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### Legislation

Contents

I Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory

## REGULATIONS

Commission Regulation (EC) No 322/2007 of 26 March 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 1

★ **Commission Regulation (EC) No 323/2007 of 26 March 2007 amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC <sup>(1)</sup>** ..... 3

★ **Commission Regulation (EC) No 324/2007 of 23 March 2007 concerning the classification of certain goods in the Combined Nomenclature** ..... 5

II Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory

## DECISIONS

**Commission**

2007/184/EC:

★ **Commission Decision of 23 March 2007 concerning the publication of the reference of the standard EN 71-1:2005 'Safety of Toys — Part 1: mechanical and physical properties' regarding the technical requirements on hemispheric toys in accordance with Council Directive 88/378/EEC on the safety of toys (notified under document number C(2007) 1256) <sup>(1)</sup>** ..... 7

III Acts adopted under the EU Treaty

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

★ **Council Joint Action 2007/185/CFSP of 19 March 2007 on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction** ..... 10

<sup>(1)</sup> Text with EEA relevance

## I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

## REGULATIONS

**COMMISSION REGULATION (EC) No 322/2007****of 26 March 2007****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 March 2007.

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

Done at Brussels, 26 March 2007.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

## ANNEX

**to Commission Regulation of 26 March 2007 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	IL	174,6
	MA	96,8
	TN	143,7
	TR	116,3
	ZZ	132,9
0707 00 05	JO	171,8
	TR	120,6
	ZZ	146,2
0709 90 70	MA	61,0
	TR	79,9
	ZZ	70,5
0805 10 20	CU	47,3
	EG	42,8
	IL	70,3
	MA	47,5
	TN	52,4
	TR	59,9
	ZZ	53,4
0805 50 10	IL	60,3
	TR	41,9
	ZZ	51,1
0808 10 80	AR	78,2
	BR	78,0
	CL	81,4
	CN	74,3
	US	104,5
	UY	68,7
	ZA	86,2
	ZZ	81,6
0808 20 50	AR	75,2
	CL	73,8
	CN	73,6
	ZA	72,9
	ZZ	73,9

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 323/2007****of 26 March 2007****amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council  
on persistent organic pollutants and amending Directive 79/117/EEC****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC <sup>(1)</sup>, and in particular Article 7(6), and Article 14(3) thereof,

Whereas:

- (1) As specified in Part 1 of Annex V to Regulation (EC) No 850/2004, the operations laid down in Part 2 of that Annex may also require in some cases pre-treatment operations. Therefore, Part 2 of Annex V needs to be amended accordingly.

- (2) The measures provided for in this Regulation are the most appropriate to ensure a high level of protection.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 18 of Council Directive 75/442/EEC of 15 July 1975 on waste <sup>(2)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex V to Regulation (EC) No 850/2004 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 26 March 2007.

*For the Commission*

Stavros DIMAS

*Member of the Commission*

<sup>(1)</sup> OJ L 158, 30.4.2004, p. 7, as corrected by OJ L 229, 29.6.2004, p. 5. Regulation as last amended by Council Regulation (EC) No 172/2007 (OJ L 55, 23.2.2007, p. 1).

<sup>(2)</sup> OJ L 194, 25.7.1975, p. 39. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

## ANNEX

In Part 2 of Annex V to Regulation (EC) No 850/2004 the following paragraph is added after the first sentence:

'Pre-treatment operations prior to permanent storage pursuant to this part of this Annex may be performed, provided that a substance listed in Annex IV that is isolated from the waste during the pre-treatment is subsequently disposed of in accordance with Part 1 of this Annex. In addition, repackaging and temporary storage operations may be performed prior to such pre-treatment or prior to permanent storage pursuant to this part of this Annex.'

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**COMMISSION REGULATION (EC) No 324/2007**  
**of 23 March 2007**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(1)</sup>, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(2)</sup>.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

*Article 2*

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

*Article 3*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 23 March 2007.

For the Commission  
László KOVÁCS  
Member of the Commission

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 129/2007 (OJ L 56, 23.2.2007, p. 1).

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

## ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>1. Three items put together for retail sale, comprising:</p> <p>a. a bag made of transparent plastic sheeting with a textile handle and 'Velcro' fastening;</p> <p>b. a children's book with a paperboard cover, consisting of a 16 page story in the narrative, illustrated with coloured pictures on each page;</p> <p>c. a doll representing a human being, wearing an outfit corresponding to the story described in the book. The doll is not fixed to the book and therefore it is possible to play with the doll without using the book.</p>	<p>4202 22 10</p> <p>4901 99 00</p> <p>9503 00 21</p>	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature.</p> <p>The three items cannot be considered as 'goods put up in sets for retail sale' within the meaning of General Rule 3(b), because taken together they do not meet a particular need or serve to carry out a specific activity.</p> <p>Classification is determined by the wording of CN codes 4202, 4202 22 and 4202 22 10.</p> <p>This article cannot be classified within Chapter 95 because Note 1(d) to Chapter 95 excludes expressly sport bags or other containers of heading 4202, 4303 or 4304.</p> <p>Classification is determined by the wording of CN codes 4901 and 4901 99 00.</p> <p>The article is not a children's picture book of heading 4903, because it is written in the form of continuous narratives. It is classified as a book on the basis of the printed text.</p> <p>Classification is determined by the wording of CN codes 9503 00 and 9503 00 21.</p>
<p>2. Handheld, battery-powered, electronic apparatus, for a single player, in a plastic housing with an LCD screen and input buttons.</p> <p>The product has more than one million built-in SUDOKU puzzle games and has different levels of difficulty.</p> <p>The screen displays a grid of nine boxes, each with 3 × 3 cells. Each box has to be filled in, so that every row, column and box of 3 × 3 cells contains the digits 1 to 9 only once.</p> <p>The apparatus contains a time function which, <i>inter alia</i>, shows the time spent on the game being played.</p>	<p>9504 90 90</p>	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 9504, 9504 90 and 9504 90 90.</p> <p>The product is a game for one player only. It has an electronic display which challenges one's mental skills.</p> <p>In view of its physical characteristics (electronic device) and due to its competition element (for example, by competing against an artificial opponent), it is more than a puzzle or a toy of heading 9503.</p> <p>Therefore the product shall be classified as a game of skill in heading 9504.</p>

## II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

## DECISIONS

## COMMISSION

## COMMISSION DECISION

of 23 March 2007

**concerning the publication of the reference of the standard EN 71-1:2005 'Safety of Toys — Part 1: mechanical and physical properties' regarding the technical requirements on hemispheric toys in accordance with Council Directive 88/378/EEC on the safety of toys**

(notified under document number C(2007) 1256)

(Text with EEA relevance)

(2007/184/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

parties when they are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys <sup>(1)</sup>, and in particular the second subparagraph of Article 6(1) thereof,

- (2) Pursuant to the Article 5(1) second subparagraph of Directive 88/378/EEC, toys are presumed to comply with the essential safety requirements referred to in Article 3 of the Directive if they conform to the national standards applicable to them transposing the harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Communities*.

Having regard to the opinion of the Standing Committee established by Article 5 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and on Information Society Services <sup>(2)</sup>, as amended by Directive 98/48/EC (Committee on standards and technical regulations),

- (3) In accordance with the Article 5(1) second subparagraph of Directive 88/378/EEC, Member States are required to publish the reference numbers of national standards transposing harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Communities*.

Whereas:

- (1) Article 2 of Directive 88/378/EEC provides that toys must be placed on the market only if they do not jeopardise the safety and/or health of users or third

- (4) The European Committee for Standardisation (CEN), under mandate from the Commission, drew up and adopted the harmonised standard EN 71-1:1998 'Safety of toys — Part 1: mechanical and physical properties' on 15 July 1998, the references numbers of which were published for the first time in the *Official Journal of the European Communities* of 28 July 1999 <sup>(3)</sup>.

<sup>(1)</sup> OJ L 187, 16.7.1988, p. 1. Directive as amended by Directive 93/68/EEC (OJ L 220, 30.8.1993, p. 1).

<sup>(2)</sup> OJ L 204, 21.7.1998, p. 37. Directive as last amended by 2003 Act of Accession.

<sup>(3)</sup> OJ C 215, 28.7.1999, p. 4.



- (5) On 16 September 2004, the European Committee for Standardisation adopted amendment 10 to the harmonised standard EN 71-1:1998 'Safety of toys — Part 1: mechanical and physical properties'. The references numbers of this amendment were published for the first time in the *Official Journal of the European Union* of 2 August 2005 <sup>(1)</sup>.
- (6) On 19 September 2005, the European Committee for Standardisation adopted the standard EN 71-1:2005 'Safety of toys — Part 1: mechanical and physical properties' which is a consolidated version of the harmonised standard EN 71-1:1998 and its 11 amendments. Amendment 10 is incorporated in the standard EN 71-1:2005.
- (7) Amendment 10 aims to address the risks of suffocation presented by cup-shaped, bowl-shaped or one half of an egg-shaped toys having a nearly round, oval or elliptical opening which young children could place in front of their face when playing, therefore forming an airtight seal. The amendment excludes from its scope toys intended for drinking, such as tea sets cups.
- (8) Pursuant to Article 6(1) of Directive 88/378/EEC, the French authorities have raised a formal objection in respect to the requirements on hemispheric toys, in particular, the exclusion of toys intended for drinking laid down in the standard EN 71-1:2005.
- (9) The French authorities claim that the aim of the technical requirements provided for in the harmonised standard on hemispherical toys is to address the suffocation risks presented by certain toy shapes that can be placed over a child's nose and mouth forming an airtight seal. Among these products are toys intended for drinking. These are toys which children are most likely to place over their mouths when playing and pretending to drink. Consequently, the French authorities claim that toys intended for drinking should be covered by the requirements on hemispheric toys of the harmonised standard EN 71-1:2005.
- (10) According to the European Committee for Standardization (CEN) the standardisation on hemispheric toys was justified by incidents with infants playing with such toys in self-service restaurants. The work was based on a comprehensive investigation carried out in order to find the critical size and shapes of items to be addressed by the standardisation in relation to the children to be protected. As regards objects intended for drinking, e.g. tea set cups, CEN concluded that no incidents with these toys nor with real drinking cups have been registered. On the basis of these investigations CEN decided that there were no grounds to extend the standardisation work to this particular type of toys.
- (11) At the request of the Commission, the Member States experts on the safety of toys informed the Commission of incidents caused by similar toys. The incidents are mentioned in a report published in the magazine 'Pediatrics', vol. 111, No 1, January 2003. In accordance with this report a total of 17 incidents were identified. In all cases investigated, children were found with the semi rigid object strongly adhering to their faces. Of the 17 incidents involved, 13 involved toys. These incidents concerned children between the ages of 4 and 36 months.
- (12) Furthermore, the Commission was also informed of one non-fatal incident in USA, registered on the US Consumer Product Safety Commission on 27 October 2000. A two and a half year old child was found with a hard plastic toy cup stuck in her mouth and nose. This toy was included in a toy tea set.
- (13) On the basis of the information submitted by the French authorities, the other national authorities and the Committee on standards and technical regulations it is founded that toys intended for drinking may present a risk of suffocation. Taking into account that these toys are excluded from the scope of the above mentioned standard, in accordance with Article 5(2) of Directive 88/378/EEC, Member States shall presume that the abovementioned toys satisfy the essential safety requirements only if they have an EC type examination certificate issued by a notified body,

HAS ADOPTED THIS DECISION:

#### Article 1

Cup-shaped, bowl-shaped or one half of an egg-shaped toys having a nearly round, oval or elliptical opening which are intended for drinking are excluded from the scope of the standard EN 71-1:2005. However, they may present the same risk of suffocation that is presented by toys covered by the standard. Therefore, the Commission will mandate the European Standardisation Organisation concerned to review the standard in question.

<sup>(1)</sup> OJ C 188, 2.8.2005, p. 2.

*Article 2*

The publication in the *Official Journal of the European Union* of the reference of the standard EN 71-1:2005 'Safety of toys — Part 1: mechanical and physical properties' shall be accompanied by the following additional notice:

'Cup-shaped, bowl-shaped or one half of an egg-shaped toys having a nearly round, oval or elliptical opening which are intended for drinking, such as toy tea sets, may present a risk for children health. These toys are not covered by the standard, therefore, these products must have an EC type examination certificate and the conformity with the approved model must have been certified by the affixation of the EC marking'.

*Article 3*

A notice identical to that provided for in Article 2 of this Decision shall accompany the reference to a national standard

transposing standard EN 71-1:2005 'Safety of toys — Part 1: mechanical and physical properties', to be published by the Member States pursuant to Article 5(1) second subparagraph of Directive 88/378/EEC.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 23 March 2007.

*For the Commission*

Günter VERHEUGEN

*Vice-President*

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## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL JOINT ACTION 2007/185/CFSP

of 19 March 2007

**on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

of the EU Strategy against Proliferation of Weapons of Mass Destruction <sup>(2)</sup>, which expired one year after its adoption.

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

(1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction (hereinafter referred to as the EU Strategy), Chapter III of which contains a list of measures to combat such proliferation.

(2) The EU Strategy underlines the crucial role of the Chemical Weapons Convention (CWC) and of the Organisation for the Prohibition of Chemical Weapons (OPCW) in creating a world free of chemical weapons. As part of the Strategy, the EU has committed itself to working towards universal adherence to key disarmament and non-proliferation treaties and agreements, among which is the CWC. The objectives of the EU Strategy are complementary to the objectives pursued by the OPCW, in the context of its responsibility for the implementation of the CWC.

(3) On 22 November 2004, the Council adopted Joint Action 2004/797/CFSP on support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction <sup>(1)</sup>. Following the expiry of Joint Action 2004/797/CFSP, the Council adopted Joint Action 2005/913/CFSP of 12 December 2005 on support for OPCW activities in the framework of the implementation

(4) Since the beginning of the implementation of the EU Joint Actions in support of the OPCW in 2005, 14 countries have signed and ratified the CWC, bringing the number of OPCW Member States up to 181.

(5) The continuation of such intensive and targeted assistance from the EU to the OPCW is necessary in the context of the active implementation of Chapter III of the EU Strategy. Measures related to the universalisation of the CWC should continue and be adapted and targeted to the declining number of States not Parties to the CWC. These activities should be complemented by new ones to support specific projects conducted by the OPCW aimed at the full implementation of the CWC and to enhance international cooperation in the field of chemical activities.

(6) The Commission should be entrusted with the supervision of the proper implementation of the EU contribution,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

1. For the purpose of giving immediate and practical application to some elements of the EU Strategy, the European Union shall support activities of the OPCW, with the following objectives:

<sup>(1)</sup> OJ L 349, 24.11.2004, p. 63.

<sup>(2)</sup> OJ L 331, 17.12.2005, p. 34.

- promotion of universality of the CWC,
- support for full implementation of the CWC by States Parties,
- international cooperation in the field of chemical activities, as accompanying measures to the implementation of the CWC,
- support for the creation of a collaborative framework among the chemical industry, OPCW and national authorities in the context of the 10th anniversary of the OPCW.

2. The projects of the OPCW, corresponding to measures of the EU Strategy, shall be projects which aim at the:

- promotion of the CWC by carrying out regional, sub-regional and bilateral activities, designed to increase the membership of the OPCW,
- provision of sustained technical support to States Parties that request it for the establishment and effective functioning of national authorities, through the provision of grants aiming at capacity building and the enactment of national implementation measures as envisaged in the CWC,
- strengthening of the States Parties' capacities to respond and develop assistance and protection programmes against chemical weapons,
- establishment of a freely accessible database to allow national authorities and industry an easy identification of chemicals contained in the schedules of the Annex on Chemicals to the CWC,
- strengthening of international cooperation in the field of chemical activities to facilitate the development of the States Parties' capacities to implement the CWC in the field of chemical activities,
- support for an OPCW Industry and Protection Forum in the framework of the 10th anniversary of the OPCW,

- support for visits to chemical weapons destruction facilities (CWDFs) and/or CWDF construction sites in order to consider the progress and efforts made towards meeting the extended destruction deadlines.

A detailed description of these projects is set out in the Annex.

#### Article 2

1. The financial reference amount for the implementation of the seven projects listed in Article 1(2) shall be EUR 1 700 000, to be funded from the 2007 general budget of the European Union.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community.

3. The Commission shall supervise the proper implementation of the EU contribution referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with the OPCW on conditions for the use of the EU contribution, which shall take the form of a grant. The financing agreement to be concluded shall stipulate that the OPCW is to ensure visibility of the EU contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Joint Action. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

#### Article 3

1. The Presidency, assisted by the Secretary-General/High Representative (SG/HR), shall be responsible for the implementation of this Joint Action. The Commission shall be fully associated.

2. The technical implementation of the projects referred to in Article 1(2) shall be entrusted to the Technical Secretariat of the OPCW (hereinafter referred to as the Technical Secretariat), which shall perform this task under responsibility of the Presidency and under control of the SG/HR. For this purpose, the SG/HR shall enter into necessary arrangements with the Technical Secretariat.

*Article 4*

1. The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action. The Commission shall be fully associated and shall provide information on the financial aspects of the implementation of the projects referred to in Article 1(2).

2. The information referred to in paragraph 1 shall be based on regular reports to be provided by the Technical Secretariat.

*Article 5*

This Joint Action shall enter into force on the day of its adoption.

It shall expire 18 months after the conclusion of the financing agreement referred to in Article 2(3).

*Article 6*

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 19 March 2007.

*For the Council*  
*The President*  
Horst SEEHOFER

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## ANNEX

**EU support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction****1. Objective and description**

Overall objective: to support the universalisation of the Chemical Weapons Convention (CWC), and in particular to promote the ratification/accession to the CWC by States not Parties (signatory States as well as non-signatory States) and to support the full implementation of the CWC by the States Parties.

Description: EU assistance to the Organisation for the Prohibition of Chemical Weapons (OPCW) will be focused on the following areas identified by the CWC States Parties as requiring urgent action:

- promotion of universality of the CWC,
- support for full implementation of the CWC by States Parties,
- international cooperation in the field of chemical activities, as accompanying measures to the implementation of the CWC,
- support for the creation of a collaborative framework among the chemical industry, OPCW and national authorities in the context of the 10th anniversary of the OPCW.

The projects described in point 2 will receive the EU support. EU funding will only cover expenditure specifically related to the implementation of those projects. In addition, the procurement of any goods, works or services will be carried out by the OPCW.

**2. Projects description****2.1. Project 1: Universality of the CWC****Project purpose**

To achieve universal adherence to the CWC by actively promoting ratification/accession to the CWC by States not Parties (signatory States as well as non-signatory States) and to support the full and effective implementation of the CWC by States Parties.

**Project results/activities**

- Increased membership of the CWC, by encouraging and supporting the 14 remaining States not Parties <sup>(1)</sup> to join it as soon as possible,
- strengthened regional networking (involving relevant regional and sub-regional organisations for the purposes of promoting universality as well as effective national implementation of the CWC),
- enhanced awareness of the CWC, its provisions, and benefits to States Parties through regional, sub-regional and bilateral programmes and participation of States not Parties in OPCW events such as training courses, workshops and seminars on the implementation of the CWC.

**Project description**

- (a) Regional Workshop on CWC for the Mediterranean Basin and the Middle East:

Workshop on the CWC for States not Parties in the Mediterranean Basin and the Middle East (venue to be confirmed, two to three days, second semester of 2007). This workshop will be a follow-up to similar events held in Malta (2004), Cyprus (2005), Italy (2006) and in the North of Africa (2007). It aims to intensify

<sup>(1)</sup> States not Party are regionally distributed as follows: Africa (Angola, Congo (Brazzaville), Guinea Bissau and Somalia), Middle East (Egypt, Iraq, Israel, Lebanon and Syria), Latin America and the Caribbean (Bahamas, Barbados and Dominican Republic) and Asia (Myanmar and North Korea).

awareness of the CWC and its contribution to regional stability and international peace and security. Participants from States not Parties in the region will be sponsored. The Technical Secretariat of the OPCW (hereinafter referred to as the Technical Secretariat) may also sponsor representatives from States Parties and regional/sub-regional organisations (such as the League of Arab States) to serve as resource persons. One or two guest speakers from the EU will be requested to brief participants on EU initiatives on non-proliferation and disarmament relating to weapons of mass destruction (WMD), the political-security aspects of the Euro-Mediterranean Partnership and export control measures implemented by the EU.

Total estimated cost: EUR 56 478

(b) Bilateral visits/programmes

The Technical Secretariat will intensify, in coordination with the EU Presidency, targeted bilateral approaches and programmes for individual States not Parties. The visiting team will include EU representatives as appropriate.

- (i) Two to three bilateral visits to States not Parties in Africa. Each visit will last for two to three days. The visit will consist of a maximum of five persons from the Technical Secretariat. Only the most relevant divisions or branches of the Technical Secretariat will be invited to send resource persons.
- (ii) Two to three bilateral visits to States not Parties in the Middle East. Each visit will last for two to three days. The visit will consist of a maximum of four persons from the Technical Secretariat. Only the most relevant divisions or branches will be invited to send resource persons.
- (iii) Two to three bilateral visits to States not Parties in Latin America and the Caribbean. The visit will consist of a maximum of four persons from the Technical Secretariat. Only the most relevant divisions or branches will be invited to send resource persons.
- (iv) One or two bilateral visits to Asia. The visits will consist of a maximum of four persons from the Technical Secretariat. Only the most relevant divisions or branches will be invited to send resource persons.

Total estimated cost: EUR 88 435

The bilateral events for these countries could include national workshops/seminars to raise awareness of the CWC and promote ratification/accession. It should be noted that the final decision to undertake such bilateral events will be determined by positive developments and by the level of preparation by the aforementioned countries.

Total estimated cost of Project 1: EUR 144 913

2.2. *Project 2: National Implementation of the CWC*

2.2.1. Establishment and effective functioning of national authorities, the enactment of national implementation measures and the adoption of any administrative measures required in accordance with obligations under Article VII of the CWC, and submission of accurate Article VI declarations

Project description

The project will contribute to ongoing efforts to improve the functioning of national authorities, and the adoption of adequate implementation measures through assistance on all CWC-related matters, with particular emphasis on legal and technical aspects to meet the needs of requesting States Parties in order to assist them in fulfilling their obligations under Article VII of the CWC, through bilateral visits or other appropriate formats. Such assistance will be provided by experts/resource persons from the OPCW staff with the inclusion of EU experts, as necessary. Each visit will last about five working days. There will normally be three experts for each visit. The duration of each visit and the number of persons travelling in each team will be determined on a case by case basis to meet the requirements of the assistance to be provided in the most cost-effective manner. Alternatively, assistance will be provided by funding visits by experts from requesting States Parties to the Technical Secretariat, for consultations and hands-on work with relevant officials of the Technical Secretariat. Each of these visits will also last about five working days, with normally three national experts for each visit.

In addition, the EU will fund an extended visit programme to Africa to assist African States Parties to fulfil their obligations under Article VII of the CWC.

Total Estimated Cost: EUR 225 498

#### 2.2.2. Allocation of financial grants to national authorities to support capacity-building efforts for necessary national activities for the implementation of the CWC

##### Project description

Financial grants to fund national implementation activities in approximately 10 selected national authorities, not exceeding EUR 10 000 for each of the national authorities selected.

The specific areas for which assistance may be requested in the near future by States Parties include funds for:

- the translation into and publication of the CWC in the national language when different from one of the CWC languages and publication and distribution of enacted legislation and regulations which establish an office for the national authority,
- consultancy fees for legal experts drafting the national implementing legislation,
- national awareness courses for personnel from relevant government agencies and industry on the implementation of the different provisions of the CWC. These may include outreach and awareness-raising seminars for decision-makers in Ministries such as External Relations, Justice, Defence, Interior, Industry and Trade, customs authorities and industry associations,
- training sessions for the relevant stakeholders on how to identify and report on declarable facilities, scheduled chemicals, imports and exports relevant to the CWC.

These grants will not provide any financial assistance towards payment of salaries.

##### Clearance mechanism

A clearance mechanism for the selection of national authorities and proposed consultants will be set up involving representatives of the EU Presidency, the Office of the Personal Representative of the High Representative on non-proliferation of Weapons of Mass Destruction, Commission services and the Technical Secretariat.

##### Selection criteria

The selection of national authorities to receive grants will be undertaken on the basis of carefully identified criteria, including a demonstration of their ability to make quantifiable progress in the implementation of the provisions of the CWC and in accordance with a country-specific action plan developed during a bilateral assistance visit.

The clearance mechanism will screen applications for grants from national authorities for their eligibility (specifically, as regards relevance to increasing the national implementation capacity, transparency, feasibility and sustainability) before making recommendations to the competent bodies of the Council. The grants should contribute towards making the selected national authorities self-sustaining entities in subsequent years.

In order to receive such grants, the recipient national authorities will need to provide the OPCW with quantifiable objectives to be accomplished as well as a clear time-frame for their implementation with the use of the grants. As part of the contract, the recipient national authority will be obliged to report its activities to the Technical Secretariat on a regular basis. The disbursement of grants will be made in instalments, with successive instalments being released after review of progress achieved. The Technical Secretariat will provide the EU with relevant details of progress by recipient States Parties as well as a financial statement on the use of the funds by each recipient State Party.

Total Estimated Cost: EUR 100 000



### 2.2.3. Participation of national authorities and customs authorities in one or more technical meetings in The Hague or elsewhere, on the transfer provisions of the CWC

#### Project description

The difficulties met by States Parties in collecting reliable import-export data for scheduled chemicals and making accurate declarations to the OPCW and in monitoring the trade in scheduled chemicals due to national capacity restraints have an impact on the effectiveness of the verification regime of the OPCW and the attainment of its non-proliferation objectives.

The Technical Secretariat is seeking to address the above challenges by focusing on the following:

- making stakeholders in national authorities, especially customs authorities, aware of the CWC legal requirements in order to further the non-proliferation objectives of the Convention,
- providing customs authorities with technical information through focused meetings on better management of import-export procedures for the regulation of trade in scheduled chemicals,
- identifying relevant chemicals for effective monitoring of trade in scheduled chemicals and sharing of national and regional experiences in implementing the transfer provisions of the Convention,
- disseminating information on EU initiatives and assistance activities for the monitoring of scheduled chemicals,
- understanding the practical difficulties and challenges that customs authorities in different regions and sub-regions encounter in monitoring the trade in scheduled chemicals,
- facilitating better understanding and cooperation amongst stake holders of the national authorities for monitoring and submitting data on the import-export of scheduled chemicals,
- seeking synergies between the different international regimes which customs authorities are required to monitor and providing of a forum for consultation and cooperation within sub-regions to implement the requirements of the CWC effectively.

The Technical Secretariat will organise three sub-regional meetings for South East Asia, the Southern African Development Community and for States Parties in Eastern Europe. Through these meetings, the Technical Secretariat will seek to highlight the need for all States Parties to put in place measures that will help attain the non-proliferation objectives of the CWC. In addition, during the Annual Regional Meeting of national authorities in GRULAC, there will be a focus on the need for effective interaction between national authorities and customs authorities.

The number of States Parties attending a sub-regional event ranges between seven and ten. Two representatives from the national authority and customs authorities from each State Party are invited to participate. Resource persons with a relevant specialisation are also sponsored by the OPCW for such meetings.

Total estimated cost: EUR 183 466

### 2.2.4. Outreach to make Parliamentarians aware of the CWC requirements for States Parties to adopt comprehensive national implementing legislation

#### Project purpose

Promote the adoption of national implementing legislation in States Parties.

#### Project description

The Technical Secretariat will seek to reach out to parliaments in the different geographical regions represented in the OPCW with the purpose of making them aware of the importance of adopting CWC national implementing legislation.

To that end, the Technical Secretariat will seek to organise two dedicated meetings of Parliamentarians at regional level in Asia and Latin America.

In addition, awareness-raising work will continue to be carried out during the Assemblies of the Inter-Parliamentary Union.

This request is made on the basis of the number of drafts of national implementing legislation expected to be considered by national Parliaments during 2007-2008. Only a third of the OPCW members have comprehensive national implementing legislation.

Total estimated cost: EUR 167 769

Total estimated cost of Project 2: EUR 676 733

### 2.3. *Project 3: International cooperation in the field of chemical activities*

#### Analytical skills development course

##### Project purpose

To facilitate the development of the States Parties' capacities to implement the CWC in the field of chemical activities in accordance with the provisions of Article XI of the CWC.

This project essentially focuses on the building of capacities through the provision of support to analytical laboratories by way of training in the area of sampling and analysis of chemicals relevant to the CWC.

##### Project results/activities

- Assisting qualified analytical chemists from States Parties to acquire further experience and practical knowledge to facilitate the analysis of chemicals related to the national implementation of the CWC,
- enabling analytical laboratories in these targeted countries to upgrade their levels of technical competence.

##### Project description

Three units of the analytical development course will be organised for 20 participants each in 2007. The aims of the course will be to assist qualified analytical chemists from States Parties that are either developing or have economies in transition to acquire further experience and practical knowledge; to facilitate the analysis of chemicals related to the national implementation of the CWC; to enhance national capacities in the Member States by offering training in analytical chemistry to personnel from industry, academic institutions and government laboratories; to facilitate the adoption of good laboratory practices; and to broaden the pool of manpower from which the national authorities and the Secretariat can draw in future. The course will cover both theoretical and practical training in areas relating to system validation, trouble shooting, sample preparation and analysis. Each course will last for two weeks.

Total Estimated Cost of Project 3: EUR 360 000

### 2.4. *Project 4: Assistance and protection against chemical weapons*

#### Project purpose

The OPCW is committed to addressing threats to peace and security. These threats call for rapid and coordinated responses at national, regional and international levels. Article X of the CWC which consists of assistance and protection has a particular role in this regard. The OPCW is required to develop and maintain a state of readiness to provide a timely, adequate and efficient response. For this reason, the OPCW needs to assist States Parties to develop and/or improve national and regional response systems against chemical weapons and to build an effective mechanism for the mobilisation of international assistance to any requesting State Party in the case of possible use of chemical weapons.

#### Project results

- Strengthening of the capabilities of the Technical Secretariat to mobilise and coordinate international assistance,
- building/developing or improving the national response capabilities and protection programmes of States Parties,
- establishment of effectively functioning regional protection networks,
- provision and dissemination of information in the field of protection against chemical weapons.

#### 2.4.1. Technical visits to States Parties for inspection of offers of assistance

##### Project description

The Technical Secretariat will carry out up to six visits in 2007 to States Parties for inspection of offers of assistance under paragraph 7 of Article X of the CWC. The Technical Secretariat team will be composed of a maximum of two experts.

A total of 71 States Parties have undertaken to provide assistance through the OPCW, and to this end 42 States Parties elected to volunteer assistance to the OPCW, in this regard. These voluntary assistance pledges include different types of individual protective equipment, detection and decontamination equipment and units, humanitarian equipment, literature, and expert advice.

These visits will allow offers made by the visited OPCW Member State to be assessed in order to ensure their validity, and verify the status of the equipment (shelf-life, packing, availability, readiness to be delivered, etc.). If the equipment is at the limits of its shelf-life or if the offer is intended to be changed, such visits will establish the new conditions and get more details about the offer. This information will be entered into the OPCW Assistance and Protection database.

Total estimated cost: EUR 45 230

#### 2.4.2. National capacity building of North African States Parties against chemical weapons

##### Project description

In the current security situation, the States Parties are becoming more aware of the fact that their current national response plans do not take into account the possible use of WMD. Consequently, the OPCW is receiving high numbers of requests related to protective capacity building against chemical weapons from States Parties, in the event of a chemical terrorist attack.

The Technical Secretariat has given high priority to the African region, where almost no protective capacity exists against chemical weapons, and the Technical Secretariat believes the need is greatest and has decided to provide this region with timely assistance.

Recently, for the sake of the security and safety of the region, the North African States Parties (Algeria, Libya, Morocco and Tunisia), asked the OPCW for assistance in accordance with paragraph 5 of Article X of the CWC, which entitles States Parties to request and receive expert advice from the Technical Secretariat in improving and developing their capacity building against chemical weapons.

The Technical Secretariat has planned a set of activities aimed at training first responders involved in the field, and developing their emergency response system against chemical warfare agents (CWA). The activity in North Africa will start with one preliminary planning meeting, followed by basic, advanced and specialised protection courses. The project will be concluded with a sub-regional exercise and a final evaluation meeting.

Total estimated cost: EUR 200 900

Total estimated cost of Project 4: EUR 246 130

- 2.5. *Project 5: Support for full national implementation of the CWC by the States Parties through the updating of the scheduled chemicals database for verification purposes*

2.5.1. Update of the scheduled chemicals database for verification purposes

Project objective

To facilitate the operation of the national authorities and the industry through the establishment of a freely accessible database which will allow easy identification of scheduled chemicals and help them to improve the identification of facilities for declaration and reduce discrepancies in the declared import and export of these chemicals between State Parties.

Project results

- Develop a database with all CWC scheduled chemicals,
- identify these chemicals with the Chemical Abstract Service (CAS) Registry Number, if assigned, the Harmonised System (HS) code for the use of customs officers and chemical and structural formulae,
- make the database accessible through the web without cost.

Total estimated cost of Project 5: EUR 80 180

- 2.6. *Project 6: OPCW Industry and Protection Forum*

Project objective

To prepare and conduct an OPCW Industry and Protection Forum in the framework of the 10th Anniversary of the OPCW on 2 and 3 November 2007, prior to the 12th Session of the Conference of States Parties and the national authorities meeting immediately before that.

Two days of plenary sessions and concurrent industry and protection workshops and training sessions with the Technical Secretariat, chemical industry, national authorities and respective national agencies, accompanied by an exhibition of CWC inspection and WMD protection equipment.

Project purpose

The overall purpose of the Forum is to support national implementation of the CWC through building synergies and strengthening a collaborative framework between the chemical industry, the OPCW and the national authorities. By inviting representatives of the chemical industry of the Signatory States, the Forum will also aim at promoting universality of the CWC.

Project results

- Enhanced support for the chemical industry in the national implementation of the CWC and growing synergies between the chemical industry, the OPCW and the national authorities,
- growing awareness of the chemical industry of the proliferation threat and challenges,
- improved capacities of the States Parties in WMD protection (e.g. detection, medical counter-measures and response equipment),
- improved capacities of the chemical industry in handling CWC verification techniques and procedures,
- assisting developing countries to participate in the exchange of experience and practical knowledge on industry verification and providing access to recent developments in the sphere of CWC verification and protection against WMD.

Project partners, audiences/stakeholders as well as participants and beneficiaries

The chemical industry, including associations (CEFIC, International Council of Chemical Associations) and companies from Member States and Signatory States, national authorities of the OPCW Member States, Government agencies which are involved in the monitoring/supervision of activities in the sphere of national implementation and control of toxic chemicals, Government agencies which are engaged in the provision of assistance in case of use of chemical weapons or terrorist use of toxic chemicals, international and national organisations and agencies, as well as companies producing WMD protective equipment.

Total estimated cost of Project 6: EUR 140 000

2.7. *Project 7: To provide financial support to visiting groups from the OPCW to chemical weapons destruction facilities*

Project purpose

To provide financial support for representatives from the OPCW Executive Council, as described in the decision by the Executive Council and the Conference of States Parties (EC-M-26/DEC.5), to enable visits to CWDFs and/or CWDF construction sites in order to consider the progress and efforts made towards meeting the extended destruction deadlines.

Project results

Implementation of the Executive Council and the Conference of States Parties Decisions (EC-M-26/DEC.5), by facilitating the participation in visiting groups of representatives from all regional groups who, due to financial constraints, might not otherwise be able to attend.

Project description

On 8 December 2006, the Executive Council of the OPCW adopted Decision EC-M-26/DEC.5 'Visits by Representatives of the Executive Council' recommending the Conference of States Parties to take a decision to agree on visits by representatives of the Executive Council to CWDFs in the United States of America and in the Russian Federation.

Through its Decision C-11/DEC.20 of 8 December 2006 'Visits by Representatives of the Executive Council', the Conference of States Parties agreed that such visits are to take place and established the practical modalities thereof.

The aim of the visits will be to provide members of the Executive Council with the opportunity to assess progress and efforts towards meeting extended deadlines and any measures being taken by the visited State Party, so that possible problems or delays in the destruction programme could be overcome.

In accordance with Decision C-11/DEC.20, the visiting groups should comprise: the chairperson (or vice-chairperson) of the Executive Council, a representative from each of the other regional groups, one representative from other States Parties hosting such visits, the Director-General of the Technical Secretariat (or his representative), and, if necessary, a Technical Secretariat interpreter.

That decision stipulates that the Technical Secretariat is to cover the costs of its own staff and of chairperson (or vice-chairperson) of the Executive Council and that all other participants are to meet their own costs.

The purpose of this project is to provide funding for the four regional representatives participating, if they so request.

The clearance mechanism set up for the project set out in point 2.2.2 will be used to select beneficiaries to be funded under this project. The Technical Secretariat will inform the EU Presidency as soon as possible of all interested candidates and a meeting of the clearance mechanism will be convened. Prior agreement by EU Member States will be needed for the final selection of participants which will benefit from the EU support for the visits. Selection criteria will include the status of least developed countries, fulfilment by the applicant countries of their obligations to the OPCW and respect for all relevant international obligations on disarmament and non-proliferation.

The EU will consider, at a later stage, the creation of a trust fund for these purposes.

Total estimated cost of Project 7: EUR 21 696

**3. Duration**

The total estimated duration for the implementation of this Joint Action is 18 months.

**4. Beneficiaries**

The beneficiaries of universality-related activities are States not Parties to the CWC (both signatory States and non-signatory States). The beneficiaries of implementation-related activities are non-EU States Parties to the CWC. Projects will aim at reinforcing the strict implementation of, and compliance with, the CWC by States Parties. The selection of the beneficiaries will be identified by the OPCW in coordination with the EU Presidency.

**5. Implementing entity**

The OPCW will be entrusted with the implementation of the seven projects.

These seven projects will be implemented by OPCW staff with the help of the OPCW States Parties and their institutions, selected experts or contractors, as above. In the case of contractors, the procurement of any goods, works or services by the OPCW in the context of this Joint Action will be carried out in accordance with the applicable rules and procedures of the OPCW, as detailed in the European Community Contribution Agreement with an International Organisation.

The results achieved by each of the seven projects financed under this Joint Action will be evaluated by the competent institutions and bodies of the EU in accordance with this Joint Action. For this purpose, the OPCW will provide the EU Presidency, through the Secretary-General/High Representative, and the Commission with detailed implementation reports.

**6. Third Parties participants**

These projects will be financed 100 % by this Joint Action. Experts of OPCW States Parties may be considered as third Parties participants. They will work under the standard rules of operation for OPCW experts.

**7. Estimated required resources**

The EU contribution will cover 100 % of the implementation of the seven projects, as described in this Annex. The estimated costs are as follows:

Project 1	EUR 144 913
Project 2	EUR 676 733
Project 3	EUR 360 000
Project 4	EUR 246 130
Project 5	EUR 80 180
Project 6	EUR 140 000
Project 7	EUR 21 696

TOTAL ROUNDED COST (excluding contingencies): EUR 1 670 000

In addition, a contingency reserve of about 3 % of eligible costs (EUR 30 000) is included.

TOTAL COST (including contingencies): EUR 1 700 000

**8. Financial reference amount to cover the total cost of the projects**

The total cost of the projects is EUR 1 700 000.

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