted as laid down in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on these measures within two days. Opinions shall be delivered by a majority or 45 votes.

4. The Commission shall adopt the measures and shall implement them immediately, where they are in

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

5. If the Council has not adopted any measures within 15 days of the date on which the matter is referred to it, the Commission shall adopt the proposed measures and shall implement them immediately unless the Council has voted against the measures by a simple majority.'

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 March 1985. They shall forthwith inform the Commission thereof.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 11 December 1984.

*For the Council*

*The President*

A. DEASY