

Official Journal

of the European Communities

ISSN 0378-6978

L 331

Volume 37

21 December 1994

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ Decision No 3092/94/EC of the European Parliament and of the Council of 7 December 1994 introducing a Community system of information on home and leisure accidents 1
 - ★ Directive 94/48/EC of the European Parliament and of the Council of 7 December 1994 amending for the 13th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations 7
 - ★ Directive 94/52/EC of the European Parliament and of the Council of 7 December 1994 amending for the second time the Directive 88/344/EEC on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients 10
-

II *Acts whose publication is not obligatory*

Council

94/798/EC:

- ★ Council Decision of 8 December 1994 accepting, on behalf of the Community, Annexes E.7 and F.4 to the International Convention on the Simplification and Harmonization of Customs Procedures 11

94/799/Euratom:

- ★ Council Decision of 8 December 1994 adopting a specific programme of research and training in the field on controlled thermonuclear fusion (1994 to 1998) 22
-

Note to our Swedish and Finnish readers (see inside back cover)

I

(Acts whose publication is obligatory)

DECISION No 3092/94/EC OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL

of 7 December 1994

introducing a Community system of information on home and leisure accidents

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

requires a longer period and whereas a four-year period
seems appropriate;

Having regard to the Treaty establishing the European
Community, and in particular Article 129a (2) thereof,

Whereas national policies on protection of the health and
safety of consumers as well as on prevention of home and
leisure accidents are already being implemented in all the
Member States; whereas, however, it is necessary, due to
the increasing circulation of products in the framework
of the internal market, to provide for specific action in
order to allow, in this internal market, identification of
the products involved in accidents and the combination
of circumstances which might lead to these accidents;
whereas, for this purpose, it is desirable for national
authorities to have sufficiently homogeneous instruments
so that the conclusions of one Member State can, where
appropriate, be used in other Member States as well as at
Community level;

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

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

Acting in accordance with the procedure referred to in
Article 189b of the Treaty (3),

Whereas the establishment of a Community system of
information on home and leisure accidents forms a
component part of a policy on consumer protection and
the prevention of accidents; whereas its importance in
this respect can be seen from the fact that the data
collected pursuant to the demonstration project set up by
Decision 86/138/EEC (4), are being put to specific uses by
several Member States for the adoption of measures in
the area of product safety;

Whereas, although the management of consumer safety is
primarily the responsibility of each Member State,
Community financial involvement can help the Member
States to overcome the problems of the actual collection
of data at national level; whereas the Commission must
therefore provide coordination and contribute to the
homogeneous implementation of action taken at national
level, by promoting the dissemination of information on
home and leisure accidents to all the competent
authorities;

Whereas Decision 93/683/EEC (5) introduced a system of
information on home and leisure accidents for one year
in 1993; whereas the objective of preventing accidents

Whereas a Community framework and Community
financial assistance are necessary to avoid major
distortions, since a number of Member States would not
have the necessary resources to obtain by themselves the
data on home and leisure accidents which help to
establish a policy on consumer protection;

(1) OJ No C 104, 12. 4. 1994, p. 15 and OJ No C 157, 8. 6.
1994, p. 11.

(2) OJ No C 195, 18. 7. 1994, p. 52

(3) Opinion of the European Parliament of 5 May 1994 (OJ No
C 205, 25. 7. 1994, p. 396), Council common position of 11
July (OJ No C 244, 31. 8. 1994, p. 83) and Decision of the
European Parliament of 26 October 1994 (not yet published
in the Official Journal).

(4) OJ No L 109, 26. 4. 1986, p. 23, as amended by Decision
90/534/EEC (OJ No L 296, 27. 10. 1990, p. 64).

(5) OJ No L 319, 21. 12. 1993, p. 40.

Whereas steps should be taken to ensure the overall
quality of the data and, in the context of the internal
market and Council Directive 92/59/EEC of 29 June

1992 on general product safety⁽¹⁾, to make it possible for all Member States to collect the information needed for the monitoring of the products involved in accidents; whereas such data must be obtained from hospital casualty departments, or alternative sources suffering equal guarantees of reliability of the data;

Whereas the Community aspects of the collection of data oblige the Member States to use a homogeneous methodology for the collection and production of information for transmission to the Commission; whereas this constraint is not disproportionate to the objective pursued; whereas by its very nature, this system is not appropriate to serve as statistical proof, a fact which should be pointed out each time the system is referred to;

Whereas the Commission will, for the application of this Decision, use the Committee provided for in Article 10 (1) of Directive 92/59/EEC for the purpose of assisting the Commission in defining the technical aspects in connection with the implementation and the improvement of the system;

Whereas the provision of specific information by the Member States, at the Commission's request, on products or groups of products involved in accidents is necessary for the development of a Community policy on product safety;

Whereas the Member States must also be in a position to make annual summary reports to the Commission; whereas the conclusions drawn by the Member States in those reports should make it possible for the Commission, in concert with the Member States, to determine what action should be taken at Community level;

Whereas, finally, the introduction of an information system on home and leisure accidents appears, under these conditions, to be necessary at Community level to support and complement the policy carried out by the Member States in this important area to achieve a high level of consumer protection and it does not exceed what is necessary to promote the prevention of such accidents; it is therefore consonant with the principle of subsidiarity,

HAVE ADOPTED THIS DECISION:

Article 1

1. A Community system of information on home and leisure accidents, hereinafter referred to as 'the system', is

hereby set up for the period 1994 to 1997. The specifications and operating procedures of the system are defined in Annex I.

2. The system's objective should be to collect data on home and leisure accidents with a view to promoting accident prevention, improving the safety of consumer products and informing and educating consumers so that they make better use of products, at both national and Community level.

3. This Decision shall not apply to occupational accidents and illness, nor to road, rail, sea or air traffic accidents.

Article 2

1. Member States shall be responsible for implementing the system. They shall process directly the data collected and submit to the Commission annual reports containing summaries and evaluations at national level of the results obtained and the conclusions they draw from those results. These reports must be forwarded at the latest at the end of the fourth month of the year following the year in question.

2. The Community financial support provided for in Article 3 (2) shall be tied to the submission of the annual report referred to in paragraph 1.

3. Member States shall supply the Commission, at its request with the data available on the safety of certain products or categories of product involved in home and leisure accidents and the circumstances surrounding such accidents.

4. Member States shall designate the authority or authorities responsible for the collection and transmission of the data and shall inform the Commission of the names and addresses of those authorities. The Commission shall forward that information to all Member States with a view to facilitating direct exchanges of information between national authorities.

5. In the interests of transparency in the use of Community funds, each Member State shall ensure appropriate publication of the report referred to in paragraph 1.

Article 3

1. To improve the compatibility of the methodologies used, the Commission shall, in accordance with the procedure laid down in Article 7, at the latest by the end of the first year of the system's functioning, and on the basis of previous experience, draw up new rules designed to bring about greater uniformity of codes, definitions,

(1) OJ No L 228, 11. 8. 1992, p. 24.

classification of data and presentation of national reports. To this end the Commission shall, in particular, take into account the codes and models already existing at international or Community level.

2. The Commission shall help finance implementation of the system in the Member States, in accordance with the detailed rules laid down in Annex II.

3. The Commission shall process, summarize and publish each year the data received from the Member States and shall disseminate them in an appropriate manner at Community level, in particular to the Consumer Consultative Council, to European or national consumer associations, to European consumer information centres and to European standardization bodies. This information will be directly accessible to consumers by means of the network for the exchange of information on the rights of consumers in the Community. The Commission shall also undertake information campaigns, in so far as they are necessary at Community level.

Article 4

1. The Commission and the Member States shall ensure that, in the course of the collection and forwarding of information, all identifying details or those which enable identities to be deduced are removed so that the identity of victims remains confidential.

2. Any referenced use of data in the Member States in official publications shall be accompanied by a statement to the effect that the Community system of information on home and leisure accidents provides only general indications and cannot be regarded as statistical proof of the safety or lack of safety of a given product.

Article 5

The Community financial resources deemed necessary for implementing the system shall be ECU 2,5 million per year for the period 1994 to 1997.

The amount shall fall within the current financial perspective.

The budget authority shall determine the appropriations available for each financial year taking into account the principles of sound management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.

Article 6

1. At the beginning of 1995 the Commission shall draw up a report, together with any appropriate proposals for

amendments, including those concerning the distribution among the Member States, from 1 January 1996, of hospitals participating in the system so as to make the representativity of the sample homogeneous.

2. At the beginning of 1996 the Commission shall draw up a more general assessment report on the operation of the system, together with any proposals for amendments, where appropriate, to the arrangements for the allocation of financial support.

3. By 31 December 1997 at the latest the Commission shall draw up a final report on the implementation and effectiveness of the system.

4. In drawing up its reports, the Commission shall take due account of experience gained from previous assessments and pay particular attention to the following:

- the timeliness, quality and comparability of the data provided by the Member States,
- the need to adjust existing codes and to adopt new codes and common coding principles in view of the increasing number of new products,
- ease of access to information,
- the enhanced value of the data to the Member States and the Community.

The reports shall be submitted to the European Parliament, the Council and the Economic and Social Committee.

Article 7

1. The Commission shall be assisted by the Committee set up by Article 10 (1) of Directive 92/59/EEC.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

3. The Committee may, at the request of the Commission or a Member State, examine any issue linked with the application of this Decision.

Article 8

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1994.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 7 December 1994.

For the European Parliament

The President

K. HÄNSCH

For the Council

The President

G. REXRODT

ANNEX I

Specifications of the system

1. The system shall apply to home and leisure accidents which are followed by medical treatment and which occur in the home or its immediate surroundings, such as gardens, yards and garages, or during leisure, sports or school activities.
2. The basic information shall be obtained from the casualty departments of hospitals selected by the Member States in accordance with the limits specified at point 4.
In the Federal Republic of Germany, Spain and Luxembourg the collection of data shall be carried out by means of household surveys.
3. When compiling their national reports, Member States shall, wherever possible, take into account additional information, including that obtained from poison-antidote centres, death certificates, family doctors, burns treatment centres, fire services and emergency systems. Such information shall be annexed to national reports.
4. Special attention shall be paid to the quality of the data, especially to the representativity of the hospitals, to the interval between surveys and the extent of the samples.

The data shall include at least information on:

- the place where the accident occurred,
- the date of the accident,
- the place of treatment,
- the activity of the victim at the time of the accident,
- the type of accident,
- the type of product involved in the accident,
- the age of the victim,
- the sex of the victim,
- the type of injury,
- the parts of the body injured,
- the duration and type of treatment,
- a brief description of the accident and its causes (including, where possible, the main features and identifying details of the product involved).

This information shall be classified in accordance with the common criteria of the existing coding manual and, subsequently, in accordance with the rules adopted under Article 3 (1) of the Decision.

5. The distribution of hospitals among the Member States shall be as follows:

<i>Member State</i>	<i>Number of hospitals</i>
Belgium	4
Denmark	5
Greece	4
France	8
Ireland	2
Italy	7
Netherlands	7
Portugal	6
United Kingdom	11
	54

As far as possible Member States shall endeavour to ensure the geographical representativity of hospitals, taking into consideration both rural and urban communities.

*ANNEX II***Financial support**

1. Community financial support for the hospitals participating in the collection of data will be allocated at a standard rate representing 80% of the actual annual costs, up to a ceiling of ECU 28 000 per hospital.
2. Community financial support for the household surveys in Germany, Spain and Luxembourg will be allocated at a standard rate of 80% of the actual annual costs up to a ceiling of:
 - ECU 380 000 for Germany,
 - ECU 225 000 for Spain,
 - ECU 95 000 for Luxembourg.
3. In addition, Community financial support will be provided as a contribution to the strengthening of the least developed national infrastructures, in particular through the development of appropriate computerized networks and so that Member States with operational collection systems may give bilateral technical assistance to the other Member States.

This Community financial support may not exceed 3,5% of the overall financial support granted by the Community.

DIRECTIVE 94/48/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 7 December 1994

amending for the 13th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Acting in accordance with the procedure referred to in Article 189b of the Treaty ⁽³⁾,

Whereas Article 7a of the Treaty establishes an area without internal frontiers in which it must be possible for goods, persons, services and capital to move freely;

Whereas the progress of the internal market should gradually improve the quality of life, the health protection and the safety of consumers; whereas the measures proposed by this Directive are in line with the Council resolution of 9 November 1989 on future priorities for relaunching consumer protection policy ⁽⁴⁾;

Whereas certain substances and preparations used in aerosol generators are of a particularly flammable nature;

Whereas risks to consumers arise from the increasing use in aerosol generators of flammable substances in place of chlorofluorocarbons (CFC); whereas such risks are particularly acute in the case of aerosol generators intended for entertainment and decorative purposes;

Whereas these risks can be offset by adapting to technical progress Council Directive 75/324/EEC of 20 May 1975

on the harmonization of the laws of the Member States relating to aerosol dispensers ⁽⁵⁾ and by limiting thereby the use of flammable substances in aerosol generators intended for entertainment and decorative purposes;

Whereas the limits planned by one Member State on the marketing of certain aerosol generators intended for entertainment and decorative purposes directly affect the completion and functioning of the internal market; whereas it is therefore necessary to approximate the laws of the Member States in this field and consequently amend Annex I to Directive 76/769/EEC ⁽⁶⁾;

Whereas, according to the scope and effects of the proposed action, the Community measures envisaged by this Directive are not only necessary but also indispensable for the attainment of the stated objectives; whereas these objectives cannot be achieved by Member States individually and whereas, furthermore, their attainment at Community level is already provided for by Directive 76/769/EEC,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 76/769/EEC is hereby amended in accordance with the Annex hereto.

Article 2

1. Member States shall adopt the laws, regulations and administrative provisions necessary to comply with this Directive no later than:

— either six months after adoption of a Commission Directive adjusting Directive 75/324/EEC on aerosol dispensers to technical progress to cover all testing procedures used to certify the conformity of products with this Directive,

⁽¹⁾ OJ No 306, 12. 11. 1993, p. 14.

⁽²⁾ OJ No C 133, 16. 5. 1994, p. 15.

⁽³⁾ Opinion of the European Parliament of 15 December 1993 (OJ No C 20, 24. 1. 1994, p. 77), Council common position of 27 June 1994 (OJ No C 244, 31. 8. 1994, p. 13) and Decision of the European Parliament of 15 September 1994 (not yet published in the Official Journal).

⁽⁴⁾ OJ No C 294, 23. 11. 1989, p. 1.

⁽⁵⁾ OJ No L 147, 9. 6. 1975, p. 40, Directive as last amended by Directive 94/1/EC (OJ No L 23, 28. 1. 1994, p. 28).

⁽⁶⁾ OJ No L 262, 27. 9. 1976, p. 201, Directive as last amended by Directive 91/339/EEC (OJ No L 186, 12. 7. 1991, p. 64).

— or one year after the adoption of this Directive if that date is later than the first.

Article 3

This Directive is addressed to the Member States.

They shall apply these provisions six months after expiry of the relevant period.

Done at Brussels, 7 December 1994.

2. When Member States adopt the provisions referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

For the European Parliament

For the Council

The President

The President

K. HÄNSCH

G. REXRODT

ANNEX

Substances

either

- appearing in Annex I to Directive 67/548/EEC which are classified as flammable or extremely flammable and labelled as such,
 - or
 - not yet appearing in Annex I to Directive 67/548/EEC but conforming to the criteria of flammability of Annex VI to Directive 67/548/EEC and being provisionally classified and labelled as flammable, highly flammable or extremely flammable according to Article 5 (2) of Directive 67/548/EEC.
1. May not be used as such or in the form of preparations in aerosol generators marketed and intended for sale to the general public for entertainment and decorative purposes such as the following:
 - metallic glitter intended mainly for decoration,
 - artificial snow and frost,
 - 'whoopee' cushions,
 - silly string aerosols,
 - imitation excrement,
 - horns for parties,
 - decorative flakes and foams,
 - artificial cobwebs,
 - stink bombs,
 - etc.
 2. Without prejudice to the application of other Community provisions on the classification, packaging and labelling of dangerous substances, the following words must appear legibly and indelibly on the packaging of aerosol generators referred to above; 'For professional users only'.
 3. By way of derogation, paragraphs 1 and 2 shall not apply to the aerosol generators referred to in Article 9a of Directive 75/324/EEC.
 4. The products referred to above may not be placed on the market unless they conform to the requirements indicated.
-

DIRECTIVE 94/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 7 December 1994

amending for the second time Directive 88/344/EEC on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Acting in accordance with the procedure referred to in Article 189b of the Treaty ⁽³⁾,

Whereas Directive 88/344/EEC ⁽⁴⁾, deleted from Part III of the Annex, as from 1 January 1994 the solvent cyclohexane, used in the preparation of flavourings;

Whereas, on the basis of complementary information meanwhile received, the Scientific Committee for Food has decided to re-instate its previous temporary acceptance for this substance; whereas the use of the solvent can therefore be continued, pending the definitive opinion of that Committee,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 88/344/EEC is hereby amended as follows:

in Part III: The solvent cyclohexane shall be reinstated with a maximum residue limit of 1mg/kg.

Article 2

1. Member States shall amend their laws, regulations and administrative provisions in such a way as to permit trade in products complying with this Directive at the latest by 7 December 1995.

They shall forthwith inform the Commission thereof.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 7 December 1994.

For the European Parliament

The President

K. HÄNSCH

For the Council

The President

G. REXRODT

⁽¹⁾ OJ No C 15, 18. 1. 1994, p. 17.

⁽²⁾ OJ No C 133, 16. 5. 1994, p. 21.

⁽³⁾ Opinion of the European Parliament of 9 February 1994. (OJ No C 61, 28. 2. 1994, p. 101), Council common position of 10 March 1994 (OJ No C 172, 24. 6. 1994, p. 1) and Decision of the European Parliament of 15 September 1994 (OJ No C 276, 3. 10. 1994, p. 13).

⁽⁴⁾ OJ No L 157, 24. 6. 1988, p. 28. Directive as amended by Directive 92/115/EEC, (OJ No L 409, 31. 12. 1992, p. 31).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 8 December 1994

accepting, on behalf of the Community, Annexes E.7 and F.4 to the International Convention on the Simplification and Harmonization of Customs Procedures

(94/798/EC),

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof, in conjunction with the first sentence of Article 228 (2),

Having regard to the proposal from the Commission,

Whereas, pursuant to Council Decision 75/199/EEC ⁽¹⁾, the Community has accepted the International Convention on the Simplification and Harmonization of Customs Procedures (Kyoto Convention);

Whereas the Annexes to the said Convention concerning the duty-free replacement of goods and customs formalities in respect of postal traffic can be accepted by the Community;

Whereas it is appropriate, however, to accompany this acceptance with certain reservations in order to take account of the special requirements of the customs union and of Community customs legislation,

HAS DECIDED AS FOLLOWS:

Article 1

The following Annexes to the International Convention on the Simplification and Harmonization of Customs

Procedures are hereby accepted on behalf of the Community, subject to the reservations indicated:

- Annex E.7 concerning the duty-free replacement of goods with a general reservation and reservations with regard to Standards 3, 9 and 20 and Recommended practices 11, 13, 16, 17 and 25,
- Annex F.4 concerning customs formalities in respect of postal traffic with a general reservation and reservations with regard to Standards 19 and 26 and Recommended practices 23, 24 and 25.

The texts of Annexes E.7 and F.4 to Convention appear in Annexes I and II respectively to this Decision, which contain, in the appendices, the corresponding reservations expressed by the Community.

Article 2

The President of the Council is hereby authorized to designate the person entitled to notify the Secretary-General of the Customs Cooperation Council of the acceptance, on behalf of the Community, of the Annexes referred to in Article 1, together with the reservations indicated in that Article.

Done at Brussels, 8 December 1994.

For the Council

The President

G. REXRODT

⁽¹⁾ OJ No L 100, 21. 4.1975, p.1.

ANNEX I

ANNEX E.7

concerning the duty-free replacement of goods

INTRODUCTION

In most countries, national legislation contains provisions under which goods used to make products for export are not required to bear duties and taxes.

The drawback procedure and temporary admission for inward processing allow a refund of, or conditional relief from, import duties and taxes to be granted in respect of foreign goods used to obtain exported products.

In the case of the duty-free replacement of goods procedure, the subject of the present Annex, the technique employed is to grant exemption from import duties and taxes for goods equivalent to those which were in free circulation and were processed into products exported from the Customs territory.

However, application of this procedure may be made subject to the condition that the importation of goods equivalent to those incorporated in the products previously exported is regarded by the competent authorities as beneficial to the national economy.

Products manufactured from goods admitted free of import duties and taxes under this procedure may be put on the home market. Should they be exported, the duty-free replacement of goods procedure could again become applicable.

DEFINITIONS

For the purposes of this Annex

- (a) the term 'duty-free replacement of goods procedure' means the customs procedure which permits the importation, free of import duties and taxes, of goods equivalent (i. e., identical in description, quality and technical characteristics) to those which were in free circulation and which were processed into products previously exported outright;
- (b) the term 'import duties and taxes' means the customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the importation of goods, but not including fees and charges which are limited in amount to the approximate cost of services rendered;
- (c) the term 'person' means both natural and legal persons, unless the context otherwise requires.

PRINCIPLE

1. *Standard*
- The duty-free replacement of goods procedure shall be governed by the provisions of this Annex.

FIELD OF APPLICATION

2. *Standard*
- National legislation shall specify the circumstances in which the duty-free replacement of goods procedure may be granted and shall lay down the requirements which must be met.

Notes

- (1) The circumstances in which the duty-free replacement of goods procedure is allowed may be set out in general terms and/or in detail.
- (2) The granting of this procedure may be made subject to the condition that the importation of goods equivalent to those incorporated in the products previously exported is regarded by the competent authorities as beneficial to the national economy.
- (3) The benefit of the procedure may be reserved to persons established in the Customs territory.

3. *Standard*

At importation, goods equivalent to those which were in free circulation and which were incorporated in the products previously exported shall be afforded total exemption from import duties and taxes, subject to payment of any duties and taxes repaid or remitted on the exportation of the products.

Notes

- (1) The exemption from import duties and taxes may be granted in respect of raw materials and semi-manufactured products as well as to parts equivalent to those incorporated, without further manufacture, in the products exported.
- (2) Goods such as catalysts and accelerators or retarders of chemical reactions which, on being used to obtain products for exportation with entitlement to duty-free replacement of goods, disappear entirely or partially during such use without actually being contained in the products for export, may be treated as goods used to obtain the said products and granted the same exemption from import duties and taxes. However, this exemption does not normally extend to mere aids to manufacture such as lubricants.

4. *Recommended practice*

The benefit of the duty-free replacement of goods procedure should not be withheld solely on the grounds that the products are exported to a specific country.

5. *Standard*

National legislation shall specify the categories of persons who may receive an authorization for the duty-free replacement of goods.

Note

The holder of an authorization for the duty-free replacement of goods may be the exporter, the manufacturer or the owner of the exported products.

6. *Standard*

The benefit of the duty-free replacement of goods procedure shall be granted where it is possible to ascertain the use of the goods in arriving at the exported products.

Note

In order to ascertain the use of the goods in arriving at the exported products the customs authorities may carry out controls during the manufacturing process or may have recourse to the record kept by the manufacturer of the products to be exported.

EXPORTATION OF PRODUCTS WITH ENTITLEMENT TO DUTY-FREE REPLACEMENT OF GOODS**(a) Formalities prior to the exportation of the products**7. *Standard*

National legislation shall specify the circumstances in which prior authority is required for application of the duty-free replacement of goods procedure and the authorities empowered to grant such authority.

8. *Recommended practice*

Persons who carry on large-scale and continuous operations involving the duty-free replacement of goods should be granted a general authority covering such operations.

9. *Standard*

The description, quality, technical characteristics and quantity of the various goods which were in free circulation and are contained in the products to be exported with entitlement to duty-free replacement of goods shall be determined by the competent authorities on the basis of the actual conditions under which those products were obtained.

10. *Recommended practice*

In determining the quantities of the various goods contained in the products to be exported with entitlement to duty-free replacement of goods, the competent authorities should make allowance for losses and irrecoverable waste deriving from the manufacturing process.

11. *Recommended practice*

Where products to be exported with entitlement to duty-free replacement of goods have reasonably constant characteristics and are obtained under clearly defined technical conditions, the competent authorities should establish standard quantity scales for the various goods contained in the products to be exported.

(b) Declaration for exportation entitlement to duty-free replacement of goods12. *Standard*

National legislation shall specify the conditions under which products to be exported with entitlement of duty-free replacement of goods shall be produced at the competent customs office and a goods declaration (outwards) shall be lodged.

Note

National legislation may provide that the goods declaration relevant to the exportation of the products must contain the particulars necessary to enable the customs to determine the quantities of the various goods for which exemption from import duties and taxes will be claimed.

13. *Recommended practice*

Where the competent authorities have not been able to give a ruling on an application for duty-free replacement of goods, the declarant should be authorized to export the products concerned without delay provided that the conditions prescribed are met and without prejudice to the final decision.

14. *Recommended practice*

The national forms used for the exportation of products with entitlement to duty-free replacement of goods should be harmonized with the goods declaration (outwards).

(c) Examination of products exported with entitlement to duty-free replacement of goods15. *Recommended practice*

At the request of the declarant, and for reasons which they deem valid, the customs authorities should, so far as possible, allow products for exportation with entitlement to duty-free replacement of goods to be examined on private premises, the expenses entailed by such examination being borne by the declarant.

(d) Authorized destinations of products exported with entitlement to duty-free replacement of goods16. *Recommended practice*

Provisions should be made to permit products for exportation with entitlement to duty-free replacement of goods to be placed in free ports or free zones.

17. *Recommended practice*

Provisions should be made to permit products for exportation with entitlement to duty-free replacement of goods to be placed in a customs warehouse with a view to subsequent exportation.

(e) Certification of exportation with entitlement to duty-free replacement of goods18. *Standard*

Where products have been exported with entitlement to duty-free replacement of goods, the customs authorities shall issue to the declarant a document establishing his entitlement to import, without payment of import duties and taxes, goods equivalent to those which were in free circulation and which were contained in the products in question.

Note

The document issued to the declarant may consist of a copy, duly certified by the customs, of the declaration for exportation with entitlement to duty-free replacement of goods, or may be made out on an appropriate form.

IMPORTATION OF GOODS

19.

Standard

National legislation shall specify the conditions under which goods which may be admitted free of import duties and taxes under the duty-free replacement of goods procedure shall be produced at the competent customs office and a goods declaration shall be lodged.

Note

National legislation may provide that the goods declaration must contain the particulars necessary for authorizing exemption from import duties and taxes and that the entitling document(s) issued by the customs authorities must be produced in support of that declaration.

20.

Standard

The competent authorities shall fix with due regard to the commercial circumstances the time limit for the importation of goods which may be admitted free of import duties and taxes.

21.

Standard

Provision shall be made to permit goods which may be admitted free of import duties and taxes to be imported through a customs office other than that through which the products were exported.

22.

Standard

Provision shall be made to permit goods which may be admitted free of import duties and taxes to be imported in one or more consignments.

23.

Standard

Provision shall be made to permit goods covered by several documents establishing entitlement to importation under the duty-free replacement of goods procedure to be imported in one consignment.

24.

Standard

Provision shall be made to permit goods which may be admitted free of import duties and taxes to be imported from a country other than that to which the products were exported.

25.

Recommended practice

Provision should be made to permit goods which may be admitted free of import duties and taxes to be imported by a person other than the exporter of the products, subject to compliance with the conditions laid down by the customs authorities.

26.

Recommended practice

At the request of the declarant, and for reasons deemed to be valid, the customs authorities should, as far as possible, allow goods which may be admitted free of import duties and taxes to be examined on private premises, the expenses entailed by such examination being borne by the declarant.

27.

Standard

National legislation shall specify the customs treatment applicable when products which have been exported with entitlement to duty-free replacement of goods are re-imported.

INFORMATION CONCERNING THE DUTY-FREE REPLACEMENT OF GOODS PROCEDURE

28.

Standard

The customs authorities shall ensure that all relevant information regarding the duty-free replacement of goods procedure is readily available to any person interested.

*Appendix to Annex 1***Reservations entered by the Community in respect of Annex E.7 to the International Convention on the Simplification and Harmonization of Customs Procedures****1. *General reservation (general observation)***

Community legislation on inward processing covers most of the provisions of this Annex. However, in any areas not covered by Community legislation, Member States may, if necessary, enter their own reservations.

2. *Standard 3*

When import goods are entered under the inward processing arrangements in a Member State of the Community other than the one where the arrangement was authorized and the inward processing operations effected, this Standard may not be applied unless certain conditions laid down in the Community legislation governing inward processing arrangement are met.

Community legislation on value-added tax does not provide for a non-application in this case. However, the registered tax-payers concerned generally dispose of a right to complete deduction of the VAT due for the imported equivalent goods.

3. *Standard 9*

This arrangement is generally granted in the Community on the condition that the goods to be imported and the goods used in the manufacture of the exported product must fall within the same code of the Community customs tariff, be of the same commercial quality and have the same technical characteristics.

4. *Recommended practice 11*

At present, Community legislation on inward processing includes standard rates of yield for certain products only.

5. *Recommended practice 13*

Community legislation provides for issuing processing authorizations with retrospective effect in exceptional, duly documented cases only, and then only if the application was made prior to the export declaration in respect of the compensating products being accepted.

6. *Recommended practices 16 and 17*

Under Community legislation there is no entitlement to duty-free replacement of goods for compensating products placed in free zones or warehouses until the products are actually exported.

7. *Standard 20*

Generally speaking, Community legislation allows six months from the expected date of exportation of compensating products (extendable by a further six months upon application by the holder of the authorization) to complete the importation of import goods. However, for certain categories of goods, the time limits are shorter and cannot be extended.

8. *Recommended practice 25*

Community legislation on inward processing stipulates, for certain cases, that evidence has to be presented proving that the advantages of the processing operations are restricted to the holder of the authorization for inward processing.

ANNEX II

ANNEX F.4

Concerning customs formalities in respect of postal traffic

INTRODUCTION

The post has always been one of the most widely used methods of sending not only greetings and information but also gifts and other goods from one person to another.

The customs are necessarily involved in international postal traffic since, just as in the case of goods imported and exported by other means, they have to ensure that the appropriate duties and taxes are collected, enforce import and export prohibitions and restrictions, and in general ensure compliance with the laws and regulations which they are responsible for enforcing.

Because of the special nature of postal traffic, however, the customs formalities in respect of items carried by post are somewhat different from those applied to goods carried by other means. While individual postal items are restricted in size, their numbers are enormous and, to avoid creating unacceptable delays, special administrative arrangements are necessary to deal with them. These are made possible because in virtually all countries the postal services are furnished by public administrations or authorities, and the two public bodies involved in postal traffic, the post and the customs, cooperate very closely with one another.

In addition to this close cooperation between customs and postal authorities at the national level, there is close collaboration at the international level between the Universal Postal Union (the international organization whose rules and regulations govern postal traffic) and the Council. These two international organizations have, for example, established a Contact Committee at which customs and postal experts meet to discuss and find internationally acceptable solutions to problems which cannot be resolved nationally or bilaterally.

DEFINITIONS

For the purposes of this Annex:

- (a) the term 'postal items' means letter-post and postal parcels;
- (b) the term 'letter-post items' means letters, postcards, printed papers, literature for the blind and small packets described as letter-post items in the Acts of the Universal Postal Union currently in force.

Note

According to the Acts of the Universal Postal Union certain letter-post items are required to be accompanied by a Customs declaration form C 1 and/or form C 2/CP 3 as appropriate;

- (c) the term 'postal parcels' means items called postal parcels within the meaning of the Acts of the Universal Postal Union currently in force.

Note

According to the Acts of the Universal Postal Union postal parcels are required to be accompanied by a customs declaration form C 2/CP 3;

- (d) the term 'the Universal Postal Union' means the inter-governmental organization founded in 1874 by the Treaty of Berne as the General Postal Union which, in 1878, was renamed the Universal Postal Union (UPU) and which since 1948 has been a specialized agency of the United Nations (with headquarters in Berne);
- (e) the term 'import duties and taxes' means customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the importation of goods but not including fees and charges which are limited in amount to the approximate cost of services rendered;
- (f) the term 'export duties and taxes' means customs duties and all other duties, taxes, fees or other charges which are collected on or in connection with the exportation of goods but not including fees and charges which are limited in amount to the approximate cost of services rendered;
- (g) the term 'goods declaration' means a statement made in the form prescribed by the customs by which the persons interested indicate the customs procedure to be applied to the goods and furnish the particulars which the customs require to be declared for the application of that procedure;
- (h) the term 'clearance' means the accomplishment of the customs formalities necessary to allow goods to be exported, to enter for home use or to be placed under another customs procedure;
- (i) the term 'clearance for home use' means the customs procedure which provides that imported goods may remain permanently in the customs territory. This procedure implies the payment of any import duties and taxes chargeable and the accomplishment of all the necessary customs formalities;
- (k) the term 'examination of postal items' means the physical inspection of goods in postal items by the customs to ascertain their nature, origin, condition, quantity and value;
- (l) the term 'goods in free circulation' means goods which may be disposed of without customs restriction;
- (m) the term 'customs control' means the measures applied to ensure compliance with the laws and regulations which the customs are responsible for enforcing;
- (n) the term 'release' means the action by the customs to permit goods undergoing clearance to be placed at the disposal of the persons concerned;
- (o) the term 'person' means both natural and legal persons, unless the context otherwise requires.

PRINCIPLES

1. *Standard*
The customs formalities in respect of postal items shall be governed by the provisions of this Annex.

2. *Standard*

National legislation shall specify the conditions to be fulfilled and the formalities to be accomplished for customs purposes in respect of postal items.

3. *Standard*

The clearance of postal items shall be carried out as rapidly as possible and customs control shall be restricted to the minimum necessary to ensure compliance with the laws and regulations which the customs are responsible for enforcing.

RELATIONS BETWEEN THE CUSTOMS AND POSTAL AUTHORITIES

4. *Standard*

National legislation shall specify the respective responsibilities and obligations of the customs and of the postal authorities in connection with the customs treatment of postal items.

Notes

- (1) The postal authorities have certain obligations and responsibilities which derive directly from the Acts of the Universal Postal Union. Other responsibilities and obligations of the postal authorities and those of the customs may be decided upon by mutual agreement between the two authorities.
- (2) The postal authorities are usually responsible for the conveyance, storage and production to the customs authorities of postal items and, at the request of the customs authorities, may open them for the purposes of customs control. However, in some countries the actual conveyance, storage and production to the customs authorities of postal parcels is undertaken, by agreement, not by the postal authorities themselves but by railway authorities and other approved enterprises. Such practical arrangements would mean that in these countries certain of these obligations may become the responsibility of the approved enterprise.
- (3) Whilst not accepting responsibility for the accuracy of customs declarations (e.g. form C 2/CP 3), postal authorities in the country of departure in principle check that customs declarations on postal items are, where appropriate, present, and as far as possible take steps to ensure that they are correctly and fully completed. When a customs declaration is obviously incomplete, postal authorities generally draw the attention of senders to the relevant customs regulations and may refuse to accept the postal item in question.

When a consignment consists of a number of items, particularly in the case of commercial consignments, the postal authorities usually advise the sender of the need to attach separate documents (such as certificates of origin) to each item.

5. *Standard*

The customs authorities, with any necessary agreement of the postal authorities, shall designate the customs office or other places at which postal items may be cleared.

Notes

- (1) Joint customs/post offices may be set up, or customs officers may be stationed permanently or for certain hours of the day at post offices, in these latter circumstances the postal

authorities may provide the customs with office accommodation.

- (2) Customs offices may be set up at exchange post offices, which are post offices responsible for exchanging postal consignments with the appropriate foreign postal authorities.

EXPORTATION OF POSTAL ITEMS

(a) Customs status of goods

6. *Standard*

The exportation of goods in postal items shall be allowed regardless of whether they are in free circulation or are under a customs procedure such as customs warehousing or temporary admission, provided that, when they are under a customs procedure, all the formalities prescribed for that procedure are complied with.

Note

The exportation by post of certain goods including narcotics, explosives, inflammable and other dangerous substances, is closely regulated and in many instances is prohibited by the Acts of the Universal Postal Union.

(b) Production to the customs

7. *Standard*

The customs authorities shall designate the postal items which shall be produced to them at exportation for the purposes of customs control.

Note

Under the documentary clearance system used in some countries for postal parcels, only the documents and not the items themselves are submitted to the customs in the first instance; the customs then indicate to the postal authorities which items must be produced to them for customs control.

8. *Recommended practice*

The customs should not as a general rule require postal items to be produced to them at exportation for the purposes of customs control unless they contain goods the exportation of which must be certified, goods which are subject to export prohibitions or restrictions or export duties and taxes, or goods having a value exceeding an amount specified in national legislation, or they are selected for customs control on a selective or random basis.

Notes

- (1) There are various cases in which the exportation of goods may have to be certified, such as when goods are being exported temporarily or are being exported on drawback or after temporary admission.
- (2) Goods being exported by post may be cleared either before or after posting. In countries where the usual procedure is clearance before posting, the customs may mark consignments with special stamps or labels, may seal them or may authorize exportation on an accompanying document such as the despatch note (CP 2). In countries where they are

normally cleared after posting, clearance may be carried out at an exchange post office or at another post office provided with customs services, where necessary the goods being transferred to such a post office for control purposes.

- (3) Goods which are subject to export duties and taxes are usually cleared by the customs before posting, the export duties and taxes being paid before the goods are passed to the postal authorities for exportation. In some countries, however, the postal authorities may collect the export duties and taxes, the accounts being settled and payment made as at importation.

(c) Documents

9. *Recommended practice*

A goods declaration should not be required in respect of the exportation of postal items unless the item contains goods the exportation of which must be certified, goods which are subject to export prohibitions or restrictions or subject to export duties and taxes, or goods having a value exceeding an amount specified in national legislation.

(d) Examination of postal items

10. *Standard*

The customs authorities shall not as a matter of course examine all postal items at exportation but shall confine themselves to the carrying out of examinations on a selective or random basis.

11. *Recommended practice*

Where the customs authorities exercise their right to examine postal items at exportation, they should limit the extent of the examination to that deemed necessary to ensure compliance with the laws and regulations which the customs are responsible for enforcing.

POSTAL ITEMS IN TRANSIT

12. *Standard*

Postal items shall not be subject to customs formalities whilst they are being conveyed in international traffic.

IMPORTATION OF POSTAL ITEMS

(a) Goods which may be admitted

13. *Standard*

The importation of goods in postal items shall be allowed irrespective of whether they are intended to be cleared for home use or for another customs procedure.

(b) Production to the customs authorities

14. *Standard*

The customs authorities shall designate the imported postal items which they require to be produced for the purposes of customs control.

Note

Under the documentary clearance system used in some countries for postal parcels, only the documents and not the items themselves are submitted to the customs in the first instance; the customs then indicate to the postal authorities which items must be produced to them for customs control.

15. *Recommended practice*

The customs authorities should not, as a general rule, require the following categories of imported letter-post items to be produced:

- (i) postcards, and letters containing personal messages only;
- (ii) literature for the blind;
- (iii) printed papers not subject to import duties and taxes.

16. *Standard*

When imported postal items are produced to the customs, the latter shall require only such documents as are necessary for clearance.

Notes

- (1) The documents involved may vary from case to case according to the nature of the item and its contents, value, etc. They will normally include customs declaration form C 1 or C 2/CP 3, as appropriate, despatch note CP 2 in the case of postal parcels and any necessary certificates of origin, invoices, and so forth.
- (2) Various methods may be used for transmitting customs declaration form C 2/CP 3. The form may be attached to the despatch note, glued to the item or tied to it or may be enclosed in the item the country of destination so requires. The form may also be despatched separately from the item under certain agreed arrangements.

17. *Standard*

Where a custom declaration form C 2/CP 3 is provided in respect of imported postal items, the customs authorities shall require not more than one copy.

- (c) Clearance against customs declaration forms C 1 and C 2/CP 3 or against a goods declaration

18. *Recommended practice*

When all the information required by the customs authorities is available from the relevant customs declaration form C 1 or C 2/CP 3 and supporting documents, postal items should be cleared against those documents and no separate goods declaration should be required except in the case of commercial consignments having a value exceeding an amount specified in national legislation and in the case of goods intended to be cleared under a customs procedure other than home use.

19. *Standard*

When goods contained in postal items are to be cleared under a customs procedure other than home use, a goods declaration

shall be lodged on the form and in the number of copies prescribed for the customs procedure in question and the other formalities required for that procedure shall be complied with.

Note

The goods declaration may be a national document or it may be an international document such as an ATA carnet.

20. *Standard*

When a goods declaration is required in respect of postal items to be cleared for home use, the form for the goods declaration to be used shall conform to the official model laid down by the competent authorities and the other formalities required for that procedure shall be complied with.

Notes

- (1) The goods declaration form for home use may be the same as that prescribed for importations by other means or it may be a form specially designed for importations by post.
- (2) The goods declaration may be completed by the postal authority, by the addressee or by an authorized agent.

(d) Examination of postal items

21. *Standard*

The customs authorities shall not as a matter of course examine all imported postal items but shall confine themselves to the carrying out of examinations on a selective or random basis.

22. *Recommended practice*

Where the customs authorities exercise their right to examine imported postal items they should limit the extent of their examination to that deemed necessary to ensure compliance with the laws and regulations which the customs are responsible for enforcing.

(e) Assessment and collection of import duties and taxes

23. *Recommended practice*

A system of flat-rate assessment should be applied to goods imported for home use in postal items, provided that the importation is of a non-commercial nature and that the aggregate value of the goods does not exceed a figure which should not be less than US \$ 100. The flat-rate system:

- should lay down rates that cover all types of import duties and taxes,
- should not deprive the goods of the benefit of any duty-free admission facilities to which they are otherwise entitled,
- should provide that goods may, if the addressee is present at clearance and so requests, be charged at their own appropriate rates of import duties and taxes, in which case, however, the customs authorities may require that all the dutiable and taxable goods shall be so charged, and

- should not rule out the possibility for customs authorities to determine special rates for high-duty goods or even to exclude some goods from the benefit of the flat-rate system.

Note

An importation is usually considered to be of a non-commercial nature when it is occasional and consists only of goods for personal use or consumption by the addressee or his family and where there is no suggestion, by their nature or quantity, that they are imported for commercial purposes.

24. *Recommended practice*

Admission free of import duties and taxes should be granted in respect of consignments containing only personal gifts (excluding alcohol, alcoholic beverages or tobacco goods) the aggregate value of which, determined on the basis of the retail prices in the country of despatch, does not exceed 30 SDRs. Where several consignments are despatched at the same time by the same sender to the same addressee, the aggregate value should be taken to be the total value of all those consignments. The formalities for obtaining admission free of import duties and taxes should be as simple as possible. It should be possible to admit such gifts free of economic import prohibitions and restrictions.

Notes

- (1) A gift is usually considered to be personal if it:
 - (a) is sent to a private person by or on behalf of another private person resident abroad,
 - (b) is occasional; and
 - (c) consists only of goods for personal use by the addressee or his family, and the nature and quantity of the goods imported are such that the consignment is obviously not of commercial nature.
- (2) To facilitate the speedy clearance of gift consignments at importation, the sender generally indicates on the customs declaration form C 1 or C 2/CP 3 that the consignment is a gift, and states its contents and value.

25. *Recommended practice*

When imported postal items are released by the customs authorities to the postal authorities or an authorized enterprise for delivery to the addressee prior to the payment of any import duties and taxes chargeable, the customs authorities should make the simplest possible arrangements for the collection of such duties and taxes.

Notes

- (1) The postal authorities normally collect the import duties and taxes from the addressee at the time of delivery and make periodic payment to the customs, for example at the end of each quarter. However, the postal authorities may pay the import duties and taxes to the customs on behalf of the addressee when an item is released to them for delivery.
- (2) Under certain optional provisions in the Acts of the Universal Postal Union the sender of a postal item may, in some cases, undertake to pay all charges including import duties and taxes, to which the item is subject on delivery.

REPAYMENT OR REMISSION OF IMPORT DUTIES AND TAXES

26.

Standard

Where postal items are not delivered to or are refused by the addressee, repayment or remission of import duties and taxes shall be granted upon request in respect of goods contained therein provided that the goods are:

- (a) re-exported, or
- (b) destroyed or abandoned without expense to the Revenue, as the customs authorities may decide.

INFORMATION CONCERNING CUSTOMS FORMALITIES IN RESPECT OF POSTAL TRAFFIC

27.

Standard

The customs authorities shall ensure that all relevant information regarding the customs formalities in their country in respect of postal traffic is readily available to any person interested.

Note

Such information may be made available through the normal media used by the customs and also by means of the information services of the postal authorities.

*Appendix to Annex II***Reservations entered by the Community in respect of Annex F.4 to the International Convention on the Simplification and Harmonization of Customs Procedures***1. General reservation (general observation)*

Community legislation does not cover all of the provisions of this Annex. In areas not covered by Community legislation, Member States may, if necessary, enter their own reservations.

2. Standard 19

Community legislation on the ATA carnet does not cover postal traffic.

3. Recommended practice 23

Community legislation does not provide for flat-rate assessment in respect of value-added tax or excise duty.

4. Recommended practice 24

Community legislation provides that goods to an aggregate value not exceeding ECU 45 sent in small non-commercial consignments free of charge from a third country by one private individual to another within the customs territory of the Community may be admitted free of import duties and taxes.

In addition to restrictions on alcohol, alcoholic beverages and tobacco goods, Community legislation sets the following limits on the amounts of certain products which can be admitted free of import duties and taxes:

Tax-free allowances:

(a) coffee	500 grams
or	
extracts and essences of coffee	200 grams
(b) tea	100 grams
or	
extracts and essences of tea	40 grams

Duty- and tax-free allowances:

(c) perfumes	50 grams
or	
toilet waters	0,25 litre

5. Standard 26

Community legislation provides for goods to be abandoned to the Revenue where this is allowed under the legislation of the Member States.

However, it provides that under the temporary admission rules, in duly substantiated exceptional cases, goods may always be abandoned to the Revenue, with the customs authorities' consent.

Procedures for the repayment of remission of excise duties are the responsibility of the Member States of the European Community.

COUNCIL DECISION

of 8 December 1993

adopting a specific programme of research and training in the field on controlled thermonuclear fusion (1994 to 1998)

(94/799/Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 7 thereof,

Having regard to the proposal from the Commission (1), which has consulted the Scientific and Technical Committee,

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

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

Whereas, by Decision 94/268/Euratom (4), the Council adopted a framework programme of Community activities in the field of research and training for the period 1994 to 1998 specifying, *inter alia*, the activities to be carried out in the field of controlled thermonuclear fusion; whereas this Decision takes account of the grounds set out in the preamble to that Decision;

Whereas Article 2 of Decision 94/268/Euratom specifies that the framework programme is to be implemented through specific programmes adopted in accordance with Article 7 of the Treaty; whereas each specific programme is to specify its precise objectives in accordance with the scientific and technological objectives referred to in Annex III to the Decision, define the detailed rules for implementing it, fix its duration and provide for the means deemed necessary;

Whereas the amount deemed necessary for carrying out this programme is ECU 794 million; whereas the appropriations for each financial year shall be laid down by the budgetary authority, subject to the availability of resources within the financial perspectives and to the conditions set out in Article 1 (3) of the framework programme;

Whereas the content of the framework programme of Community activities in the field of research and training was established in accordance with the principle of subsidiarity; whereas this specific programme specifies the content of the activities to be carried out in accordance with this principle in the field of controlled thermonuclear fusion;

Whereas, as is laid down in Annex III to Decision 94/268/Euratom, the Community needs a 'Community fusion' programme the long-term objective of which is the joint creation of safe, environmentally sound prototype reactors which should result in the construction of economically viable power stations; whereas the programme incorporates all the activities undertaken in the Member States in the field of controlled thermonuclear fusion by magnetic confinement;

Whereas Decision 94/268/Euratom (framework programme 1994 to 1998) lays down that Community action is justified if, *inter alia*, the research contributes to the strengthening of the economic and social cohesion of the Community and the promotion of its overall harmonious development while being consistent with the pursuit of scientific and technical quality; whereas this programme is intended to help meet these objectives;

Whereas the Community should support only RTD activities of high quality;

Whereas basic research in the field of controlled thermonuclear fusion must be encouraged within the Community so as to enable innovative concepts to be developed;

Whereas the rules for the participation of undertakings, research centres (including the JRC) and universities, specified in Decision 94/761/Euratom (5), apply to this specific programme;

Whereas this programme will help to strengthen synergy between the research and training activities carried out in the field of controlled thermonuclear fusion by research centres, universities and undertakings established in the Member States and between these and the corresponding Community research and training activities;

(1) OJ No C 113, 23. 4. 1994, p. 15.

(2) Opinion delivered on 17 November (not yet published in the Official Journal).

(3) Opinion delivered on 15 September 1994 (not yet published in the Official Journal).

(4) OJ No L 115, 6. 5. 1994, p. 31.

(5) OJ No L 306, 30. 11. 1994, p. 1.

Whereas the implementation of the Joint European Torus (JET) project was entrusted to the JET Joint Undertaking, set up by Decision 78/471/Euratom (1);

Whereas the network of Associations plays a major role in the implementation of the Community's controlled thermonuclear fusion activities;

Whereas, by virtue of Article 101 of the Treaty, the Community has concluded cooperation agreements in the field of controlled thermonuclear fusion and plasma physics with the Kingdom of Sweden and the Swiss Confederation; whereas the Community has concluded other international agreements in this field, in particular the Agreement on Cooperation in the Engineering Design Activities for the International Thermonuclear Experimental Reactor (ITER-EDA) with Japan, the Russian Federation and the United States of America; whereas it may be appropriate to engage in further international cooperation activities with international organizations and third countries for the purpose of implementing this programme;

Whereas this programme should comprise also activities for the dissemination and exploitation of research results, in particular *vis-à-vis* small and medium-sized enterprises, as well as activities promoting the mobility and training of researchers within this programme to the extent necessary for the proper implementation of the programme;

Whereas an analysis should be made of the economic, social and environmental viability of controlled thermonuclear fusion and any technological risks associated with the activities carried out under this programme; whereas public concern over safety issues connected with fusion research implies that studies be carried out to assess the social acceptability of such research;

Whereas progress with this programme should be continuously and systematically monitored with a view to adapting it, where appropriate, to scientific and technological developments in this area; whereas, in due course, there should be an independent evaluation of progress with the programme so as to provide all the background information needed in order to determine the objectives of the next framework programme of research and training for the European Atomic Energy Community; whereas, at the end of this programme, there should be a final evaluation of the results obtained compared with the objectives set out in this Decision;

Whereas the JRC may participate in indirect actions covered by this programme;

Whereas the JRC will also contribute, through its own programme, to the attainment of the Community research and training objectives in the areas covered by this programme,

HAS ADOPTED THIS DECISION:

Article 1

A specific programme of research and training for the European Atomic Energy Community in the field of controlled thermonuclear fusion, as set out in Annex I, is hereby adopted for the period 8 December 1994 to 31 December 1998.

Article 2

1. The amount deemed necessary for carrying out the programme is ECU 794 million, including a maximum of 17 % for staff and administrative expenditure.
2. An indicative breakdown of the amount referred to in paragraph 1 is given in Annex II.
3. The budgetary authority shall lay down the appropriations for each financial year, subject to the availability of resources within the financial perspectives and in accordance with the conditions set out in Article 1 (3) of Decision 94/268/Euratom on the framework programme, taking into account the principles of sound management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.

Article 3

1. The general rules for the Community's financial contribution are laid down in Annex IV to Decision 94/761/Euratom on the framework programme.
2. The rules for the participation of undertakings, research centres and universities are specified in Decision 94/761/Euratom.
3. Annex III sets out the specific rules for implementing this programme, supplementary to those referred to in paragraphs 1 and 2.

Article 4

1. In order to help ensure, *inter alia*, the cost-effective implementation of this programme, the Commission shall continually and systematically monitor, with appropriate assistance from independent, external experts, the progress within the programme in relation to the objectives set out in Annex I. It shall in particular examine whether the objectives, priorities and financial resources are still appropriate to the changing situation.

(1) OJ No L 151, 7. 6. 1978, p. 10. Decision as last amended by Decision 91/677/Euratom (OJ No L 375, 31. 12. 1991, p. 9).

It shall, if necessary, in the light of the results of this monitoring process, submit proposals to adapt or supplement this programme.

2. In order to contribute towards the evaluation of Community activities, as required by Article 4 (2) of Decision 94/268/Euratom concerning the framework programme and in compliance with the timetable laid down in that paragraph, the Commission shall have an external assessment conducted by independent experts of the activities carried out within the fields covered by this programme and their management during the five years preceding this assessment.

3. At the end of this programme, the Commission shall have an independent final evaluation carried out of the results achieved compared with the objectives set out in Annex III to the framework programme and Annex I to this Decision. The final evaluation report shall be forwarded to the European Parliament, the Council and the Economic and Social Committee.

Article 5

1. The Commission shall be responsible for the implementation of the programme.

2. The Commission shall be assisted in the implementation of the programme by the Consultative Committee for the Fusion Programme set up by the Council Decision of 16 December 1980.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 8 December 1994.

For the Council

The President

G. REXRODT

ANNEX I

SCIENTIFIC AND TECHNICAL OBJECTIVES AND CONTENT

Introduction

This programme fully reflects the approach embodied in the framework programme of Community activities in the field of research and training for the European Atomic Energy Community (1994 to 1998), which is in line with the recommendations of the Colombo Panel. Its content takes account of the conclusions of the seminar on European strategy for energy research and technological development (Venice, November 1993) and fully reflects the results of the assessment and recommendations of the Consultative Committee for the Fusion Programme (CCFP) on the medium-term devices and facilities planning of the programme, elaborated in March 1994 after an in-depth study.

The long-term objective of the Community fusion programme, embracing all activities undertaken in the Member States (plus Sweden and Switzerland) in the field of controlled thermonuclear fusion by magnetic confinement, is the joint creation of safe, environmentally sound prototype reactors, which should result in the construction of economically viable power stations which will meet the needs of potential users; in this context particular attention will be paid to the constraints imposed by the requirements of power utilities (Decision 94/268/Euratom concerning the framework programme 1994 to 1998).

Progress towards this objective, which is shared by the world's four major fusion programmes (Euratom, Japan, Russia and the USA), which are of similar size, has a time-horizon measured in decades. Within Europe, integration of all magnetic fusion research into one Community programme has been essential for optimum use of the available human and financial resources; this integration is fully in line with the coordination of research activities recommended by the Commission in its White Paper (COM(93) 700), which was adopted by the European Council on 10 to 11 December 1993. Individually, none of the Member States could have undertaken a project the size of JET or been recognized as an equal partner in the world-wide collaboration on the ITER experimental reactor. Indeed, the quality of the research and the experience gained through intra-Community collaboration have placed the Community in a strong position in the ITER cooperation.

The long timespan and the large human and financial effort needed to attain this objective call for a concentration of Community action on the objective in hand, the complete cohesion of the network of organizations associated in the Community action and the full exploitation of cooperation with the major fusion programmes outside the Community. Safety and environmental issues will be central to the construction of the following large devices, which, after JET, are included in the strategy leading towards the prototype commercial reactor.

This strategy includes, in particular:

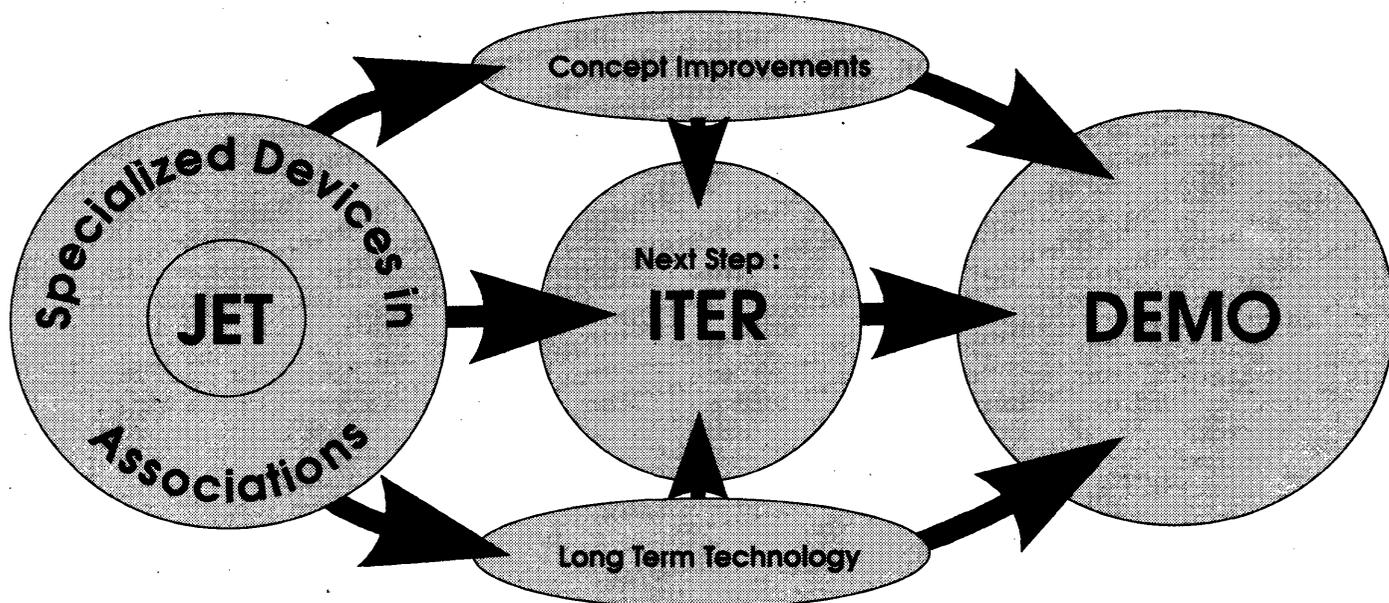
- an experimental reactor (Next Step), the overall objective of which is to demonstrate the scientific and technological feasibility of fusion energy for peaceful purposes,
- a demonstration reactor (DEMO) capable of producing significant quantities of electricity.

For the period 1994 to 1998, the priority objective is to establish the engineering design of the Next Step within the framework of the quadripartite cooperation between Euratom, Japan, Russia and the USA on the engineering design activities for the international thermonuclear experimental reactor (ITER-EDA).

Specialized studies will also be needed to look at possible improvements to concepts in plasma physics and plasma engineering, while assessing their technical feasibility, and to carry out the long-term technology developments required for progressing towards the exploitation of fusion as an energy source. The results of such studies will be of benefit both in the operation of ITER and, in the longer term, in the conceptual definition of DEMO.

In the period 1994 to 1998, therefore, the proposed strategy calls for the simultaneous development of three areas of activity, as represented below, on which efforts will be concentrated mainly by means of shared-cost actions.

- Next Step activities: on the one hand the design proper, and on the other hand the R & D supporting the design, construction and operation of the Next Step.
- Concept improvements: DEMO-oriented R & D on plasma physics and engineering.
- Long-term technology: DEMO- and reactor-oriented R & D on technology.



Research will continue to focus on controlled thermonuclear fusion by magnetic confinement in toroidal geometry. The present keep-in-touch activity with other approaches to controlled thermonuclear fusion, and in particular inertial confinement, will be continued and if possible carried out mainly within an international framework, as recommended at the Venice seminar.

Criteria concerning environmental impact, safety and potential long-term commercial viability will play an essential role in the progress of the whole fusion programme.

In this programme care will be taken to:

- strengthen further the cooperation between Associations, as well as the mobility of research workers,
- encourage the involvement of industry,
- extend the scope of international collaboration,
- step up the synergy between research and advanced training; in particular access of researchers from the less advanced regions of the Community to large installations will be facilitated,
- strengthen the human resources strategy, taking into account the staff presently available and the future needs of the programme.

Areas of scientific and technical activity

Next Step activities

The ITER-EDA include the design proper by the Joint Central Team and by the Home Teams of the four Parties, plus the supporting R & D in physics and technology by the Home Teams. For the Euratom Party, activities other than the participation in the Joint Central Team will be coordinated by the NET Team and carried out mainly by the Associations, industry (with increasing involvement), JET and the Joint Research Centre (JRC).

Plasma physics and plasma engineering R & D in support of the ITER-EDA will be pursued on the JET and on specialized devices in the Associations, with the focus on particle and energy exhaust, the heating, confinement and disruption of plasma, and long plasma pulses. JET's main task is to establish reliable methods of plasma purity control under conditions relevant for the Next Step and to conduct high-performance operations in deuterium-tritium plasmas, whilst limiting the activation of the device to the levels strictly necessary.

The ITER-EDA technology and design tasks allocated to the Community will be performed primarily in the Associations, in the JRC, and in industry. In order both to make the Community more competitive for the construction of ITER and to maintain the option of proceeding towards a European Next Step should cooperation on ITER prove too difficult to continue, the necessary competence will be developed in all key technologies for the Next Step, in particular in the fields of superconducting magnets, plasma facing components, operational and environmental safety, the fuel cycle and highly reliable remote handling for maintenance and decommissioning of the device in its particular environment. The present generation of technology test facilities will be intensively exploited. Specialized laboratories in the JRC, JET, and the Associations will help demonstrate the safe handling of tritium.

A European candidate site for the construction of the Next Step will be identified and qualified.

Protocol 2 to the ITER-EDA Agreement covers the period 21 March 1994 to the scheduled completion of the EDA in July 1998. It is important that decisions about where, when and within what framework to build the Next Step be taken during the period under consideration. Before firm decisions are taken on the construction of a Next Step device and on the funds to be committed to it, an external assessment of the prospects for fusion will be undertaken by independent experts, and its conclusions will be based on evidence of real progress towards the programme's ultimate goal. The result of this assessment, which will be launched in 1996, will be transmitted to the European Parliament, the Council and the Economic and Social Committee.

Concept improvements

Research on concept improvements for the Tokamak and configurations akin to it are essential, in the longer term, for the definition of DEMO; this research should also help finalize the design of the Next Step and prepare its operation.

Improvements will have to be made to the current techniques for tackling certain plasma physics and plasma engineering problems, most of them common to all toroidal magnetic confinement devices. These improvements could require not only the extension of running programmes, but also the upgrading of existing devices and the construction of new ones. More specifically, studies on improved confinement regimes, magneto-hydrodynamic stability, plasma-wall interaction, fuelling and exhaust, heating and current drive, will be carried out on existing devices: TORE-supra, Asdex-U, Textor, FTU, Compass, Start, TCV, RTP, Isttok, TJ-I-U, TJ-II, WVII-AS, RFX and Extrap T-2. New plasma diagnostic methods will be developed in the Associations to support these studies. In synergy with experimental activities, activities in theoretical physics will be focused principally on interpretation of experimental result, modelling of thermonuclear plasmas and the development of innovative concepts. The possibility will also be studied of using advanced fuels such as deuterium-helium³.

Preparatory activities are under way to upgrade existing devices and construct new ones relating, in particular, to:

- the engineering design and prototype development for a possible large stellarator (WVII-X) to demonstrate the advanced performance of that configuration; conceptual studies on the reactor potential of stellarators will be developed; construction of W VII-X could start within the period 1994 to 1998,
- the possible upgrading of some Tokamaks, notably TORE-Supra,
- a possible compact Tokamak, aiming at ignition. A revised proposal may be submitted to the Consultative Committee for the Fusion Programme (CCFP) for in-depth examination.

Long-term technology

The long-term technology effort will be expanded with a view to providing technically and environmentally acceptable solutions to the technical problems of using fusion power as an energy source. Environmental acceptability, safety and economic viability will ultimately be the keys to the widespread introduction of fusion power. This long-term technology effort will be undertaken in the Associations, in the JRC and in industry, and will include in particular:

- development of tritium breeding blankets, with a view to building DEMO-relevant blanket modules to be tested in ITER,
- development of radiation resistant and low activation materials; testing these materials will require the availability of a high energy neutron source. Participation in the conceptual design of a deuterium-lithium neutron source is being started in the frame of an IEA Implementing Agreement with a view to embarking on the engineering design before 1998,
- further analysis of the safety and social acceptability of fusion power. In particular, analysis and assessment of possible risks associated with fusion power and its future large facilities, and the integration of all possible measures to prevent or minimize these risks will be an important part of the activities.

Implementation

In representing Euratom at the ITER Council, the Commission will ensure that all necessary steps are taken to make optimum use of the competence and resources made available for the benefit of the EDA.

Regarding the physics part of the programme, besides the full exploitation of the existing devices, a continuation of JET after 1996 (and the construction of W VII-X) would make the most effective contribution to serving the objectives of the programme; regarding the technology part of the programme, the means of implementation should be further harmonized with physics, e.g. by increasing the volume of basic technology R & D.

According to Council Decision 91/677/Euratom, the period 1994 to 1998 should see the ending of the JET Joint Undertaking, at present the major focus of fusion research in Europe. However, substantial new scientific and technical arguments have been identified, in particular for the benefit of ITER (such as testing a divertor similar to that being designed for ITER), which speak for the continuation of JET's operation beyond 1996. A possible extension of the JET operation and its time horizon will be analyzed from the strategic, programmatic, managerial and financial points of view by the responsible bodies of the programme.

After the end of the Joint Undertaking, the acquired scientific data will be fully exploited. The JET expertise will be transferred to other parts of the fusion programme, in particular to ITER activities. Where appropriate, JET's facilities will continue to be operated, within organizational frameworks to be defined; in particular, research on JET decommissioning could be made part of the programme's activities.

Even before the ending of the JET Joint Undertaking, cooperation between the Associations will be extended further. New forms of cooperation between the Associations will be established to take into account the European nature and the limited duration of research projects. Joint projects carried out by formal groupings of Associations as consortia for integrated actions will be encouraged by the Commission through an adaptation of the existing arrangements. The Associations and the JRC ⁽¹⁾ will have to provide a substantial contribution to the physics and technology programmes of the ITER during its design, construction and operation.

Industry will be encouraged to participate more fully, with the twin aim of introducing industrial expertise into the realization of the Next Step and ensuring that European industry will master all the key

⁽¹⁾ A description of the activities envisaged for the JRC in this area is contained in the proposal for a Council Decision, relating to the activities of the JRC (COM(94) 70 final, 30 March 1994, 94/0074 (CNS)). An extract from this proposal is attached to this Decision.

technologies needed to build future fusion reactors. The measures introduced under the 1990 to 1994 programme to involve European industry in the Community's contribution to the ITER-EDA, in the design proper as well as in the accompanying R & D, will be reviewed and adapted as necessary. In particular, joint 'fusion-industry' seminars will be organized to help develop the dissemination and exploitation of the scientific and technical results of the fusion programme.

The possibility will be explored of extending international cooperation beyond ITER, notably through joint planning with the world's major fusion programmes. Possible areas of cooperation are a material test facility with a powerful high energy neutron source, and specialized devices for concept improvements.

Considering the long-term effort required for the exploitation of fusion power, great importance will be attached to maintaining the excellence and cohesion of the research teams within the Community, developing the mobility of scientists and engineers and fostering the synergy between research and advanced training, by strengthening the links with the wider European scientific community. In particular, Associations will be encouraged to collaborate with universities which are active in hot-plasma physics.

The amount of funding provided for in this Decision will imply that measures aiming at a greater selectivity of the activities to be performed and a stepwise implementation of new actions will be necessary.

An extension of JET would necessarily imply a substantially reduced annual budget of the project; the possible construction of W VII-X could be financed only partly through the present programme Decision.

The decentralized management structure of the fusion programme, inherent to its network structure, has proved to be efficient and will be maintained.

ANNEX II

INDICATIVE BREAKDOWN OF FUNDS

	%	(million ecus)
Area 1: Next Step activities	40 to 46	318 to 363 ⁽¹⁾
Area 2: JET joint undertaking	23 to 32	183 to 254 ⁽²⁾
Area 3: Concept improvements	22 to 25	175 to 202
Area 4: Long-term technology	5 to 7	40 to 53
Total	100	794 ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾

(1) Including design proper and the necessary R & D support in physics and technology provided in the Associations and by industry.

(2) The activities of the Jet Joint Undertaking, which has its own legal personality, are geared mainly towards support for the Next Step.

(3) Of which a maximum of 15 % for staff expenditure and 2 % for administrative expenditure. For areas, 1, 3 and 4, this includes staff costs (about 10 %, including all Community staff in the ITER Joint Central Team) and administrative costs (about 2 %). For area 2, the budget of the JET Joint Undertaking includes provisions for a maximum of 181 temporary agents assigned to the JET Joint Undertaking within the meaning of Article 2 (a) of the Conditions of Employment of Other Servants of the European Community; the Community participation in the JET budget is about 75 %.

(4) An amount of ECU 46 million, the difference between the amount deemed necessary for this programme and the amount foreseen in the framework programme for research and training activities in the nuclear field (1994 to 1998) for 'controlled thermonuclear fusion', is earmarked for the specific research and technological, development programme to be implemented by means of direct action by the Joint Research Centre, for the European Atomic Energy Community (1995 to 1998).

(5) Including about 12 % for basic research and training.

The breakdown between different areas does not exclude the possibility that projects could cover several areas. In particular and environmental issues, which will determine the evolution of the fusion programme, will be addressed in all areas; in JET, these issues are an integral part of the exploitation of the device; in areas 1, 3 and 4 approximately 10 % of the total will be allocated to these issues.

ANNEX III

SPECIFIC RULES FOR IMPLEMENTING THE PROGRAMME

1. The specific rules for implementing this programme, referred to in Article 3, encompass research and technological development projects, the JET Joint Undertaking, accompanying measures and concerted actions. These must be selected with regard to the criteria listed in Annex II to Decision 94/268/Euratom and the objectives set out in Annex I to this programme.

Participation in the programme is envisaged within the framework of the contracts of Association with Member States (plus Sweden and Switzerland) or organizations in the Member States, or within the framework of the Jet Joint Undertaking, the NET Agreement, which takes account of the Community's participation in ITER-EDA, or other contracts of limited duration, in particular with organizations in the Member States which do not possess Associations.

2. This programme will be carried out through indirect action, whereby the Community makes a financial contribution to research and training activities carried out by third parties or by the JRC in association with third parties.

(a) Shared-cost actions

Projects will be covered by shared-cost research and technological development contracts. Creation of consortia for integrated projects with a common objective will be stimulated.

The Community's financial contribution to the current expenditure of the Associations and to contracts of limited duration will, normally, be at an annual uniform rate of approximately 25 %. After consulting the CCFP, the Commission may finance:

- capital costs of specifically defined projects, at a uniform rate of approximately 45 %,
- certain tasks which can exclusively be carried out by industry, at a rate of up to 100 %.

Projects shall be selected on the basis of the ordinary procedures set out in the contracts of Association, the JET Statutes, the NET Agreement, the ITER-EDA Agreement and any other Community-wide agreements that may be concluded following the opinion of the consultative committee referred to in Article 5 (2). For projects that are awarded priority status by the Consultative Committee, all Associations and organizations participating in the programme shall have the right to take part in the experiments carried out on the equipment thus constructed.

The rules for the participation of the Community in the JET Joint Undertaking are defined in the Joint Undertaking's Statutes, adopted by the Council in Decision 78/471/Euratom as last amended by Decision 91/677/Euratom.

The rules for the participation of the Community in the ITER design activities (ITER-EDA) are defined in the EDA Agreement ⁽¹⁾, Protocol 2 thereto and the accompanying documents ⁽²⁾.

- (b) Concerted actions, which consist in coordinating research and training projects already being financed by public authorities or private bodies. A concerted action may also provide the coordination necessary for the operation of thematic networks which, through shared-cost actions, bring together manufacturers, users, universities and research centres around a single technological or industrial objective.

The Community participation may cover up to 100 % of the costs of the concertation.

- (c) Preparatory, accompanying and support measures such as:

- studies in support of this programme and in preparation for future activities,

⁽¹⁾ OJ No L 244, 26. 8. 1992, p. 14.

⁽²⁾ OJ No L 114, 5. 5. 1994, p. 25.

- support for exchanges of information, conferences, seminars, workshops or other scientific or technical meetings, including meetings on intersectoral or multidisciplinary coordination,
- use of external expertise, including access to scientific data bases,
- scientific publications and activities for the dissemination, promotion and exploitation of results, in coordination with the activities conducted under the third action of the fourth framework programme of the European Community activities in the field of RTD,
- analysis of the socio-economic consequences and technological risks associated with the programme,
- training actions related to research covered by this programme and which may facilitate technology transfer,
- independent evaluation of the programme and of the implementation of the activities.

Community funding may cover up to 100 % of the costs of these measures.

Extract from the proposal for a Council Decision for the JRC programme (COM(94)70 final – 94/0074 (CNS)) concerning the activities envisaged for the Joint Research Centre (JRC) in the areas covered by the specific programme of research and training in the field of controlled thermonuclear fusion

This activity forms part of the Community fusion research programme. It is aimed at improving the pool of knowledge and the technology of the 'safety and environment' dimension of future machines intended for the European programme. The bulk of the work will be dedicated to support for the international thermonuclear experimental reactor (ITER) but may also involve any other fusion reactor.

For this purpose, the JRC has designed and constructed the European tritium handling laboratory (Ethel). The aim of this installation is the development of methods of handling tritium, but special attention will be paid to the verification and validation of methods of preventing and reducing tritium and activation product waste in the work area and the environment under both normal and accident conditions.

The laboratory is also able to offer research capability to any other European organization which is a member of the Community fusion programme or is associated with it.

Part of the activities will concern the development and characterization of materials to meet the following requirements: good compatibility with tritium, behaviour as effective barriers against infiltration of tritium with low induced radioactivity. The JRC, which has long experience in this field, will make a significant contribution within the framework of the ITER and for the longer-term requirements of the fusion programme.

In addition to these activities, more general studies, including operational safety during maintenance, will be conducted by the JRC in line with specific demands relating to the ITER project or, more broadly, the fusion programme, in particular studies on low-activation materials and remote handling.
