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Legislation

Contents

[1] Text with EEA relevance

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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

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EN

[1] Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 329/2007

of 27 March 2007

concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2006/795/CFSP of 20 November 2006 concerning restrictive measures against the Democratic People's Republic of Korea [1],

Having regard to the proposal from the Commission,

Whereas:

(1) On 14 October 2006, the UN Security Council adopted Resolution 1718 (2006) in which it condemned the nuclear test that the Democratic People's Republic of Korea (hereinafter referred to as North Korea), had conducted on 9 October 2006, determining that there was a clear threat to international peace and security, and imposing on all Member States of the United Nations that they apply a number of restrictive measures.

(2) Common Position 2006/795/CFSP provides for the implementation of the restrictive measures set out in Resolution 1718 (2006) and notably for a ban on exports of goods and technology which could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes, and on the provision of related services, a ban on procurement of goods and technology from North Korea, a ban on exports of luxury goods to North Korea, as well as the freezing of funds and economic resources of persons, entities and bodies engaged in or providing support for the said North Korean programmes.

(3) These measures fall within the scope of the Treaty establishing the European Community and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, Community legislation is necessary in order to implement them as far as the Community is concerned.

(4) This Regulation derogates from existing Community legislation that provides for general rules on exports to, and imports from, third countries, and in particular from Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology [2]; most of these items and technology should be covered by this Regulation.

(5) It is appropriate to clarify the procedure that should be followed to obtain approval for exports of goods and technology and the provision of related technical assistance.

[1] OJ L 322, 22.11.2006, p. 32.

[2] OJ L 159, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 394/2006 (OJ L 74, 13.3.2006, p. 1).

(6) For reasons of expediency, the Commission should be empowered to publish the list of goods and technology that will be adopted by the Sanctions Committee or the UN Security Council and, if appropriate, to add the reference numbers taken from the Combined Nomenclature as set out in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1].

(7) The Commission should also be empowered to amend the list of luxury goods if necessary in view of any definition or guidelines that the Sanctions Committee may promulgate to facilitate the implementation of the restrictions concerning luxury goods, taking the lists of luxury goods produced by other jurisdictions into account.

(8) For reasons of expediency, the Commission should also be empowered to amend the list of persons, entities and bodies whose funds and economic resources should be frozen, on the basis of determinations made by either the Sanctions Committee or the United Nations Security Council.

(9) Member States should determine the penalties applicable to infringements of the provisions of this Regulation. The penalties provided for should be proportionate, effective and dissuasive.

(10) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. 'Sanctions Committee' means: the Committee of the UN Security Council which was established pursuant to paragraph 12 of UN Security Council Resolution 1718 (2006);

2. 'North Korea' means the Democratic People's Republic of Korea;

3. 'technical assistance' means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; including verbal forms of assistance;

4. 'funds' means financial assets and benefits of every kind, including but not limited to:

   (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;

   (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

   (c) publicly- and privately-traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

   (d) interest, dividends or other income on or value accruing from or generated by assets;

   (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;

   (f) letters of credit, bills of lading, bills of sale; and

   (g) documents evidencing an interest in funds or financial resources;

5. 'freezing of funds' means preventing any moving, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the use of the funds, including portfolio management;

6. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

7. 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

[1] 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).

8. 'territory of the Community' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. It shall be prohibited:

(a) to sell, supply, transfer or export, directly or indirectly, the goods and technology, including software, listed in Annex I, whether or not originating in the Community, to any natural or legal person, entity or body in, or for use in North Korea;

(b) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibition referred to in point (a).

2. Annex I shall include any items, materials, equipment, goods and technology, including software, which are dual-use items as defined in Regulation (EC) No 1334/2000, which could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes, as determined by the Sanctions Committee or the UN Security Council. It shall not include goods and technology included in the EU Common List of Military Equipment ([1]).

3. It shall be prohibited to purchase, import or transport the goods and technology listed in Annex I from North Korea whether the item concerned originates or not in North Korea.

Article 3

1. It shall be prohibited:

(a) to provide, directly or indirectly, technical assistance related to goods and technology listed in the EU Common List of Military Equipment or in Annex I, and to the provision, manufacture, maintenance and use of goods listed in the EU Common List of Military Equipment or in Annex I to any natural or legal person, entity or body in, or for use in, North Korea;

(b) to provide, directly or indirectly, financing or financial assistance related to goods and technology listed in the EU Common List of Military Equipment or in Annex I, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any natural or legal person, entity or body in, or for use in, North Korea;

(c) to participate, knowingly and intentionally, in activities, the object or effect of which is to circumvent the prohibitions referred to in points (a) or (b).

([1]) The current version of the list is published on page 58 of this Official Journal.

2. The prohibitions set out in paragraph 1 shall not apply to non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection, intended solely for protective use of personnel of the EU and its Member States in North Korea.

Article 4

It shall be prohibited:

(a) to sell, supply, transfer or export, directly or indirectly, luxury goods, as listed in Annex III, to North Korea;

(b) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibition referred to in point (a).

Article 5

1. If a derogation from Articles 2(1)(a) or 3(1)(a) or (b) or 4(a) is deemed necessary in a specific case, the seller, supplier, transferring party, exporter or service provider concerned may present a duly motivated request to the competent authorities of a Member State as indicated in the websites listed in Annex II. The Member State that received the request shall, if it deems that such derogation is justified, present a request for a specific approval to the UN Security Council.

2. The Member State concerned shall inform the other Member States and the Commission of any request for approval submitted to the UN Security Council pursuant to paragraph 1.

3. The competent authorities of the Member States, as indicated in the websites listed in Annex II, may authorise the sale, supply, transfer, export or provision of technical assistance, under such conditions as they deem appropriate, if the UN Security Council has approved the request for specific approval.

Article 6

1. All funds and economic resources belonging to, owned, held or controlled by the persons, entities and bodies listed in Annex IV shall be frozen. Annex IV shall include the persons, entities and bodies designated by the Sanctions Committee or the UN Security Council in accordance with paragraph 8(d) of UNSCR 1718 (2006).

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex IV.

3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

Article 7

1. By way of derogation from Article 6, the competent authorities of the Member States, as indicated in the websites listed in Annex II, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, having determined that the funds or economic resources concerned are:

(a) necessary to satisfy the basic needs of persons listed in Annex IV and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services; or

(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; and

provided that the Member State concerned has notified the Sanctions Committee of that determination and its intention to grant an authorisation, and the Sanctions Committee has not objected to that course of action within five working days of notification.

2. By way of derogation from Article 6 the competent authorities of the Member States, as indicated in the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that this determination has been notified by the Member State to the Sanctions Committee and that the determination has been approved by that Committee.

3. The Member States concerned shall inform the other Member States and the Commission of any authorisation granted under paragraphs 1 and 2.

Article 8

By way of derogation from Article 6, the competent authorities of the Member States, as indicated in the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

(a) the funds or economic resources are the subject of a judicial, administrative or arbitral lien established prior to 14 October 2006 or of a judicial, administrative or arbitral judgement rendered prior to that date;

(b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgement, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the lien or judgement is not for the benefit of a person, entity or body listed in Annex IV;

(d) recognising the lien or judgement is not contrary to public policy in the Member State concerned;

(e) the lien or judgement has been notified by the Member State to the Sanctions Committee.

Article 9

1. Article 6(2) shall not prevent financial or credit institutions in the Community from crediting frozen accounts where they receive funds transferred by third parties to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the competent authorities about such transactions without delay.

2. Article 6(2) shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts; or

(b) payments due under contracts, agreements or obligations that were concluded or arose prior to 14 October 2006;

provided that any such interest, other earnings and payments are frozen in accordance with Article 6(1).

Article 10

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

(a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 6, to the competent authorities of the Member States, as indicated in the websites listed in Annex II, where they are resident or located, and shall transmit such information, directly or through the relevant Member States, to the Commission;

(b) cooperate with the competent authorities, as indicated in the websites listed in Annex II, in any verification of this information.

2. Any additional information directly received by the Commission shall be made available to the Member State concerned.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 11

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

Article 12

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violations and enforcement problems and judgments handed down by national courts.

Article 13

The Commission shall be empowered to:

(a) amend Annex I on the basis of determinations made by either the Sanctions Committee or the United Nations Security Council and, where appropriate, add the reference numbers taken from the Combined Nomenclature as set out in Annex I to Regulation (EEC) No 2658/87;

(b) amend Annex II on the basis of information supplied by Member States;

(c) amend Annex III in order to refine or adapt the list of goods included therein, according to any definition or guidelines that may be promulgated by the Sanctions Committee and taking into account the lists produced by other jurisdictions, or to add the reference numbers taken from the Combined Nomenclature as set out in Annex I to Regulation (EEC) No 2658/87, if necessary or appropriate;

(d) amend Annex IV on the basis of determinations made by either the Sanctions Committee or the United Nations Security Council; and

(e) amend Annexes I or IV pursuant to any decision taken by the Council on the basis of Common Position 2006/795/CFSP.

Article 14

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

2. Member States shall notify the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 15

1. Member States shall designate the competent authorities referred to in this Regulation and identify them in, or through, the websites as listed in Annex II.

2. Member States shall notify the Commission of their competent authorities without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 16

This Regulation shall apply:

(a) within the territory of the Community;

(b) on board any aircraft or any vessel under the jurisdiction of a Member State;

(c) to any person inside or outside the territory of the Community who is a national of a Member State;

(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Community.

Article 17

This Regulation shall enter into force on the day 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, 27 March 2007.

For the Council
The President
P. STEINBRÜCK

ANNEX I

Goods and technology referred to in Articles 2 and 3

A. Goods

(to be completed in due course)

B. Technology

(to be completed in due course)

ANNEX II

Websites for information on the competent authorities referred to in Articles 5, 7, 8, 10 and 15 and address for notifications to the European Commission

BELGIUM

http://www.diplomatie.be/eusanctions

BULGARIA

(to be completed in due course)

CZECH REPUBLIC

http://www.mfcr.cz/mezinarodnisankce

DENMARK

http://www.um.dk/da/menu/Udenrigspolitik/FredSikkerhedOgInternationalRetsorden/Sanktioner/

GERMANY

http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html

ESTONIA

http://web-visual.vm.ee/est/kat_622/

GREECE

http://www.ypex.gov.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/International+Sanctions/

SPAIN

www.mae.es/es/Menuppal/Asuntos/Sanciones+Internacionales

FRANCE

http://www.diplomatie.gouv.fr/autorites-sanctions/

IRELAND

www.dfa.ie/un_eu_restrictive_measures_ireland/competent_authorities

ITALY

http://www.esteri.it/UE/deroghe.html

CYPRUS

http://www.mfa.gov.cy/sanctions

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt

LUXEMBOURG

http://www.mae.lu/sanctions

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/nemzetkozi_szankciok.htm

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

http://www.minbuza.nl/sancties

AUSTRIA

(to be completed in due course)

POLAND

http://www.msz.gov.pl

PORTUGAL

http://www.min-nestrangeiros.pt

ROMANIA

http://www.mae.ro/index.php?unde=doc&id=32311&idlnk=1&cat=3

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

http://www.foreign.gov.sk

FINLAND

http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN

(to be completed in due course)

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

Address for notifications to the European Commission:

European Commission
DG External Relations
Directorate A. Crisis Platform and Policy Coordination in CFSP
Unit A.2. Crisis Management and Conflict Prevention
CHAR 12/106
B-1049 Bruxelles/Brussels (Belgium)
E-mail relex-sanctions@ec.europa.eu
Tel. (32-2) 295 55 85, 299 11 76
Fax (32-2) 299 08 73

ANNEX III

Luxury goods referred to in Article 4

1. Pure-bred horses
2. Caviar and caviar substitutes
3. Truffles and preparations thereof
4. High quality wines (including sparkling wines), spirits and spirituous beverages
5. High quality cigars and cigarillos
6. Luxury perfumes, toilet waters and cosmetics, including beauty and make-up products
7. High quality leather, saddlery and travel goods, handbags and similar articles
8. High quality garments, clothing accessories and shoes (regardless of their material)
9. Hand-knotted carpets, handwoven rugs and tapestries
10. Pearls, precious and semi-precious stones, articles of pearls, jewellery, gold- or silversmith articles
11. Coins and banknotes, not being legal tender
12. Cutlery of precious metal or plated or clad with precious metal
13. High quality tableware of porcelain, china, stone- or earthenware or fine pottery
14. High quality lead crystal glassware
15. High end electronic items for domestic use
16. High end electrical/electronic or optical apparatus for recording and reproducing sound and images
17. Luxury vehicles for the transport of persons on earth, air or sea, as well as their accessories and spare parts
18. Luxury clocks and watches and their parts
19. High quality musical instruments
20. Works of art, collectors' pieces and antiques
21. Articles and equipment for skiing, golf, diving and water sports
22. Articles and equipment for billiard, automatic bowling, casino games and games operated by coins or banknotes

ANNEX IV

List of persons, entities and bodies referred to in Article 6

A. Natural persons

(to be completed in due course)

B. Legal persons, entities and bodies

(to be completed in due course)

COMMISSION REGULATION (EC) No 330/2007

of 28 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 [1], 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 29 March 2007.

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

Done at Brussels, 28 March 2007.

For the Commission
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

[1] 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 28 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 (1)	Standard import value
0702 00 00	IL	271,1
	MA	100,0
	SN	320,6
	TN	137,2
	TR	178,4
	ZZ	201,5
0707 00 05	JO	171,8
	MA	64,1
	TR	160,8
	ZZ	132,2
0709 90 70	MA	59,7
	TR	111,8
	ZZ	85,8
0709 90 80	EG	242,2
	IL	80,8
	ZZ	161,5
0805 10 20	CU	47,3
	EG	45,4
	IL	50,3
	MA	51,0
	TN	57,6
	TR	54,2
	ZZ	51,0
0805 50 10	IL	64,2
	TR	52,4
	ZZ	58,3
0808 10 80	AR	77,0
	BR	77,2
	CA	101,7
	CL	89,3
	CN	73,9
	NZ	114,6
	US	106,8
	UY	65,8
	ZA	87,2
	ZZ	88,2
0808 20 50	AR	75,0
	CL	95,8
	CN	54,5
	ZA	77,3
	ZZ	75,7

(1) 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 331/2007

of 28 March 2007

amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector [1],

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector [2], and in particular of the Article 36,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2006/2007 marketing year are fixed by Commission Regulation (EC) No 1002/2006 [3]. These prices and duties have been last amended by Commission Regulation (EC) No 262/2007 [4].

(2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1002/2006 for the 2006/2007 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 March 2007.

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

Done at Brussels, 28 March 2007.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 58, 28.2.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 2011/2006 (OJ L 384, 29.12.2006, p. 1).

[2] OJ L 178, 1.7.2006, p. 24. Regulation as amended by Regulation (EC) No 2031/2006 (OJ L 414, 30.12.2006, p. 43).

[3] OJ L 179, 1.7.2006, p. 36.

[4] OJ L 72, 13.3.2007, p. 12.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 29 March 2007

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 (1)	20,09	6,26
1701 11 90 (1)	20,09	11,88
1701 12 10 (1)	20,09	6,07
1701 12 90 (1)	20,09	11,37
1701 91 00 (2)	26,55	11,96
1701 99 10 (2)	26,55	7,44
1701 99 90 (2)	26,55	7,44
1702 90 99 (3)	0,27	0,38

(1) Fixed for the standard quality defined in Annex I.III to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).
(2) Fixed for the standard quality defined in Annex I.II to Regulation (EC) No 318/2006.
(3) Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 332/2007

of 27 March 2007

on the technical arrangements for the transmission of railway transport statistics

(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 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics [1], and in particular Article 6(2) thereof,

Whereas:

(1) It is necessary to specify the format in which rail transport data are to be transmitted to the Commission (Eurostat) in sufficient detail to ensure that the data can be processed rapidly and in a cost-effective way.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee, set up by Decision 89/382/EEC, Euratom [2],

HAS ADOPTED THIS REGULATION:

Article 1

The technical format for the transmission of data to the Commission (Eurostat) shall be as set out in the Annex.

Member States shall use this format for the data concerning reference year 2007 and subsequent years.

Article 2

The data and metadata supplied pursuant to Regulation (EC) No 91/2003 shall be transmitted in electronic format to the single entry point for data at the Commission (Eurostat) by any organisation designated by the national authorities. Transmission shall conform to an appropriate interchange standard specified by Eurostat.

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, 27 March 2007.

For the Commission
Joaquín ALMUNIA
Member of the Commission

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[1] OJ L 14, 21.1.2003, p. 1. Regulation as amended by Commission Regulation (EC) No 1192/2003 (OJ L 167, 4.7.2003, p. 13).
[2] OJ L 181, 28.6.1989, p. 47.

ANNEX

TECHNICAL FORMAT FOR DATA TRANSMISSION

1. DATA STRUCTURE

The individual data records to be sent to Eurostat for each quarter, year or period of five years, comprise 9 datasets, each corresponding to an annex of Regulation (EC) No 91/2003. These datasets thus contain the following data:

— annual statistics on goods transport — detailed reporting (Annex A),

— annual statistics on goods transport — simplified reporting (Annex B),

— annual statistics on passenger transport — detailed reporting (Annex C),

— annual statistics on passenger transport — simplified reporting (Annex D),

— quarterly statistics on goods and passenger transport (Annex E),

— quinquennial regional statistics on goods and passenger transport (Annex F),

— quinquennial statistics on traffic flows on the rail network (Annex G),

— statistics on accidents (Annex H),

— a list of the railway undertakings for which statistics are provided (Annex I).

Annexes B and D set out simplified reporting requirements that may be used by Member States as an alternative to the normal detailed reporting set out in Annexes A and C, for undertakings below the thresholds laid down in Article 4(2) of Regulation (EC) No 91/2003.

2. LIST OF FIELDS

Pursuant to Regulation (EC) No 91/2003, one dataset has to be provided for each annex in the form of a flat file using the semi-colon ';' as a field separator. Each dataset, except dataset C, must contain data for all mandatory tables required by the annex. For each dataset, the number of fields in each record is fixed. In other words, all fields must be present even if they are empty (two successive field separators indicate an empty field).

The individual fields are described below as follows:

— Field number: this identifies the position of the field in the record,

— Field name: this either refers to a variable in Regulation (EC) No 91/2003, or to an internal identifier used to identify the record,

— Description: short description of the contents of the field,

— Coding: in tables A2 and A4 certain fields are to be coded according to Annexes J to K of Regulation (EC) No 91/2003. Additional coding rules are noted here. Further explanations and recommendations on coding are provided by Eurostat in the Guidelines for the implementation of Regulation (EC) No 91/2003,

— Field type: indicates whether the field contains a numeric quantity or a text string, all numeric quantities are to be provided as integers,

— Maximum length: the maximum expected length of the data for a particular field. Data that are too long cannot be loaded,

— Confidentiality flag (FlagC) indicates if the record is considered confidential by the Member State (Council Regulations (EC) No 322/97 [1], Article 13(1) and (Euratom, EEC) No 1588/90 [2], Article 2),

— Flag of authorisation for dissemination of confidential data (FlagD) indicates if confidential data provided by the Member States can be disseminated (Council Regulations (EC) No 322/97, Article 13(2) and (Euratom, EEC) No 1588/90, Article 5(4)). Hence, the Commission is legally permitted to change the Member State's judgment in well-defined cases. This is done by changing FlagD=1 to FlagD=0 when FlagC=1.

Dataset for Annex A: Annual statistics on goods transport — detailed reporting

Field number	Field name	Description	Coding	Field type	Max length	Specific codes for missing values
1	RCount	Reporting country	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	
2	DsetID	Dataset identifier	A1 to A9	Text	2	
3	Year	Year of the dataset	4 digits	Text	4	
4	Period	Reference period	A0	Text	2	
5	TransID	Type of transport	0: total transport 1: national transport 2: international transport — total 3: international transport — outgoing 4: international transport — incoming 5: transit transport	Text	1	
6	Goods	Type of goods	annex J of the Regulation	Text	2	
7	DGoods	Type of dangerous goods	annex K of the Regulation	Text	3	
8	LDG	Country of loading	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	XX
9	UNL	Country of unloading	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	XX
10	Consgmt	Type of consignment	1: full trainloads 2: full wagonloads 3: other 9: unknown	Text	1	
11	TTU	Type of transport Unit	1: containers and swap bodies 2: semi-trailers (unaccompanied) 3: road vehicles (accompanied) 9: unknown	Text	1	

[1] OJ L 52, 22.2.1997, p. 1.
[2] OJ L 151, 15.6.1990, p. 1.

Field number	Field name	Description	Coding	Field type	Max length	Specific codes for missing values
12	Tonnes	Total goods transport	Tonnes	Numeric	10	
13	Tkm	Total goods transport in 1 000 tonne-kilometres	1 000 Tonnes-km	Numeric	10	
14	NbrITU	Number of Intermodal transport unit	Number of ITU	Numeric	8	
15	TeuITU	Intermodal transport units carried in TEU	TEU	Numeric	8	
16	TrainKM	Goods train movement in 1 000 km	1 000 Train-km	Numeric	8	
17	FlagC	Confidentiality flag	1: confidential 0: not confidential	Text	1	
18	FlagD	Flag of authorisation for dissemination	1: dissemination not authorised 0: dissemination authorised	Text	1	

In the flat file containing the data for Annex A, each record comprises 18 fields. The following table shows in grey the fields that have to be provided for the different tables of Annex A. The white cells correspond to blank fields in the record. An asterisk indicates a key field. The combination of the values of the key fields for a record must constitute a unique key value within the file. If duplicate key values are found, the file will not be loaded correctly.

		DsetID								
Field number	Field name	A1	A2	A3	A4	A5 [1]	A6	A7	A8	A9
1	RCount	*	*	*	*	*	*	*	*	*
2	DsetID	*	*	*	*	*	*	*	*	*
3	Year	*	*	*	*	*	*	*	*	*
4	Period	*	*	*	*	*	*	*	*	*
5	TransID	*		*			*	*	*	
6	Goods		*							
7	DGoods				*					
8	LDG			*						
9	UNL			*						
10	Consgmt					*				
11	TTU									
12	Tonnes									
13	Tkm									
14	NbrITU									
15	TeuITU									
16	TrainKM									
17	FlagC									
18	FlagD									

[1] Table A5 is an optional table.

Dataset for Annex B: Annual statistics on goods transport — simplified reporting

Field number	Field name	Description	Coding	Field type	Max length	Specific codes for missing values
1	RCount	Reporting country	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	
2	DsetID	Dataset identifier	B1 to B2	Text	2	
3	Year	Year of the dataset	4 digits	Text	4	
4	Period	Reference period	A0	Text	2	
5	TransID	Type of transport	0: total transport 1: national transport 2: international transport — total 3: international transport — outgoing 4: international transport — incoming 5: transit transport	Text	1	
6	Tonnes	Total goods transport	Tonnes	Numeric	10	
7	Tkm	Total goods transport in 1 000 tonne-kilometres	1 000 Tonnes-km	Numeric	10	
8	TrainKm	Goods train movement in 1 000 train-km	1 000 Train-km	Numeric	8	
9	FlagC	Confidentiality flag	1: confidential 0: not confidential	Text	1	
10	FlagD	Flag of authorisation for dissemination	1: dissemination not authorised 0: dissemination authorised	Text	1	

In the flat file containing the data for Annex B, each record comprises 10 fields. The following table shows in grey the fields that have to be provided for each of the two tables of Annex B. The white cells correspond to blank fields in the record. An asterisk indicates a key field. The combination of the values of the key fields for a record must constitute a unique key value within the file. If duplicate key values are found, the file will not be loaded correctly.

		DsetID	
Field number	Field name	B1	B2
1	RCount	*	*
2	DsetID	*	*
3	Year	*	*
4	Period	*	*
5	TransID	*	
6	Tonnes		
7	Tkm		
8	TrainKM		
9	FlagC		
10	FlagD		

Dataset for Annex C: Annual statistics on passenger transport — detailed reporting

Field number	Field name	Description	Coding	Field type	Max length	Specific codes for missing values
1	RCount	Reporting country	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	
2	DsetID	Dataset identifier	C1 to C5	Text	2	
3	Year	Year of the dataset	4 digits	Text	4	
4	Period	Reference period	A0	Text	2	
5	TransID	Type of transport	1: national transport 2: international transport — total 3: international transport — outgoing 4: international transport — incoming	Text	1	
6	LDG	Country of embarkation	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	XX
7	UNL	Country of disembarkation	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	XX
8	Pass	Total passenger transport	Passengers	Numeric	10	
9	Passkm	Total passenger transport in 1 000 passenger-kilometres	1 000 pkm	Numeric	10	
10	TrainKm	Passengers train movements in 1 000 train-km	1 000 Train-km	Numeric	8	
11	FlagC	Confidentiality flag	1: confidential 0: not confidential	Text	1	
12	FlagD	Flag of authorisation for dissemination	1: dissemination not authorised 0: dissemination authorised	Text	1	

In the flat file containing the data for Annex C, each record comprises of 12 fields. The following table shows in grey the fields that have to be provided for the different tables of Annex C. The white cells correspond to blank fields in the record. An asterisk indicates a key field. The combination of the values of the key fields for a record must constitute a unique key value within the file. If duplicate key values are found, the file will not be loaded correctly.

Provisional (tables C1 and C2) and final consolidated data (tables C3 and C4) are to be sent at different times following the same structure.

		DsetID				
Field Number	Field name	C1 [1]	C2 [1]	C3 [2]	C4 [2]	C5
1	RCount	*	*	*	*	*
2	DsetID	*	*	*	*	*
3	Year	*	*	*	*	*
4	Period	*	*	*	*	*

		DsetID				
Field Number	Field name	C1 (1)	C2 (1)	C3 (2)	C4 (2)	C5
5	TransID	* 1 & 2	* 3 & 4	* 1 & 2	* 3 & 4	
6	LDG		*		*	
7	UNL		*		*	
8	Pass					
9	Passkm					
10	TrainKM					
11	FlagC					
12	FlagD					

(1) Provisional data.
(2) Final consolidated data.

Dataset for Annex D: Annual statistics on passenger transport — simplified reporting

Field number	Field name	Description	Coding	Field type	Max length	Specific codes for missing values
1	RCount	Reporting country	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	
2	DsetID	Dataset identifier	D1 to D2	Text	2	
3	Year	Year of the dataset	4 digits	Text	4	
4	Period	Reference period	A0	Text	2	
5	Pass	Total passenger transport	Passengers	Numeric	10	
6	Passkm	Total passenger transport in 1 000 passenger-kilometres	1 000 pkm	Numeric	10	
7	TrainKm	Passenger train movements in 1 000 train-km	1 000 Train-km	Numeric	8	
8	FlagC	Confidentiality flag	1: confidential 0: not confidential	Text	1	
9	FlagD	Flag of authorisation for dissemination	1: dissemination not authorised 0: dissemination authorised	Text	1	

In the flat file containing the data for Annex D, each record comprises of 9 fields. The following table shows in grey the fields that have to be provided for each of the two tables of Annex D. The white cells correspond to blank fields in the record. An asterisk indicates a key field. The combination of the values of the key fields for a record must constitute a unique key value within the file. If duplicate key values are found, the file will not be loaded correctly.

		DsetID	
Field number	Field name	D1	D2
1	RCount	*	*
2	DsetID	*	*
3	Year	*	*

		DsetID	
Field number	Field name	D1	D2
4	Period	*	*
5	Pass		
6	Passkm		
7	TrainKM		
8	FlagC		
9	FlagD		

Dataset for Annex E: Quarterly statistics on goods and passenger transport

Field number	Field name	Description	Coding	Field type	Max length	Specific codes for missing values
1	RCount	Reporting country	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	
2	DsetID	Dataset identifier	E1 to E2	Text	2	
3	Year	Year of the dataset	4 digits	Text	4	
4	Period	Reference period	Q1 to Q4	Text	2	
5	Tonnes	Total goods transport	Tonnes	Numeric	10	
6	Tkm	Total goods transport in 1 000 tonne-kilometres	1 000 Tonnes-km	Numeric	10	
7	Pass	Total passenger transport	Passengers	Numeric	10	
8	Passkm	Total passenger transport in 1 000 passenger-kilometres	1 000 pkm	Numeric	10	
9	FlagC	Confidentiality flag	1: confidential 0: not confidential	Text	1	
10	FlagD	Flag of authorisation for dissemination	1: dissemination not authorised 0: dissemination authorised	Text	1	

In the flat file containing the data for Annex E, each record comprises 10 fields. The following table shows in grey the fields that have to be provided for each of the two tables of Annex E. The white cells correspond to blank fields in the record. An asterisk indicates a key field. The combination of the values of the key fields for a record must constitute a unique key value within the file. If duplicate key values are found, the file will not be loaded correctly.

		DsetID	
Field number	Field name	E1	E2
1	RCount	*	*
2	DsetID	*	*
3	Year	*	*
4	Period	*	*
5	Tonnes		

		DsetID	
Field number	Field name	E1	E2
6	Tkm		
7	Pass		
8	Passkm		
9	FlagC		
10	FlagD		

Dataset for Annex H: Statistics on accidents

Field number	Field name	Description	Coding	Field type	Max length	Specific codes for missing values
1	RCount	Reporting country	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	
2	DsetID	Dataset identifier	H1 to H4	Text	2	
3	Year	Year of the dataset	4 digits	Text	4	
4	Period	Reference period	A0	Text	2	
5	AccID	Type of accident	1: Collisions 2: Derailments 3: Accidents involving level crossings 4: Accidents to persons caused by rolling stock in motion 5: Fire in rolling stock 6: Others 7: Total 9: Unknown	Text	1	
6	PersID	Category of person	1: Passengers 2: Employees 3: Others 4: Total [5: Level-crossing users] [6: Unauthorised persons on railway premises] 9: Unknown	Text	1	
7	NbAccSign	Number of significant accidents	Number	Numeric	8	
8	NbAccInj	Number of serious injury accidents	Number	Numeric	8	
9	NbAccDGIn	Number of accident involving the transport of dangerous goods	Number	Numeric	8	
10	NbAccDGRe	Number of accident releasing dangerous goods	Number	Numeric	8	
11	NbPersK	Number of persons killed	Number	Numeric	8	
12	NbPersI	Number of persons seriously injured	Number	Numeric	8	

In the flat file containing the data for Annex H, each record comprises 12 fields. The following table shows in grey the fields that have to be provided for each table of Annex H. The white cells correspond to blank fields in the record. An asterisk indicates a key field. The combination of the values of the key fields for a record must constitute a unique key value within the file. If duplicate key values are found, the file will not be loaded correctly.

The table contains two further categories of persons that may be required in future: '5: Level-crossing users'; and: '6: Unauthorised persons on railway premises'.

		DsetID			
Field number	Field name	H1	H2	H3	H4
1	RCount	*	*	*	*
2	DsetID	*	*	*	*
3	Year	*	*	*	*
4	Period	*	*	*	*
5	AccID	*		*	*
6	PersID			*	*
7	NbAccSign				
8	NbAccInj ([1])				
9	NbAccDGIn				
10	NbAccDGRe				
11	NbPersK				
12	NbPersI				

([1]) Number of serious injury accidents (NbAccInj) is an optional variable in table H1.

Dataset for Annex I

Field number	Field name	Description	Coding	Field type	Max length	Specific codes for missing values
1	RCount	Reporting country	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	
2	DsetID	Dataset identifier	I1	Text	2	
3	Year	Year of the dataset	4 digits	Text	4	
4	UCode	Undertaking code (constant over years)	ISO-3166-alpha2 nomenclature except 'UK' for the United Kingdom + 3-digit number	Text	5	XX
5	UName	Name of undertaking		Text	100	
6	CountID	Country in which undertaking is based	ISO-3166-alpha2 nomenclature except 'UK' for United Kingdom	Text	2	XX
7	IntFret	Freight transport activity: international	1: YES 0: NO	Text	1	

Field number	Field name	Description	Coding	Field type	Max length	Specific codes for missing values
8	Natfret	Freight transport activity: national	1: YES 0: NO	Text	1	
9	Intpass	passenger transport activity: international	1: YES 0: NO	Text	1	
10	Natpass	passenger transport activity: national	1: YES 0: NO	Text	1	
11	DsetA	Data included in Annex A	1: YES 0: NO	Text	1	
12	DsetB	Data included in Annex B	1: YES 0: NO	Text	1	
13	DsetC	Data included in Annex C	1: YES 0: NO	Text	1	
14	DsetD	Data included in Annex D	1: YES 0: NO	Text	1	
15	DsetE	Data included in Annex E	1: YES 0: NO	Text	1	
16	DsetF	Data included in Annex F	1: YES 0: NO	Text	1	
17	DsetG	Data included in Annex G	1: YES 0: NO	Text	1	
18	DsetH	Data included in Annex H	1: YES 0: NO	Text	1	
19	Tonnes	Total freight transport (in tonnes)	Tonnes	Numeric	10	
20	Tkm	Total freight transport (1 000 tkm)	1 000 Tonne-kilometre	Numeric	10	
21	Pass	Total passenger transport (in passenger)	Number of passengers	Numeric	10	
22	Passkm	Total passenger transport (1 000 passenger-km)	1 000 passenger-km	Numeric	10	

In the flat file containing the data for Annex I, each record comprises of 22 fields. The following table shows all fields in grey because there is only one table in Annex I. Optional fields may be left empty. An asterisk indicates a key field. The combination of the values of the key fields for a record must constitute a unique key value within the file. If duplicate key values are found, the file will not be loaded correctly.

Field number	Field name	DsetID I1
1	RCount	*
2	DsetID	*
3	Year	*

Field number	Field name	DsetID I1
4	UCode	*
5	UName ([1])	
6	CountID	
7	IntFret	
8	Natfret	
9	Intpass	
10	Natpass	
11	DsetA	
12	DsetB	
13	DsetC	
14	DsetD	
15	DsetE	
16	DsetF	
17	DsetG	
18	DsetH	
19	Tonnes ([2])	
20	Tkm ([3])	
21	Pass ([4])	
22	Passkm ([5])	

([1]) Name of undertaking (UName) is an optional variable.
([2]) Total freight transport (in tonnes) is an optional variable.
([3]) Total freight transport (in 1 000 tkm) (Tkm) is an optional variable.
([4]) Total passenger transport (in passengers) (Pass) is an optional variable.
([5]) Total passenger transport (in 1 000 pkm) (Passkm) is an optional variable.

3. MISSING VALUES

For certain fields, Eurostat may recommend the use of specific codes for missing values or other special values (see column 'specific codes for missing values').

Additional information is provided in the Guidelines for the implementation of Regulation (EC) No 91/2003.

4. ALTERNATIVE STANDARD FORMATS

Member States may use other standard formats which support the abovementioned data structures, where these are proposed by Eurostat.

5. VALIDATION OF DATA BY EUROSTAT

Eurostat will apply some validation checks to the data transmitted by Member States, before the data are loaded into the production database. Where a significant number of records fail these checks, Eurostat will notify the Member State of the records in error and indicate the reasons for non-acceptance. The Member State will be requested to rectify the errors noted and then to re-submit the complete dataset (not just the records that were in error). This procedure is necessary in order to guarantee the correctness of the data within and between different datasets.

6. NAMING OF DATASET FILE

The following file naming convention must be used:

'**RAIL_annex_frequency_CC_YYYY_period[_OptionalField].format**' where:

RAIL	For RAIL data
Annex	Dataset identification (i.e. Annex of the Regulation): A: Annual statistics on goods transport — detailed reporting B: Annual statistics on goods transport — simplified reporting C: Annual statistics on passenger transport — detailed reporting D: Annual statistics on passenger transport — simplified reporting E: Quarterly statistics on goods and passenger transport F: Regional statistics on goods and passenger transport G: Statistics on traffic flows on the rail network H: Statistics on accidents I: List of Railway undertakings
Frequency	A for Annual Q for Quarterly 5 for every five years
CC	Reporting country: use ISO3166-alpha2 except 'UK' for United Kingdom
YYYY	Year of reference (e.g. 2004)
Period	'0000' for Annual '0001' for the first quarter '0002' for the second quarter '0003' for the third quarter '0004' for the fourth quarter '0005' for quinquennial
[_OptionalField]	Can contain any chain of 1 to 220 characters (only 'A' to 'Z', '0' to '9' or '_' are allowed). This field is not interpreted by Eurostat tools.
.format	File format: (e.g. 'CSV' for Comma Separated Value, 'GES' for GESMES)

One file has to be sent for each annex of the Regulation and period.

Example:

The file 'RAIL_E_Q_FR_2004_0002.csv' is the data file that contains the data from France for Annex E of the Regulation, covering the second quarter of the year 2004.

7. TRANSMISSION METHOD

Data shall be transmitted or uploaded by electronic means to the single entry point for data at Eurostat. This method assures the secure transmission of confidential data.

COMMISSION REGULATION (EC) No 333/2007

of 28 March 2007

laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs

(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 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ([1]), in particular Article 11(4) thereof,

Whereas:

(1) Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ([2]) provides that maximum levels must be set for certain contaminants in foodstuffs in order to protect public health.

(2) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs ([3]) establishes maximum levels for lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in certain foodstuffs.

(3) Regulation (EC) No 882/2004 lays down general principles for the official control of foodstuffs. However, in certain cases more specific provisions are necessary to ensure that official controls are performed in a harmonised manner in the Community.

(4) The methods of sampling and analysis to be used for the official control of levels of lead, cadmium, mercury, 3-MCPD, inorganic tin and benzo(a)pyrene in certain foodstuffs are established in Commission Directive 2001/22/EC of 8 March 2001 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs ([4]), Commission Directive 2004/16/EC of 12 February 2004 laying down the sampling methods and the methods of analysis for the official control of the levels of tin in canned foods ([5]) and Commission Directive 2005/10/EC of 4 February 2005 laying down the sampling methods and the methods of analysis for the official control of the levels of benzo(a)-pyrene in foodstuffs ([6]), respectively.

(5) Numerous provisions on sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs are similar. Therefore, in the interest of clarity of legislation, it is appropriate to merge those provisions in one single legislative act.

(6) Directives 2001/22/EC, 2004/16/EC and 2005/10/EC should therefore be repealed and replaced by a new Regulation.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

1. Sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene listed in sections 3, 4 and 6 of the Annex to Regulation (EC) No 1881/2006 shall be carried out in accordance with the Annex to this Regulation.

2. Paragraph 1 shall apply without prejudice to the provisions of Regulation (EC) No 882/2004.

([1]) OJ L 165, 30.4.2004, p. 1, corrected by OJ L 191, 28.5.2004, p. 1. Regulation as amended by Commission Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).
([2]) OJ L 37, 13.2.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).
([3]) OJ L 364, 20.12.2006, p. 5.
([4]) OJ L 77, 16.3.2001, p. 14. Directive as last amended by Directive 2005/4/EC (OJ L 19, 21.1.2005, p. 50).
([5]) OJ L 42, 13.2.2004, p. 16.
([6]) OJ L 34, 8.2.2005, p. 15.

Article 2

Directives 2001/22/EC, 2004/16/EC and 2005/10/EC are hereby repealed.

References to the repealed Directives shall be construed as references to this Regulation.

Article 3

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

It shall apply from 1 June 2007.

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

Done at Brussels, 28 March 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

PART A

DEFINITIONS

For the purposes of this Annex, the following definitions shall apply:

'lot': an identifiable quantity of food delivered at one time and determined by the official to have common characteristics, (such as origin, variety, type of packing, packer, consignor or markings). In the case of fish, also the size of fish shall be comparable;

'sublot': designated part of a large lot in order to apply the sampling method on that designated part. Each sublot must be physically separated and identifiable;

'incremental sample': a quantity of material taken from a single place in the lot or sublot;

'aggregate sample': the combined total of all the incremental samples taken from the lot or sublot; aggregate samples shall be considered as representative of the lots or sublots from which they are taken;

'laboratory sample': a sample intended for the laboratory.

PART B

SAMPLING METHODS

B.1. GENERAL PROVISIONS

B.1.1. **Personnel**

Sampling shall be performed by an authorised person as designated by the Member State.

B.1.2. **Material to be sampled**

Each lot or sublot which is to be examined shall be sampled separately.

B.1.3. **Precautions to be taken**

In the course of sampling, precautions shall be taken to avoid any changes which would affect the levels of contaminants, adversely affect the analytical determination or make the aggregate samples unrepresentative.

B.1.4. **Incremental samples**

As far as possible, incremental samples shall be taken at various places distributed throughout the lot or sublot. Departure from such procedure shall be recorded in the record provided for under point B.1.8. of this Annex.

B.1.5. **Preparation of the aggregate sample**

The aggregate sample shall be made up by combining the incremental samples.

B.1.6. **Samples for enforcement, defence and referee purposes**

The samples for enforcement, defence and referee purposes shall be taken from the homogenised aggregate sample unless this conflicts with the rules of the Member States as regards the rights of the food business operator.

B.1.7. **Packaging and transmission of samples**

Each sample shall be placed in a clean, inert container offering adequate protection from contamination, from loss of analytes by adsorption to the internal wall of the container and against damage in transit. All necessary precautions shall be taken to avoid any change in composition of the sample which might arise during transportation or storage.

B.1.8. **Sealing and labelling of samples**

Each sample taken for official use shall be sealed at the place of sampling and identified following the rules of the Member States.

A record shall be kept of each sampling, permitting each lot or sublot to be identified unambiguously (reference to the lot number shall be given) and giving the date and place of sampling together with any additional information likely to be of assistance to the analyst.

B.2. SAMPLING PLANS

Large lots shall be divided into sublots on condition that the sublot may be separated physically. For products traded in bulk consignments (e.g. cereals), Table 1 shall apply. For other products Table 2 shall apply. Taking into account that the weight of the lot is not always an exact multiple of the weight of the sublots, the weight of the sublot may exceed the mentioned weight by a maximum of 20 %.

The aggregate sample shall be at least 1 kg or 1 litre except where it is not possible e.g. when the sample consists of 1 package or unit.

The minimum number of incremental samples to be taken from the lot or sublot shall be as given in Table 3.

In the case of bulk liquid products the lot or sublot shall be thoroughly mixed in so far as possible and in so far it does not affect the quality of the product, by either manual or mechanical means immediately prior to sampling. In this case, a homogeneous distribution of contaminants is assumed within a given lot or sublot. It is therefore sufficient to take three incremental samples from a lot or sublot to form the aggregate sample.

The incremental samples shall be of similar weight. The weight of an incremental sample shall be at least 100 grams or 100 millilitres, resulting in an aggregate sample of at least about 1 kg or 1 litre. Departure from this method shall be recorded in the record provided for under point B.1.8. of this Annex.

Table 1

Subdivision of lots into sublots for products traded in bulk consignments

Lot weight (ton)	Weight or number of sublots
≥ 1 500	500 tonnes
> 300 and < 1 500	3 sublots
≥ 100 and ≤ 300	100 tonnes
< 100	—

Table 2

Subdivision of lots into sublots for other products

Lot weight (ton)	Weight or number of sublots
≥ 15	15 to 30 tonnes
< 15	—

Table 3

Minimum number of incremental samples to be taken from the lot or sublot

Weight or volume of lot/sublot (in kg or litre)	Minimum number of incremental samples to be taken
< 50	3
≥ 50 and ≤ 500	5
> 500	10

If the lot or sublot consists of individual packages or units, then the number of packages or units which shall be taken to form the aggregate sample is given in Table 4.

Table 4

Number of packages or units (incremental samples) which shall be taken to form the aggregate sample if the lot or sublot consists of individual packages or units

Number of packages or units in the lot/sublot	Number of packages or units to be taken
≤ 25	at least one package or unit
26 to 100	about 5 %, at least two packages or units
> 100	about 5 %, at maximum 10 packages or units

The maximum levels for inorganic tin apply to the contents of each can, but for practical reasons it is necessary to use an aggregate sampling approach. If the result of the test for an aggregate sample of cans is less than, but close to, the maximum level of inorganic tin and if it is suspected that individual cans might exceed the maximum level, then it might be necessary to conduct further investigations.

B.3. SAMPLING AT RETAIL STAGE

Sampling of foodstuffs at retail stage shall be done where possible in accordance with the sampling provisions set out in points B.1. and B.2. of this Annex.

Where this is not possible, an alternative method of sampling at retail stage may be used provided that it ensures sufficient representativeness for the sampled lot or sublot.

PART C

SAMPLE PREPARATION AND ANALYSIS

C.1. LABORATORY QUALITY STANDARDS

Laboratories shall comply with the provisions of Article 12 of Regulation (EC) No 882/2004 [1].

Laboratories shall participate in appropriate proficiency testing schemes which comply with the 'International Harmonised Protocol for the Proficiency Testing of (Chemical) Analytical Laboratories' [2] developed under the auspices of IUPAC/ISO/AOAC.

Laboratories shall be able to demonstrate that they have internal quality control procedures in place. Examples of these are the 'ISO/AOAC/IUPAC Guidelines on Internal Quality Control in Analytical Chemistry Laboratories' [3].

[1] As amended by Article 18 of Commission Regulation (EC) No 2076/2005 (OJ L 338, 22.12.2005, p. 83).
[2] 'The international harmonized protocol for the proficiency testing of analytical chemistry laboratories' by M. Thompson, S.L.R. Ellison and R. Wood, Pure Appl. Chem., 2006, 78, 145-96.
[3] Edited by M. Thompson and R. Wood, Pure Appl. Chem., 1995, 67, 649-666.

Wherever possible the trueness of analysis shall be estimated by including suitable certified reference materials in the analysis.

C.2. SAMPLE PREPARATION

C.2.1. **Precautions and general considerations**

The basic requirement is to obtain a representative and homogeneous laboratory sample without introducing secondary contamination.

All of the sample material received by the laboratory shall be used for the preparation of the laboratory sample.

Compliance with maximum levels laid down in Regulation (EC) No 1881/2006 shall be established on the basis of the levels determined in the laboratory samples.

C.2.2. **Specific sample preparation procedures**

C.2.2.1. Specific procedures for lead, cadmium, mercury and inorganic tin

The analyst shall ensure that samples do not become contaminated during sample preparation. Wherever possible, apparatus and equipment coming into contact with the sample shall not contain those metals to be determined and be made of inert materials e.g. plastics such as polypropylene, polytetrafluoroethylene (PTFE) etc. These should be acid cleaned to minimise the risk of contamination. High quality stainless steel may be used for cutting edges.

There are many satisfactory specific sample preparation procedures which may be used for the products under consideration. Those described in the CEN Standard 'Foodstuffs — Determination of trace elements — Performance criteria, general considerations and sample preparation' [1] have been found to be satisfactory but others may be equally valid.

In the case of inorganic tin, care shall be taken to ensure that all the material is taken into solution as losses are known to occur readily, particularly because of hydrolysis to insoluble hydrated Sn(IV) oxide species.

C.2.2.2. Specific procedures for benzo(a)pyrene

The analyst shall ensure that samples do not become contaminated during sample preparation. Containers shall be rinsed with high purity acetone or hexane before use to minimise the risk of contamination. Wherever possible, apparatus and equipment coming into contact with the sample shall be made of inert materials such as aluminium, glass or polished stainless steel. Plastics such as polypropylene or PTFE shall be avoided because the analyte can adsorb onto these materials.

C.2.3. **Treatment of the sample as received in the laboratory**

The complete aggregate sample shall be finely ground (where relevant) and thoroughly mixed using a process that has been demonstrated to achieve complete homogenisation.

C.2.4. **Samples for enforcement, defence and referee purposes**

The samples for enforcement, defence and referee purposes shall be taken from the homogenised material unless this conflicts with the rules of the Member States on sampling as regards the rights of the food business operator.

[1] Standard EN 13804:2002, 'Foodstuffs — Determination of trace elements — Performance criteria, general considerations and sample preparation', CEN, Rue de Stassart 36, B-1050 Brussels.

C.3. METHODS OF ANALYSIS

C.3.1. **Definitions**

The following definitions shall apply:

'r' = Repeatability the value below which the absolute difference between single test results obtained under repeatability conditions (i.e., same sample, same operator, same apparatus, same laboratory, and short interval of time) may be expected to lie within a specific probability (typically 95 %) and hence $r = 2{,}8 \times s_r$.

's_r' = Standard deviation calculated from results generated under repeatability conditions.

'RSD_r' = Relative standard deviation calculated from results generated under repeatability conditions $[(s_r/\overline{x}) \times 100]$.

'R' = Reproducibility the value below which the absolute difference between single test results obtained under reproducibility conditions (i.e., on identical material obtained by operators in different laboratories, using the standardised test method), may be expected to lie within a certain probability (typically 95 %); $R = 2{,}8 \times s_R$.

's_R' = Standard deviation, calculated from results under reproducibility conditions.

'RSD_R' = Relative standard deviation calculated from results generated under reproducibility conditions $[(s_R/\overline{x}) \times 100]$.

'LOD' = Limit of detection, smallest measured content, from which it is possible to deduce the presence of the analyte with reasonable statistical certainty. The limit of detection is numerically equal to three times the standard deviation of the mean of blank determinations ($n > 20$).

'LOQ' = Limit of quantification, lowest content of the analyte which can be measured with reasonable statistical certainty. If both accuracy and precision are constant over a concentration range around the limit of detection, then the limit of quantification is numerically equal to six or 10 times the standard deviation of the mean of blank determinations ($n > 20$).

'$HORRAT_r$' = The observed RSD_r divided by the RSD_r value estimated from the Horwitz equation [1] using the assumption $r = 0{,}66R$.

'$HORRAT_R$' = The observed RSD_R value divided by the RSD_R value calculated from the Horwitz equation.

'u' = Standard measurement uncertainty.

'U' = The expanded measurement uncertainty, using a coverage factor of 2 which gives a level of confidence of approximately 95 % ($U = 2u$).

'Uf' = Maximum standard measurement uncertainty.

C.3.2. **General requirements**

Methods of analysis used for food control purposes shall comply with the provisions of points 1 and 2 of Annex III to Regulation (EC) No 882/2004.

Methods of analysis for total tin are appropriate for official control on inorganic tin levels.

For the analysis of lead in wine, Commission Regulation (EEC) No 2676/90 [2] lays down the method to be used in chapter 35 of its Annex.

C.3.3. **Specific requirements**

C.3.3.1. Performance criteria

Where no specific methods for the determination of contaminants in foodstuffs are prescribed at Community level, laboratories may select any validated method of analysis (where possible, the validation shall include a certified reference material) provided the selected method meets the specific performance criteria set out in Tables 5 to 7.

[1] M. Thompson, Analyst, 2000, 125, 385-386.
[2] OJ L 272, 3.10.1990, p. 1. Regulation as last amended by Regulation (EC) No 1293/2005 (OJ L 205, 6.8.2005, p. 12).

Table 5

Performance criteria for methods of analysis for lead, cadmium, mercury and inorganic tin

Parameter	Value/Comment
Applicability	Foods specified in Regulation (EC) No 1881/2006
LOD	For inorganic tin less than 5 mg/kg. For other elements less than one tenth of the maximum level in Regulation (EC) No 1881/2006, except if the maximum level for lead is less than 100 µg/kg. For the latter, less than one fifth of the maximum level
LOQ	For inorganic tin less than 10 mg/kg. For other elements less than one fifth of the maximum level in Regulation (EC) No 1881/2006, except if the maximum level for lead is less than 100 µg/kg. For the latter, less than two fifth of the maximum level
Precision	$HORRAT_r$ or $HORRAT_R$ values of less than 2
Recovery	The provisions of point D.1.2. apply
Specificity	Free from matrix or spectral interferences

Table 6

Performance criteria for methods of analysis for 3-MCPD

Criterion	Recommended Value	Concentration
Field blanks	Less than the LOD	—
Recovery	75 to 110 %	all
LOD	5 µg/kg (or less) on a dry matter basis	
LOQ	10 µg/kg (or less) on a dry matter basis	—
Precision	< 4 µg/kg	20 µg/kg
	< 6 µg/kg	30 µg/kg
	< 7 µg/kg	40 µg/kg
	< 8 µg/kg	50 µg/kg
	< 15 µg/kg	100 µg/kg

Table 7

Performance criteria for methods of analysis for benzo(a)pyrene

Parameter	Value/Comment
Applicability	Foods specified in Regulation (EC) No 1881/2006
LOD	Less than 0,3 µg/kg
LOQ	Less than 0,9 µg/kg
Precision	$HORRAT_r$ or $HORRAT_R$ values of less than 2
Recovery	50 to 120 %
Specificity	Free from matrix or spectral interferences, verification of positive detection

C.3.3.2. 'Fitness-for-purpose' approach

Where a limited number of fully validated methods of analysis exist, alternatively, a 'fitness-for-purpose' approach may be used to assess the suitability of the method of analysis. Methods suitable for official control must produce results with standard measurement uncertainties less than the maximum standard measurement uncertainty calculated using the formula below:

$$Uf = \sqrt{(LOD/2)^2 + (\alpha C)^2}$$

where:

Uf is the maximum standard measurement uncertainty (μg/kg);

LOD is the limit of detection of the method (μg/kg);

C is the concentration of interest (μg/kg);

α is a numeric factor to be used depending on the value of C. The values to be used are given in Table 8.

Table 8

Numeric values to be used for α as constant in formula set out in this point, depending on the concentration of interest

C (μg/kg)	α
≤ 50	0,2
51 to 500	0,18
501 to 1 000	0,15
1 001 to 10 000	0,12
> 10 000	0,1

PART D

REPORTING AND INTERPRETATION OF RESULTS

D.1. REPORTING

D.1.1. **Expression of results**

The results shall be expressed in the same units and with the same number of significant figures as the maximum levels laid down in Regulation (EC) No 1881/2006.

D.1.2. **Recovery calculations**

If an extraction step is applied in the analytical method, the analytical result shall be corrected for recovery. In this case the level of recovery must be reported.

In case no extraction step is applied in the analytical method (e.g. in case of metals), the result may be reported uncorrected for recovery if evidence is provided by ideally making use of suitable certified reference material that the certified concentration allowing for the measurement uncertainty is achieved (i.e. high accuracy of the measurement). In case the result is reported uncorrected for recovery this shall be mentioned.

D.1.3. **Measurement uncertainty**

The analytical result shall be reported as x +/– U whereby x is the analytical result and U is the expanded measurement uncertainty, using a coverage factor of 2 which gives a level of confidence of approximately 95 % (U = 2u).

The analyst shall note the 'Report on the relationship between analytical results, measurement uncertainty, recovery factors and the provisions in EU food and feed legislation' ([1]).

D.2. INTERPRETATION OF RESULTS

D.2.1. **Acceptance of a lot/sublot**

The lot or sublot is accepted if the analytical result of the laboratory sample does not exceed the respective maximum level as laid down in Regulation (EC) No 1881/2006 taking into account the expanded measurement uncertainty and correction of the result for recovery if an extraction step has been applied in the analytical method used.

D.2.2. **Rejection of a lot/sublot**

The lot or sublot is rejected if the analytical result of the laboratory sample exceeds beyond reasonable doubt the respective maximum level as laid down in Regulation (EC) No 1881/2006 taking into account the expanded measurement uncertainty and correction of the result for recovery if an extraction step has been applied in the analytical method used.

D.2.3. **Applicability**

The present interpretation rules shall apply for the analytical result obtained on the sample for enforcement. In case of analysis for defence or reference purposes, the national rules shall apply.

([1]) http://europa.eu.int/comm/food/food/chemicalsafety/contaminants/sampling_en.htm

COMMISSION REGULATION (EC) No 334/2007

of 28 March 2007

amending Regulation (EC) No 1592/2002 of the European Parliament and the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency

(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 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency [1], and in particular Article 6(2) thereof,

Whereas:

(1) Article 6(1) of Regulation (EC) No 1592/2002 of the European Parliament and of the Council requires products, parts and appliances to comply with the environmental protection requirements of Annex 16 to the Convention on International Civil Aviation (hereinafter 'Chicago Convention') as issued in March 2002 for Volume I and November 1999 for Volume II, except for its Appendices.

(2) The Chicago Convention and its annexes have been amended since the adoption of Regulation (EC) No 1592/2002.

(3) Therefore Regulation (EC) No 1592/2002 should be amended in accordance with the procedure laid down in Article 54(3) of the same Regulation.

(4) The measures provided for in this Regulation are in accordance with the opinion of the European Aviation Safety Agency Committee established by Article 54 of Regulation (EC) No 1592/2002,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 6 of Regulation (EC) No 1592/2002, the first paragraph is replaced by the following:

'1. Products, parts and appliances shall comply with the environmental protection requirements contained in Amendment 8 of Volume I and in Amendment 5 of Volume II of Annex 16 to the Chicago Convention as applicable on 24 November 2005, except for the Appendices to Annex 16.'

Article 2

This Regulation shall enter into force on the day 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, 28 March 2007.

For the Commission
Jacques BARROT
Vice-President

[1] OJ L 240, 7.9.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 1701/2003 (OJ L 243, 27.9.2003, p. 5).

COMMISSION REGULATION (EC) No 335/2007

of 28 March 2007

amending Regulation (EC) No 1702/2003 as regards the implementing rules related to environmental certification of aircraft and related products, parts and appliances

(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 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency ([1]), and in particular Articles 5 and 6 thereof,

Whereas:

(1) One of the objectives of Regulation (EC) No 1592/2002 is to assist the Member States in fulfilling their obligations under the Chicago Convention by providing a common and uniform implementation of its provisions.

(2) Regulation (EC) No 1592/2002 was implemented by Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations ([2]).

(3) Article 2(1) of Regulation (EC) No 1702/2003 establishes that products, parts and appliances shall be issued certificates as specified in its Annex (Part 21).

(4) Appendix VI of the Annex (Part 21) to Regulation (EC) No 1702/2003 specifies the EASA Form 45 to be used for issuing Noise Certificates.

(5) Volume I of Annex 16 to the Chicago Convention was amended on 23 February 2005 as regards the standards and guidelines for the administration of Noise Certification Documentation.

(6) Some modifications to the provisions of Regulation (EC) No 1702/2003 are needed to bring its Annex in line with the amended Volume I of Annex 16.

(7) Regulation (EC) No 1702/2003 should therefore be amended accordingly.

(8) The measures provided for by this Regulation are based on the opinion issued by the Agency in accordance with Articles 12(2)(b) and 14(1) of Regulation (EC) No 1592/2002.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 54(3) of Regulation (EC) No 1592/2002,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex (Part 21) to Regulation (EC) No 1702/2003 is amended as follows:

1. In Part 21A.204(b)(1)(ii), the sentence 'This information shall be included in the flight manual, when a flight manual is required by the applicable airworthiness code for the particular aircraft' is deleted;

2. In Part 21A.204(b)(2)(i), the sentence 'This information shall be included in the flight manual, when a flight manual is required by the applicable airworthiness code for the particular aircraft' is deleted;

3. Appendix VI is replaced by the Annex to this Regulation.

Article 2

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

([1]) OJ L 240, 7.9.2002, p. 1. Regulation as last amended by Commission Regulation (EC) No 1701/2003 (OJ L 243, 27.9.2003, p. 5).

([2]) OJ L 243, 27.9.2003, p. 6. Regulation as amended by Regulation (EC) No 706/2006 (OJ L 122, 9.5.2006, p. 16).

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

Done at Brussels, 28 March 2007.

For the Commission
Jacques BARROT
Vice-President

ANNEX

Appendix VI — EASA Form 45 Noise Certificate of the Annex (Part 21) is substituted by the following:

<table>
<tr><td>For use by State of registry</td><td colspan="2">1. State of registry</td><td colspan="2">3. Document No:</td></tr>
<tr><td colspan="5">2. NOISE CERTIFICATE</td></tr>
<tr><td>4. Registration marks:
.....</td><td colspan="2">5. Manufacturer and manufacturer's designation of aircraft:
.....</td><td colspan="2">6. Aircraft serial No:
.....</td></tr>
<tr><td colspan="2">7. Engine:
.....</td><td colspan="3">8. Propeller: (*)
.....</td></tr>
<tr><td>9. Maximum take-off mass (kg)
.....</td><td colspan="2">10. Maximum landing mass (kg) (*)
.....</td><td colspan="2">11. Noise certification standard:
.....</td></tr>
<tr><td colspan="5">12. Additional modifications incorporated for the purpose of compliance with the applicable noise certification standards:
.....</td></tr>
<tr><td>13. Lateral/full-power noise level: (*)
.....</td><td>14. Approach noise level (*)
.....</td><td>15. Flyover noise level (*)
.....</td><td>16. Overflight noise level (*)
.....</td><td>17. Take-off noise level (*)
.....</td></tr>
<tr><td colspan="5">Remarks</td></tr>
<tr><td colspan="5">18. This Noise Certificate is issued pursuant to Annex 16, Volume I to the Convention on International Civil Aviation dated 7 December 1944 and Regulation (EC) No 1592/2002, Article 6 in respect of the abovementioned aircraft, which is considered to comply with the indicated noise standard when maintained and operated in accordance with the relevant requirements and operating limitations.
19. Date of issue ..... 20. Signature .....</td></tr>
</table>

EASA Form 45

(*) These boxes may be omitted depending on noise certification standard.

COMMISSION REGULATION (EC) No 336/2007

of 28 March 2007

amending Annex II to Council Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector, as regards the reference fat content for Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector ([1]), and in particular the second subparagraph of Article 9(5) thereof,

Whereas:

(1) For the purpose of the revision of the reference fat content set in Annex II to Regulation (EC) No 1788/2003, provided for in Article 9(5) of that Regulation, Romania submitted to the Commission a report detailing the results and trends of the fat content in 2004 for actual milk production from the official survey.

(2) According to this report and following an examination made by the Commission services, it is appropriate to adjust the reference fat content set in Annex II to Regulation (EC) No 1788/2003 for Romania.

(3) The measure provided for in this Regulation is in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EC) No 1788/2003 the reference '35,93' for Romania is replaced by the reference '38,5'.

Article 2

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

It shall apply from 1 April 2007.

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

Done at Brussels, 28 March 2007.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

([1]) OJ L 270, 21.10.2003, p. 123. Regulation as last amended by Regulation (EC) No 1406/2006 (OJ L 265, 26.9.2006, p. 8).

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 26 April 2006

declaring a concentration compatible with the common market and the functioning of the EEA Agreement

(Case COMP/M.3916 — T-Mobile Austria/tele.ring)

(notified under document number C(2006) 1695)

(Only the German version is authentic)

(2007/193/EC)

On 26 April 2006 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings [1]*, and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case and in the working languages of the Commission on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/comm/competition/index_en.html*

SUMMARY OF THE DECISION

(1) This case concerns a proposed operation pursuant to Article 4 of Regulation (EC) No 139/2004 (the Merger Regulation), whereby the undertaking T-Mobile Austria GmbH (T-Mobile, Austria), part of the German group Deutsche Telekom AG (Deutsche Telekom), acquires, within the meaning of Article 3(1)(b) of the Council Regulation, control of the whole of the undertaking tele.ring Unternehmensgruppe (tele.ring, Austria).

(2) T-Mobile and tele.ring operate mobile networks in Austria and are also active on related end-customer and wholesale markets.

(3) The proposed transaction involves T-Mobile acquiring all the shares in tele.ring.

(4) The market investigation has revealed that in the Austrian market for the provision of mobile telecommunication services to end customers the concentration would raise serious impediment to effective competition mainly through unilateral effects. The undertakings proposed by the parties, however, are suitable to remove the competition concerns.

1. **The relevant product markets**

(5) The market investigation to define the relevant product markets confirmed that as to the market for the provision of mobile telecommunication services to end customers that there is a single market for the provision of such services to end customers and that no further distinction needs to be made, for instance by customer type, voice telephony and data services, 2G and 3G networks.

(6) As to the wholesale of termination services, the network of each operator represents its own single market, as viewed by the Commission in previous decisions and reflected in the Commission's Recommendation 2003/311/EC [2] on relevant product and service markets within the electronic communications sector.

[1] OJ L 24, 29.1.2004, p. 1.

[2] OJ L 114, 8.5.2003, p. 45.

(7) With respect to wholesale international roaming services, both companies offer their customers international roaming services and hence they have concluded international roaming agreements with foreign mobile telephony operators. The different Austrian mobile telephony networks are in competition with each other for both inbound and outbound traffic.

2. **The relevant geographic markets**

(8) The market investigation to define the relevant geographic markets confirmed that the geographic scope with respect to the provision of mobile telecommunication services to end customers, likewise the wholesale of termination services and the wholesale of international roaming services is national, i.e. limited to Austria.

3. **Affected markets and competition analysis**

(9) The notified concentration affects the market for the provision of mobile telecommunication services to end customers, on which four companies currently operate mobile telephony networks based on 2G/GSM and 3G/UMTS technology and one company, Hutchison (H3G), only on 3G/UMTS technology. The five network operators offer their customers a wide range of services. Post-transaction, the new entity T-Mobile/tele.ring would increase their market share to a level (about [30–40] (*) % ([1] depending on turnover or customers) similar to the incumbent Mobilkom, leaving the other two companies number three and four (with a market share of around [10–20] * % for ONE and [0–10] * % for H3G respectively). Independent service providers play a negligible role in the Austrian market. Also YESSS!, the discount brand of ONE, has only a very limited market share and cannot be considered as competing on the same level as the other operators since it offers only a limited range of services.

(10) The proposed transaction would give rise to non-coordinated effects, even though T-Mobile would not become the largest player after the merger. From the analysis of the market shares it can be concluded that, for the last three years, tele.ring has played by far the most active role on the market in practising successfully a price aggressive strategy. It has thereby increased its market share substantially while the market shares of the other operators have been largely flat or even slightly decreasing. Calculation of the HHI revealed that the level of concentration is already high and it would significantly increase post-transaction. While T-Mobile argues for cost efficiencies, the Parties were unable to demonstrate that these would be for the benefit of consumers.

(11) Analysing the switching rates, it was found that half of all switching customers switched to tele.ring and furthermore much more than half of the customers who left T-Mobile and Mobilkom switched to tele.ring. This analysis confirms that tele.ring has exerted significant competitive pressure on both large operators.

(12) An analysis of the average per-minute price on the basis of all the tariffs applied by the various network operators, using data from the Austrian regulator and the consumer association AK Wien, has shown that tele.ring has been the most active player in the market. Its prices were among the lowest thereby exercising competitive pressure on T-Mobile and Mobilkom in particular […] *. H3G closely followed the pricing of tele.ring, whereas ONE as third player in the market was rather matching with the larger players T-Mobile and Mobilkom.

(13) In general terms, the incentive for an operator to attract new customers to an existing network by making aggressive price offers is determined by the size of its customer base. In its decision whether or not to price aggressively any operator has to balance the expected gains by additional revenues from new customers attracted by lower tariffs against the risk of a decreasing profitability of its existing customers to whom the price reduction cannot be refused, at least in the medium and long term. Generally speaking, that risk of a loss of profitability is all the higher the larger the existing customer base of an operator is. Consequently, tele.ring has started with a small customer base that it had to increase through an aggressive pricing policy to gain the necessary numbers. By contrast, neither Mobilkom nor T-Mobile has made any such move in the past by making particularly aggressive offers.

(14) A further factor affecting prices is network structure and network capacity. While no major differences in the nationwide network coverage exist for Mobilkom, T-Mobile, ONE and tele.ring, however, difference emerges in relation to H3G, whose network currently only covers around 50 % of the Austrian population. To cover the remainder, H3G depends on a national roaming agreement with Mobilkom. Hence, H3G cannot achieve economies of scale outside its own network, and this has consequently implications on its current pricing.

(15) Post-transaction, T-Mobile intends to make […] * of tele.ring's sites and […] *. The transaction therefore would not only […] *, but a benchmark analysis has shown that […] *. Nevertheless, […] * in available capacity might have a negative impact on competition.

(*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets and marked with an asterisk.

([1]) Belonging to Telekom Austria.

(16) However, none of the remaining competitors appeared to be in a position to take over tele.ring's role after the merger. H3G could until now not be regarded as a fully-fledged network operator since it has only limited network coverage and it depends on the national roaming agreement with Mobilkom. Furthermore, the company is restricted by the limited 3G/UMTS frequency spectrum currently available to it. ONE has with its main brand so far no track record for aggressive pricing. Recently it has launched its discount brand YESSS! which offers lower tariffs but only a limited range of mobile telephony services and can therefore not be considered as competing on the same level as the other operators.

(17) While the parties claim that tele.ring's strategy of aggressive pricing would come to an end soon, relevant internal documents from tele.ring indicate […] *. In their replies to the SO the parties further argue that […] *. However, […] * have had no effect on tele.ring's price aggressive offers.

(18) In the wholesale market for call termination, the proposed transaction would not lead to competition concerns, neither at horizontal nor at vertical level. There is no overlap since each network constitutes a separate market and there is no risk of input foreclosure, in particular as the pricing of these services is regulated by the Austrian regulator and their price glides on a downward path reaching a bottom line in 2009 applicable to all operators.

(19) With respect to the wholesale of international roaming, no competition concern would arise from the proposed transaction since the parties but also their competitors have concluded multiple international roaming agreements that serve their customers in the provision of outbound and inbound traffic. Although pre-selection of roaming partners appears to happen, none of the Austrian network operators have reached a substantial position in international roaming in Austria.

Conclusion

(20) It therefore can be concluded that the proposed concentration in its notified form is likely to lead to a significant impediment of effective competition in the Austrian market for the provision of mobile telecommunication services to end customers.

4. **Commitments offered by the Parties**

(21) In order to address the aforementioned competition concerns in the market for the provision of mobile telecommunication services to end customers, the Parties have submitted the undertakings described below.

(22) In summary, the commitments provide that T-Mobile sells two 5 MHz 3G/UMTS frequency blocks, which are currently licensed to tele.ring, to competitors with smaller market shares, subject to approval by the Austrian Regulator and the Commission. At least one frequency package will go to H3G [1]. Furthermore, T-Mobile will dispose of a large number of tele.ring's mobile communication sites, while only approximately [10–20] * % of tele.ring's sites will remain within T-Mobile for the integration of the tele.ring customers. About […] * of tele.ring's sites will go to H3G and […] * sites will go to ONE if ONE is interested. Furthermore, H3G will receive from T-Mobile […] *.

(23) T-Mobile and H3G have concluded a legally binding 'Term Sheet' on 28 February 2006 and have agreed on the essential terms for the transfer of the frequency package and the mobile sites […] *.

5. **Assessment of the commitments submitted**

(24) As confirmed by the results of the market test conducted by the Commission, these undertakings can be considered sufficient to properly remedy the competition concerns in the market for the provision of mobile telecommunication services to end customers.

(25) It can therefore be concluded that, on the basis of the commitments submitted by the Parties, the notified concentration will not lead to a significant impediment of effective competition in the common market or in a substantial part of it as to the market for the provision of mobile telecommunication services to end customers. Hence, the proposed concentration shall be declared compatible with the common market pursuant to Article 8(2) of the Merger Regulation and to Article 57 of the EEA Agreement.

[1] See recital 24.

COMMISSION DECISION

of 14 November 2006

declaring a concentration compatible with the common market and the functioning of the EEA Agreement

(Case COMP/M.4180 — Gaz de France/Suez)

(notified under document number C(2006) 5419)

(Only the French text is authentic)

(2007/194/EC)

On 14 November 2006 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings [1]*, and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/comm/competition/index_fr.html*

A. THE PARTIES

(1) GDF is an energy group present across the gas chain and related energy services and is active in exploration, production, transport, storage, distribution and natural gas sales, mainly in France, but also in Belgium, Germany, the United Kingdom, Luxembourg, Hungary and Spain. In Belgium, Gaz de France, along with Centrica, exercises joint control over SPE [2], which is present in the Belgian electricity and natural gas markets and provides energy services.

(2) The Suez Group is active in the utility industry and utility services. The group is structured around four operational business units in two areas of activity namely energy and the environment. Suez's main energy subsidiaries are Electrabel (electricity and gas), Distrigaz (gas), Fluxys (transport and storage of gas), Elyo (renamed Suez Energy Services in January 2006), Fabricom, GTI, Axima and Tractebel Engineering in the energy service sector. According to the information provided by the parties, Suez Energie Europe holds a minority stake of 27,5 % in Elia, manager of the electricity transmission network in Belgium.

B. THE OPERATION

(3) By means of the notified merger, GDF will absorb Suez, which will cease to exist as a legal entity. The merger proposal will be submitted for approval (by qualified majority) at the two groups' extraordinary general meetings and will not require the launching of a public offer for Suez's shares. The Boards of Directors of both groups have already approved the proposed merger (Suez on 25 February 2006 and GDF on 26 February 2006). The merger will take place by means of a one-to-one exchange of shares.

(4) The merger can only take place once the French Parliament has amended the law of 9 August 2004, in order to bring the French State's stake in GDF under 50 %.

(5) In view of the above, the notified operation qualifies as a concentration within the meaning of Article 3(1)(a) of Regulation (EC) No 139/2004 (the Merger Regulation).

C. COMPETITION ANALYSIS

1. Competition concerns raised by the merger

(6) In the Decision, the Commission considers that the merger would significantly impede effective competition in four areas: gas in Belgium, gas in France, electricity in Belgium and district heating in France.

Gas in Belgium

(7) Concerning gas in Belgium, significant impediments to effective competition are identified on the following (nationally defined) markets for the supply of H and/or L gas:

— to dealers (i.e. the *'intercommunales'*, 'default suppliers' such as ECS (Electrabel Customer Solutions) and newcomers on the gas supply market in Belgium such as Essent and Nuon),

[1] OJ L 24, 29.1.2004, p. 1.

[2] GDF and Centrica each own 50 % of a holding company that acquired 51 % of SPE in 2005. Together, they exercise joint control over SPE. The former owners of SPE, ALG and Publilum own 49 % of SPE via another holding company, but do not exercise control.

— to large industrial customers,

— to small industrial and commercial customers,

— to household customers; the decision leaves the question open as to whether these markets are in geographical terms either national or narrower (i.e. regional, in the form of Brussels, Flanders and Wallonia with their respective liberalisation calendars),

— gas-fired power plants.

In all these markets, the parties would have very high combined market shares and hold a dominant position.

(8) The merger would remove the best-placed competitor of the incumbent. Moreover, no other company would be able to reproduce the same level of competitive constraint as GDF. GDF's substantial market shares are arguably due to a number of specific assets and advantages enjoyed by GDF which no new entrant would possess to the same extent. For instance, GDF is the historic operator in a large neighbouring country, with access to a large and diversified gas portfolio, including LNG; GDF has priority access to H gas storage in Belgium; it owns L gas storage capacity in France near the border with Belgium; it is co-owner of certain transit pipelines through Belgium; and it shares control of certain entry points with concomitant capacity reservations on entry points. Moreover, for L gas, new competitors on the Belgian market like Nuon and Essent can only source gas from Suez and GDF, who hold long-term contracts with […] (*) and covering all […] *'s exports to Belgium and France.

(9) Finally, the Decision underlines that there are high barriers to entry which strengthen the horizontal effects resulting from the addition of market shares described above. The barriers relate to access to gas (the merging parties have access to most of the gas imported into Belgium, and they hold almost all the long-term import contracts), access to infrastructures (including the parties' control over Fluxys, the network operator, management of the transit network by Distrigaz, insufficient entry capacity, network congestion), access to LNG (the only terminal in Belgium, in Zeebrugge, is managed by Fluxys LNG, a Suez affiliate), access to H gas storage in Belgium (the French storage capacity, owned by GDF, is the best alternative outside Belgium), quality specifications and the lack of liquidity on the Zeebrugge hub. While many of these entry barriers pre-existed the merger, a number of them are strengthened by it (e.g. pipeline ownership, capacity and storage reservations).

Gas in France

(10) Concerning gas in France, the geographic markets taken into account are based on the division of the country into five balancing zones, North, West, East, South and South-West. While the latter's main transport network is managed by Total Infrastructure Gaz France (TIGF), a wholly owned subsidiary of Total, the first four are managed by GDF Réseau Transport (GRTgaz), a wholly owned subsidiary of GDF. According to the market investigation, the five balancing zones remain characterised by separate competitive conditions, as illustrated particularly by the congestions occurring between the different zones.

(11) Taking into account this geographic subdivision into five zones, the Decision identifies significant impediments to effective competition in:

— the markets for the supply of H gas to large customers who have exercised their right to choose their supplier in the North, East, West and South zones, and for L gas in the North zone,

— the markets for the supply of H gas to small customers who have exercised their rights to choose their supplier in each of the five zones, and for L gas in the North zone,

— the markets for the supply of H gas to local distribution companies who have exercised their right to choose their supplier in the North and East zones, and for L gas in the North zone,

— the markets for supply of H gas to household customers as of 1 July 2007 in each of the five geographical zones, and for L gas in the North zone. These markets will remain potential for a number of months. Nevertheless, the creation of the new entity and the consequent disappearance of Suez [1] as a competitor to GDF will have the effect of discouraging other potential competitors, thus strengthening the already high entry barriers to this market,

(*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets and marked with an asterisk.

[1] The Suez Group has built up a considerable position among large industrial gas-supply customers (via Distrigaz) and already has contacts with several million household customers as a water distributor in France (via Lyonnaise des Eaux), which makes it one of the best-placed operators to compete against GDF once the household customer market opens up on 1 July 2007.

— the markets for the supply of H gas to gas-fired power plants in the North and East zones and the supply of L gas in the North zone. These markets are still potential [1] but, in the light of proposals to bring such plants on stream within the next few years, the operation would have the effect of removing the operator best placed to compete against GDF.

In all these markets, GDF enjoys a dominant position. In all cases, the disappearance of Suez (Distrigaz) from the market strengthens the dominant player by removing one of the best-placed and strongest competitors.

(12) As in the case of Belgium, the Decision explains how significant barriers to entry, relating to access to gas and infrastructures, strengthen the horizontal effects of the merger. As far as access to gas is concerned, the merging parties have access to most of the gas imported into France, and they hold almost all the long-term import contracts. As for gas infrastructure, almost all of it (apart from infrastructure in the South-West, which is owned and run by Total) is owned by GDF, either directly or via its wholly owned subsidiary GRTgaz.

Electricity in Belgium

(13) The Decision identifies significant impediments to effective competition in the following markets:

— the Belgian national market for the production and wholesale of electricity: through the merger, the Belgian incumbent Electrabel (Suez) absorbs its largest competitor, whose power plants are situated on the middle to top parts of the merit curve [2]; this further strengthens the merged entity's capacity to determine prices in the Belgian wholesale market for electricity,

— the national market for auxiliary services and balancing power, in which the merger combines the only two suppliers of most of these services to the transmission network operator Elia,

— the national market for the supply of electricity to large commercial and industrial customers (>70kV), in which besides Electrabel (Suez) only RWE and EDF are currently active (SPE (GDF) has just started operating recently); in this market, the existing dominant position of Electrabel (Suez) is further strengthened by the elimination of one of the only two well-placed competitors (SPE (GDF) and EDF),

— the national market for the supply of electricity to small industrial and commercial customers (<70kV), in which the market share of SPE (GDF) strengthens the already dominant position of Suez,

— the supply of electricity to household customers who can choose their supplier, in which the parties would secure and strengthen their dominant position on the basis of both regional and national definitions of the relevant geographic market.

(14) In addition to the horizontal effects of the merger, the Decision identifies a number of vertical effects which strengthen the already dominant position of Suez in the electricity markets in Belgium.

(15) Since gas is an input for electricity generation, the Decision identifies the ability of and incentives for the parties to increase the cost of gas, and in particular to increase the cost of the flexible supply of gas to gas-fired power plants.

(16) The Decision also highlights that the parties will have access to the details of the most important cost element of rivals' gas-fired power plants, and hence to their pricing and production policy.

(17) Since the parties are the prime suppliers of auxiliary services and balancing power to Elia, the Decision identifies the ability of and incentives for the parties to increase the cost of auxiliary services and balancing power to rivals.

(18) A fourth vertical concern identified in the Decision is the elimination of the only competitor to Suez at present capable of making dual fuel offers (gas + electricity) to small businesses and household customers.

(19) The Decision explains how substantial barriers to entry relating to (i) access to electricity generation capacity, (ii) green and CHP certificates, (iii) the illiquid nature of the electricity trading market, and (iv) access to transmission and distribution infrastructure strengthen the horizontal effects of the merger.

District heating in France

(20) Among the several 'energy-related services' in which both parties are active, the operation raises competition concerns for one of them: the nationally defined market for the public service delegation of managing district heating systems in France.

[1] At the date of this Decision, GDF operated the only gas-fired electricity generating plant in France and supplied the gas for it.

[2] In a competitive market, electricity prices are set by the power plant with the highest marginal costs producing electricity at any given moment, i.e. the producer at the top of the supply curve (often called the 'merit curve' in the electricity sector).

(21) Long-term contracts (12 to 24 years) to manage district heating systems are currently granted by the municipalities concerned on the basis of an official tendering process, in which in practice only a handful of France-based specialised companies participate. These suppliers are: Dalkia (Veolia Group), SES-Elyo (Suez Group), Soccram (Thion Group) and Cogac (Cofathec-Coriance, GDF Group). Cogac (GDF Group) has a substantial shareholding in and arguably joint control of Soccram (Thion Group).

(22) After the merger, the parties will be the largest player in the market. The merger removes Cogac (GDF Group), which has been a 'maverick' in the market, thus leading to non-coordinated effects.

(23) The position of GDF as the dominant supplier of gas to anyone participating in a tender to manage a district heating system in France is a further factor reducing competitive pressures in this market.

2. **Commitments offered by the parties**

(24) In order to remedy the competition concerns identified by the Commission, on 20 September 2006 the parties submitted a package of commitments.

(25) Most answers to the market test showed that the vast majority of the commitments offered by the parties were not sufficient to remove the competition concerns raised by the notified operation.

(26) After being informed by the Commission on the results of the market test, the parties modified their initial commitments on 13 October 2006.

The commitments proposed on 13 October 2006

(27) The commitments offered by the parties consist of five main elements:

— the divestiture of Suez Group's shareholding in Distrigaz. In this context, the merged entity may request Distrigaz to supply it with gas for the needs of its electricity generating plants and of ECS's customers. However, since the duration of the related contracts is […] * years (from the date of the divestiture of Distrigaz) for most of the volumes concerned, those supply volumes will be limited and decreasing in time,

— the divestiture of Gaz de France's 25,5 % shareholding in SPE,

— the relinquishment of any control — de facto or *de jure* — over Fluxys SA, which will be the transmission operator of all regulated gas infrastructures in Belgium (transport/transit, storage, Zeebrugge LNG terminal) after the reorganisation of its activities. In this scheme, the management committee of Fluxys SA, which will not be controlled by the parties, will be the exclusive decision maker as regards the global investment programmes concerning the regulated gas infrastructures,

— a package of complementary measures concerning gas infrastructures in Belgium and in France,

— the divestiture of Cofathec Coriance plus Cofathec Service's heating networks, excluding Cofathec Coriance's holding in Climespace and SESAS.

Assessment of these commitments by the Commission

(28) On the basis of its assessment of the information provided by the investigation and, in particular, of the results of the previous consultation of the market operators, the Commission considers that the modified commitments proposed by the parties on 13 October 2006 are clear-cut and sufficient to remove the competition concerns raised by the notified operation, in Belgium and in France, without the need to run a further market test, for the following reasons:

— the divestitures of Distrigaz, of GDF's shareholding in SPE, of Cofathec Coriance and of Cofathec Service's heating networks remove the overlaps between the parties in all markets previously affected by competition concerns. These divestitures also remove vertical foreclosure problems between gas and electricity markets,

— the loss of control by the parties over Fluxys SA and the remedies related to the gas infrastructures in Belgium and in France are sufficient to lower the barriers to entry to a degree that would allow effective competition to develop.

D. **CONCLUSION**

(29) The merger as notified would significantly impede competition in a number of markets. The modified commitments offered by the parties on 13 October 2006 are sufficient to remove the competition concerns identified. Therefore, and subject to the parties' full compliance with the commitments made on 13 October 2006 and repeated on 6 November 2006, the Decision concludes that the merger is compatible with the common market.

(30) The present Commission Decision therefore declares the notified operation compatible with the common market and the functioning of the EEA Agreement pursuant to Article 8(2) of the Merger Regulation.

COMMISSION DECISION

of 27 March 2007

determining a mechanism for the allocation of quotas to producers and importers of hydrochlorofluorocarbons for the years 2003 to 2009 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council

(notified under document number C(2007) 819_2)

(Only the Dutch, English, Estonian, Finnish, French, Hungarian, German, Greek, Italian, Lithuanian, Polish, Slovenian, Spanish and Swedish texts are authentic)

(2007/195/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer [1], and in particular Article 4(3)(ii) thereof,

Whereas:

(1) Community measures, as in particular contained in Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer [2] which was replaced by Regulation (EC) No 2037/2000, have led over several years to a reduction of overall consumption of hydrochlorofluorocarbons (HCFCs).

(2) In the context of that reduction, quotas for individual producers and importers were fixed based on historical market shares and calculated by reference to the ozone depleting potential of those substances.

(3) Since 1997 the market for those substances in respect of different uses has been stable. Almost two-thirds of the HCFCs were used for the production of foam until this use of HCFCs was banned on 1 January 2003.

(4) In order to not disadvantage users of HCFCs making non-foam products from 1 January 2003 which would occur if the allocation system were to be based on historical market share of the use of HCFCs for foam products, it is appropriate to provide for a new allocation mechanism for the use of HCFCs after that date for the manufacture of non-foam products. For 2004 to 2009, the allocation system considered most appropriate was that based solely on the average, historical market share of HCFCs used for non-foam production.

(5) While it is appropriate to limit the quotas available to each importer to their respective percentage market share in 1999 and for each importer in the Member States that acceded on the 1 May 2004 to the average of its percentage market share in 2002 and 2003, provision should also be made to reallocate to registered HCFCs importers any import quota which has not been claimed and allocated in a given year.

(6) Commission Decision 2005/103/EC [3] which determined a mechanism for the allocation of quotas to producers and importers for hydrochlorofluorocarbons for the years 2003 to 2009 under Regulation (EC) No 2037/2000 should be amended in order to take account of a revised base date for producers and importers in the Member States that acceded on the 1 May 2004 and the increased quota for hydrochlorofluorocarbons (Group VIII) in Annex III to Regulation (EC) No 2037/2000, as amended by the 2005 Act of Accession and the historical market share of undertakings in the Member States that acceded on the 1 January 2007.

(7) In the interests of legal clarity and transparency Decision 2005/103/EC should therefore be replaced.

(8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18(1) of Regulation (EC) No 2037/2000,

[1] OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 published in OJ L 363, 20.12.2006, p. 1.
[2] OJ L 333, 22.12.1994, p. 1.
[3] OJ L 33, 5.2.2005, p. 65.

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision, the following definitions shall apply:

(a) 'Market share for refrigeration' means the average market share of sales of hydrochlorofluorocarbons for refrigeration applications of a producer in the years 1997, 1998 and 1999 as a percentage of the total market for refrigeration applications;

(b) 'Market share for foam production' means the average market share of sales of hydrochlorofluorocarbons for foam production of a producer in the years 1997, 1998 and 1999 as a percentage of the total market for foam production; and

(c) 'Market share for solvent uses' means the average market share of sales of hydrochlorofluorocarbons for solvent uses of a producer in the years 1997, 1998 and 1999 as a percentage of the total market for solvent uses.

Article 2

Basis for the calculation of quotas

The indicative quantities assigned for the consumption of hydrochlorofluorocarbons for refrigeration, foam production and solvents from the producers share of the calculated levels set out in Article 4(3)(i)(e) and (f) of Regulation (EC) No 2037/2000, shall be as set out in Annex I to this Decision.

The market shares for each producer in the respective markets shall be as set out in Annex II ([1]).

Article 3

Quotas for producers

1. For 2007, for each producer the quota of the calculated level of hydrochlorofluorocarbons set out in Article 4(3)(i)(e) of Regulation (EC) No 2037/2000 which it places on the market or uses for its own account shall not exceed the sum of the following:

(a) the producer's market share for refrigeration of the total indicative quantity assigned for refrigeration in 2004;

(b) the producer's market share for solvents of the total indicative quantity assigned for solvents in 2004.

2. For the years 2008 and 2009, for each producer the quota of the calculated level of hydrochlorofluorocarbons set out in Article 4(3)(i)(f) of Regulation (EC) No 2037/2000 which it places on the market or uses for its own account shall not on a *pro rata* basis exceed the sum of the following:

(a) the producer's market share for refrigeration of the total indicative quantity assigned for refrigeration in 2004;

(b) the producer's market share for solvents of the total indicative quantity assigned for solvents in 2004.

Article 4

Quotas for importers

The calculated level of hydrochlorofluorocarbons that each importer may place on the market or use for its own account shall not exceed, as a percentage of the calculated levels set out in Article 4(3)(i)(d), (e) and (f) of Regulation (EC) No 2037/2000, the percentage share assigned to it in 1999.

By way of derogation the calculated level of hydrochlorofluorocarbons that each importer in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia may place on the market or use for its own account shall not exceed, as a percentage of the calculated levels set out in Article 4(3)(i)(d), (e) and (f) of Regulation (EC) No 2037/2000, the average of its percentage market share in 2002 and 2003.

Any amounts, however, which cannot be placed on the market, because importers entitled to do so did not apply for an import quota, shall be reallocated between those importers that have been given an import quota.

The amount unallocated shall be divided between each importer and calculated on a proportional basis by reference to the size of the quotas already determined for those importers.

([1]) Annex II is not published nor notified to all the addressees because it contains confidential information.

Article 5

Decision 2005/103/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision.

Article 6

This Decision is addressed to the following undertakings:

Arkema S.A. Cours Michelet — La Défense 10 F-92091 Paris-La Défense	Arkema Química SA Avenida de Burgos 12, planta 7 E-28036 Madrid
DuPont de Nemours (Nederland) bv Baanhoekweg 22 3313 LA Dordrecht Nederland	Honeywell Fluorine Products Europe bv Laarderhoogtweg 18, 1101 EA Amsterdam Nederland
Ineos Fluor Ltd PO Box 13 The Heath Runcorn Cheshire WA7 4QF United Kingdom	Phosphoric Fertilizers Industry S.A. Thessaloniki Plant P.O. Box 10183 GR-541 10 Thessaloniki
Rhodia UK Ltd PO Box 46 — St Andrews Road Avonmouth, Bristol BS11 9YF United Kingdom	Solvay Électrolyse France 12, cours Albert 1er F-75383 Paris
Solvay Fluor GmbH Hans-Böckler-Allee 20 D-30173 Hannover	Solvay Ibérica SL C/ Mallorca 269 E-08008 Barcelona
Solvay Solexis SpA Viale Lombardia, 20 I-20021 Bollate (MI)	
AB Ninolab P.O. Box 137 S-194 22 Upplands Väsby	Advanced Chemical SA C/ Balmes 69, pral. 3o E-08007 Barcelona
Alcobre SA C/ Luis I, Nave 6-B Polígono Industrial Vallecas E-28031 Madrid	AGC Chemicals Europe World Trade Center Zuidplein 80 H-Tower, Level 9 1077 XV Amsterdam Nederland
Avantec 26, avenue du Petit-Parc F-94683 Vincennes Cedex	BaySystems Iberia S/A Crta. Vilaseca La Pineda s/n E-43006 Tarragona
Blye Engineering Co. Ltd Naxxar Road San Gwann SGN 07 Malta	BOC Gazy ul. Pory 59 02-757 Warzawa Polska
Boucquillon nv Nijverheidslaan 38 B-8540 Deerlijk	Calorie Fluor 503, rue Hélène-Boucher Z.I. Buc B.P. 33 F-78534 Buc Cedex
Caraibes Froids SARL B.P. 6033 Sainte-Thérèse 4,5 km, route du Lamentin F-97219 Fort-de-France (Martinique)	Celotex Limited Lady Lane Industrial Estate Hadleigh, Ipswich, Suffolk, IP7 6BA United Kingdom

Efisol 14/24, rue des Agglomérés F-92024 Nanterre Cedex	Empor d.o.o. Leskoškova 9a SI-1000 Ljubljana
Etis d.o.o. Tržaška 333 SI-1000 Ljubljana	Fibran S.A. 6th km Thessaloniki Oreokastro P.O. Box 40306 GR-560 10 Thessaloniki
Fiocco Trade SL C/ Molina 16, pta. 5 E-46006 Valencia	Freolitus JSC Centrinė g. 1D LT-54464 Ramučiai, Kauno raj. Lietuva
G.AL.Cycle-Air Ltd 3, Sinopis Str., Strovolos P.O. Box 28385 Nicosia, Cyprus	Galco S.A. Avenue Carton de Wiart 79 B-1090 Bruxelles
Galex S.A. B.P. 128 F-13321 Marseille Cedex 16	UAB 'Genys' Lazdijų 20 LT-46393 Kaunas Lietuva
GU Thermo Technology Ltd Greencool Refrigerants Unit 12 Park Gate Business Centre Chandlers Way, Park Gate Southampton SO31 1FQ United Kingdom	Harp International Gellihirion Industrial Estate Rhondda Cynon Taff Pontypridd CF37 5SX United Kingdom
H&H International Ltd. Richmond Bridge House 419 Richmond Road Richmond TW1 2EX United Kingdom	ICC Chemicals Ltd. Northbridge Road Berkhamsted Hertfordshire HP4 1EF United Kingdom
Kal y Sol P.I. Can Roca C/ Sant Martí s/n E-08107 Martorell (Barcelona)	Linde Gaz Polska Sp. z o.o. ul. Jana Pawła II 41a 31-864 Kraków Polska
Matero Ltd 37 St. Kyriakides Ave. CY-3508 Limassol	Mebrom Assenedestraat 4 B-9940 Rieme-Ertvelde
Nagase Europe Ltd Berliner Allee 59 D-40212 Düsseldorf	OU A Sektor Kasteheina 6-9 EE-31024 Kohtla-Järve
Plasfi SA Ctra. Montblanc s/n E-43420 Sta. Coloma de Queralt (Tarragona)	Prodex-System sp. z o.o. ul. Artemidy 24 01-497 Warszawa Polska
PW Gaztech ul. Kopernika 5 11-200 Bartoszyce Polska	Quimidroga SA C/ Tuset 26 E-08006 Barcelona
Refrigerant Products Ltd. Banyard road Portbury West Bristol BS 20 7XH United Kingdom	Resina Chemie bv Korte Groningerweg 1A 9607 PS Foxhol Nederland

Sigma Aldrich Chimie SARL 80, rue de Luzais L'isle d'abeau-Chesnes F-38297 Saint-Quentin-Fallavier	Sigma Aldrich Company Ltd The Old Brickyard New Road Gillingham SP8 4XT United Kingdom
SJB Chemical Products bv Slagveld 15 3230 AG Brielle Nederland	Solquimia Iberia SL C/ Mexico 9, P.I. Centrovía E-50196 La Muela (Zaragoza)
Synthesia Española SA C/ Conde Borrell 62 E-08015 Barcelona	Tazzetti Fluids Srl Corso Europa, 600/a I-10088 Volpiano (TO)
Termo-Schiessl Sp. z o.o. ul. Raszyńska 13 05-500 Piaseczno Polska	Universal Chemistry & Technology SpA Viale A. Filippetti, 20 I-20122 Milano
Vrec-Co Export-Import Kft. Kossuth u. 12 H-6763 Szatymaz	Vuoksi Yhtiö Oy Lappeentie 12 FI-55100 Imatra
Wigmors ul. Irysowa 5 51-117 Wrocław Polska	

Done at Brussels, 27 March 2007.

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX I

Indicative quantities assigned for 2006, 2007 and 2008 in tonnes/ozone-depleting potential.

Market	2006	2007	2008
Refrigeration	2 054,47	2 094,63	1 744,59
Foam Production	0,00	0,00	0,00
Solvents	66,17	67,01	55,81
Total	2 120,64	2 161,64	1 800,40

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 28 March 2007

on the monitoring of the presence of furan in foodstuffs

(Text with EEA relevance)

(2007/196/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 211 thereof,

Whereas:

(1) In May 2004 the US Food and Drug Administration (FDA) published the results of a survey concerning the presence of furan in products that undergo heat treatment. Furan levels were found in a variety of foodstuffs (e.g. canned and jarred foodstuffs, baby foods, coffee, soups and sauces, etc.).

(2) The Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) considered those results an urgent issue and compiled a scientific report on furan in food on 7 December 2004.

(3) In this report EFSA concluded that from the presently available data it appears that there is a relatively small difference between possible human exposure and doses in experimental animals that produce carcinogenic effects and that a reliable risk assessment would need further data on both toxicity and exposure.

(4) It is necessary to generate reliable data across the European Community on levels of furan in heat treated foodstuffs in order to enable EFSA to carry out a reliable risk assessment. A special focus should be given on data collection during the years 2007 and 2008. After that, data collection should continue on a routine basis.

(5) Data should be collected on commercial foodstuffs as purchased disregarding any further preparation (e.g. coffee powder, juices, jars and cans not heated before consumption) and commercial foodstuffs analysed as consumed after further preparation in the laboratory (e.g. brewed coffee, canned and jarred products heated before consumption). In the latter case preparation should follow label instructions, if available. Food prepared at home on basis of fresh ingredients (e.g. vegetable soup made with fresh vegetables, home-made Irish stew) should not be subject to this monitoring programme as the effects of home cooking practices on furan levels in foodstuffs could be better explored in a research project.

(6) In order to ensure that samples are representative for the sampled lot, the sampling procedures laid down in Part B of the Annex to Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs [1] should be followed. The analysis of samples should be carried out in accordance with points 1 and 2 of Annex III to Regulation (EC) No 882/2004 of the European Parliament and the Council of 29 April 2004 on official controls to ensure the verification of compliance with feed and food law, animal health and animal welfare rules [2].

[1] See page 29 of this Official Journal.

[2] OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

(7) It is important that the analytical results and specific additional information needed for the evaluation of the results are reported on a regular basis to EFSA. The reporting format should be set out by EFSA. The compilation of the data into a database will be ensured by EFSA,

HEREBY RECOMMENDS:

1. That Member States perform during the years 2007 and 2008 monitoring on the presence of furan in foodstuffs that have undergone heat treatment. The monitoring should include commercial foodstuffs as purchased disregarding any further preparation [1] and commercial foodstuffs analysed as consumed after further preparation in the laboratory [2].

2. That Member States provide on a regular basis to EFSA the monitoring data with the information and in the format as set out by EFSA.

3. That Member States follow the sampling procedures as laid down in Part B of the Annex to Regulation (EC) No 333/2007 in order to ensure that samples are representative for the sampled lot. Sample preparation before analysis should be carried out with the necessary care to ensure that the furan content of the sample is not altered.

4. That Member States carry out the analysis of furan in accordance with points 1 and 2 of Annex III to Regulation (EC) No 882/2004.

Done at Brussels, 28 March 2007.

For the Commission
Markos KYPRIANOU
Member of the Commission

[1] Commercial foodstuffs as purchased disregarding any further preparation: e.g. coffee powder, juices, jars and cans not heated before consumption.

[2] Commercial foodstuffs analysed as consumed after further preparation in the laboratory: e.g. brewed coffee, canned and jarred products heated before consumption. If available, preparation should follow label instructions. Food prepared at home on basis of fresh ingredients (e.g. vegetable soup with fresh vegetables, homemade Irish stew) are not subject of this monitoring programme.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COMMON MILITARY LIST OF THE EUROPEAN UNION

(adopted by the Council on 19 March 2007)

(equipment covered by the European Union Code of Conduct on Arms Exports)

(updating and replacing the Common Military List of the European Union adopted by the Council on 27 February 2006)

(2007/197/CFSP)

Note 1: *Terms in 'quotations' are defined terms. Refer to 'Definitions of Terms used in this List' annexed to this List.*

Note 2: *Chemicals are listed by name and CAS number. Chemicals of the same structural formula (including hydrates) are controlled regardless of name or CAS number. CAS numbers are shown to assist in identifying whether a particular chemical or mixture is controlled, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers.*

ML1 **Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12,7 mm (calibre 0,50 inches) or less and accessories, as follows, and specially designed components therefor:**

a. Rifles, carbines, revolvers, pistols, machine pistols and machine guns:

Note *ML1.a. does not control the following:*

1. *Muskets, rifles and carbines manufactured earlier than 1938;*

2. *Reproductions of muskets, rifles and carbines the originals of which were manufactured earlier than 1890;*

3. *Revolvers, pistols and machine guns manufactured earlier than 1890, and their reproductions;*

b. Smooth-bore weapons, as follows:

1. Smooth-bore weapons specially designed for military use;

2. Other smooth-bore weapons, as follows:

a. Of the fully automatic type;

b. Of the semi-automatic or pump-action type;

c. Weapons using caseless ammunition;

d. Silencers, special gun-mountings, clips, weapons sights and flash suppressers for arms controlled by sub-items ML1.a., ML1.b. or ML1.c.

Note 1 *ML1 does not control smooth-bore weapons used for hunting or sporting purposes. These weapons must not be specially designed for military use or of the fully automatic firing type.*

Note 2 *ML1 does not control firearms specially designed for dummy ammunition and which are incapable of firing any controlled ammunition.*

Note 3 *ML1 does not control weapons using non-centre fire cased ammunition and which are not of the fully automatic firing type.*

Note 4 *ML1.d. does not control optical weapon sights without electronic image processing, with a magnification of 4 times or less, provided they are not specially designed or modified for military use.*

ML2 **Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12,7 mm (calibre 0,50 inches), projectors and accessories, as follows, and specially designed components therefor:**

a. Guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers, rifles, recoilless rifles, smooth-bore weapons and signature reduction devices therefor;

Note 1 *ML2.a. includes injectors, metering devices, storage tanks and other specially designed components for use with liquid propelling charges for any of the equipment controlled by ML2.a.*

Note 2 *ML2.a. does not control the following:*

1. *Muskets, rifles and carbines manufactured earlier than 1938;*

2. *Reproductions of muskets, rifles and carbines the originals of which were manufactured earlier than 1890.*

b. Military smoke, gas and pyrotechnic projectors or generators;

Note *ML2.b. does not control signal pistols.*

c. Weapons sights.

ML3 **Ammunition and fuse setting devices, as follows, and specially designed components therefor:**

a. Ammunition for the weapons controlled by ML1, ML2 or ML12;

b. Fuse setting devices specially designed for ammunition controlled by ML3.a.

Note 1 *Specially designed components include:*

a. Metal or plastic fabrications such as primer anvils, bullet cups, cartridge links, rotating bands and munitions metal parts;

b. Safing and arming devices, fuses, sensors and initiation devices;

c. Power supplies with high one-time operational output;

d. Combustible cases for charges;

e. Submunitions including bomblets, minelets and terminally guided projectiles.

Note 2 *ML3.a. does not control ammunition crimped without a projectile (blankstar) and dummy ammunition with a pierced powder chamber.*

Note 3 *ML3.a. does not control cartridges specially designed for any of the following purposes:*

a. Signalling;

b. Bird scaring; or

c. Lighting of gas flares at oil wells.

ML4 **Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories, as follows, specially designed for military use, and specially designed components therefor:**

NB: *For guidance and navigation equipment, see ML11, Note 7.*

a. Bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition-charges, demolition-devices and demolition-kits, 'pyrotechnic' devices, cartridges and simulators (i.e. equipment simulating the characteristics of any of these items);

Note *ML4.a. includes:*

1. Smoke grenades, fire bombs, incendiary bombs and explosive devices;

2. Missile rocket nozzles and re-entry vehicle nosetips.

b. Equipment specially designed for the handling, control, activation, powering with one-time operational output, launching, laying, sweeping, discharging, decoying, jamming, detonation or detection of items controlled by ML4.a.

Note *ML4.b. includes:*

1. Mobile gas liquefying equipment capable of producing 1 000 kg or more per day of gas in liquid form;

2. Buoyant electric conducting cable suitable for sweeping magnetic mines.

Technical Note

Hand-held devices, limited by design solely to the detection of metal objects and incapable of distinguishing between mines and other metal objects, are not considered to be specially designed for the detection of items controlled by ML4.a.

ML5 **Fire control, and related alerting and warning equipment, and related systems, test and alignment and countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor:**

a. Weapon sights, bombing computers, gun laying equipment and weapon control systems;

b. Target acquisition, designation, range-finding, surveillance or tracking systems; detection, data fusion, recognition or identification equipment; and sensor integration equipment;

c. Countermeasure equipment for items controlled by ML5.a. or ML5.b.;

d. Field test or alignment equipment, specially designed for items controlled by ML5.a. or ML5.b.

ML6 **Ground vehicles and components, as follows:**

NB: For guidance and navigation equipment, see ML11, Note 7.

a. Ground vehicles and components therefor, specially designed or modified for military use;

Technical Note

For the purposes of ML6.a. the term ground vehicles includes trailers.

b. All-wheel drive vehicles capable of off-road use which have been manufactured or fitted with materials to provide ballistic protection to level III (NIJ 0108.01, September 1985, or comparable national standard) or better.

NB: See also ML13.a.

Note 1 ML6.a. includes:

a. Tanks and other military armed vehicles and military vehicles fitted with mountings for arms or equipment for mine laying or the launching of munitions controlled under ML4;

b. Armoured vehicles;

c. Amphibious and deep water fording vehicles;

d. Recovery vehicles and vehicles for towing or transporting ammunition or weapon systems and associated load handling equipment.

Note 2 Modification of a ground vehicle for military use controlled by ML6.a. entails a structural, electrical or mechanical change involving one or more specially designed military components. Such components include:

a. Pneumatic tyre casings of a kind specially designed to be bulletproof or to run when deflated;

b. Tyre inflation pressure control systems, operated from inside a moving vehicle;

c. Armoured protection of vital parts, (e.g. fuel tanks or vehicle cabs);

d. Special reinforcements or mountings for weapons;

e. Blackout lighting.

Note 3 ML6 does not control civil automobiles, or trucks designed or modified for transporting money or valuables, having armoured or ballistic protection.

ML7 **Chemical or biological toxic agents, 'riot control agents', radioactive materials, related equipment, components and materials as follows:**

a. Biological agents and radioactive materials 'adapted for use in war' to produce casualties in humans or animals, degrade equipment or damage crops or the environment;

b. Chemical warfare (CW) agents including:

1. CW nerve agents:

a. O-Alkyl (equal to or less than C_{10}, including cycloalkyl) alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) — phosphonofluoridates, such as:

Sarin (GB):O-Isopropyl methylphosphonofluoridate (CAS 107-44-8); and

Soman (GD):O-Pinacolyl methylphosphonofluoridate (CAS 96-64-0);

b. O-Alkyl (equal to or less than C_{10}, including cycloalkyl) N,N-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphoramidocyanidates, such as:

Tabun (GA):O-Ethyl N,N-dimethylphosphoramidocyanidate (CAS 77-81-6);

c. O-Alkyl (H or equal to or less than C_{10}, including cycloalkyl) S-2-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl)-aminoethyl alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphonothiolates and corresponding alkylated and protonated salts, such as:

VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate (CAS 50782-69-9);

2. CW vesicant agents:

a. Sulphur mustards, such as:

1. 2-Chloroethylchloromethylsulphide (CAS 2625-76-5);

2. Bis(2-chloroethyl) sulphide (CAS 505-60-2);

3. Bis(2-chloroethylthio) methane (CAS 63869-13-6);

4. 1,2-bis (2-chloroethylthio) ethane (CAS 3563-36-8);

5. 1,3-bis (2-chloroethylthio) -n-propane (CAS 63905-10-2);

6. 1,4-bis (2-chloroethylthio) -n-butane (CAS 142868-93-7);

7. 1,5-bis (2-chloroethylthio) -n-pentane (CAS 142868-94-8);

8. Bis (2-chloroethylthiomethyl) ether (CAS 63918-90-1);

9. Bis (2-chloroethylthioethyl) ether (CAS 63918-89-8);

b. Lewisites, such as:

1. 2-chlorovinyldichloroarsine (CAS 541-25-3);

2. Tris (2-chlorovinyl) arsine (CAS 40334-70-1);

3. Bis (2-chlorovinyl) chloroarsine (CAS 40334-69-8);

c. Nitrogen mustards, such as:

1. HN1: bis (2-chloroethyl) ethylamine (CAS 538-07-8);

2. HN2: bis (2-chloroethyl) methylamine (CAS 51-75-2);

3. HN3: tris (2-chloroethyl) amine (CAS 555-77-1);

3. CW incapacitating agents, such as:

a. 3-Quinuclidinyl benzilate (BZ) (CAS 6581-06-2);

4. CW defoliants, such as:

a. Butyl 2-chloro-4-fluorophenoxyacetate (LNF);

b. 2,4,5-trichlorophenoxyacetic acid mixed with 2,4-dichlorophenoxyacetic acid (Agent Orange).

c. CW binary precursors and key precursors, as follows:

1. Alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) Phosphonyl Difluorides, such as:

DF: Methyl Phosphonyldifluoride (CAS 676-99-3);

2. O-Alkyl (H or equal to or less than C_{10}, including cycloalkyl) O-2-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl) aminoethyl alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphonites and corresponding alkylated and protonated salts, such as:

QL: O-Ethyl-2-di-isopropylaminoethyl methylphosphonite (CAS 57856-11-8);

3. Chlorosarin: O-Isopropyl methylphosphonochloridate (CAS 1445-76-7);

4. Chlorosoman: O-Pinacolyl methylphosphonochloridate (CAS 7040-57-5);

d. 'Riot control agents', active constituent chemicals and combinations thereof, including:

1. α-Bromobenzeneacetonitrile, (Bromobenzyl cyanide) (CA) (CAS 5798-79-8);

2. [(2-chlorophenyl) methylene] propanedinitrile, (o-Chlorobenzylidenemalononitrile (CS) (CAS 2698-41-1);

3. 2-Chloro-1-phenylethanone, Phenylacyl chloride (ω-chloroacetophenone) (CN) (CAS 532-27-4);

4. Dibenz-(b,f)-1,4-oxazephine, (CR) (CAS 257-07-8);

5. 10-Chloro-5,10-dihydrophenarsazine, (Phenarsazine chloride), (Adamsite), (DM) (CAS 578-94-9);

6. N-Nonanoylmorpholine, (MPA) (CAS 5299-64-9);

Note 1 *ML7.d. does not control 'riot control agents' individually packaged for personal self-defence purposes;*

Note 2 *ML7.d. does not control active constituent chemicals and combinations thereof identified and packaged for food production or medical purposes.*

e. Equipment specially designed or modified for military use, for the dissemination of any of the following and specially designed components therefor:

1. Materials or agents controlled by ML7.a., ML7.b. or ML7d.; or

2. CW made up of precursors controlled by ML7.c.

f. Protective and decontamination equipment, specially designed components therefor, and specially formulated chemical mixtures, as follows:

1. Equipment specially designed or modified for military use, for defence against materials controlled by ML7.a., ML7.b. or ML7.d. and specially designed components therefor;

2. Equipment specially designed or modified or modified for military use, for the decontamination of objects contaminated with materials controlled by ML7.a. or ML7.b. and specially designed components therefor;

3. Chemical mixtures specially developed/formulated for the decontamination of objects contaminated with materials controlled by ML7.a. or ML7.b.;

Note *ML7.f.1. includes:*

a. Air conditioning units specially designed or modified for nuclear, biological or chemical filtration;

b. Protective clothing.

NB: *For civil gas masks, protective and decontamination equipment see also entry 1A004 on the EU Dual-Use List.*

g. Equipment specially designed or modified for military use, for the detection or identification of materials controlled by ML7.a. or ML7.b. or ML7.d. and specially designed components therefor;

Note *ML7.g. does not control personal radiation monitoring dosimeters.*

NB: *See also entry 1A004 on the EU Dual-Use List.*

h. 'Biopolymers' specially designed or processed for the detection or identification of CW agents controlled by ML7.b., and the cultures of specific cells used to produce them;

i. 'Biocatalysts' for the decontamination or degradation of CW agents, and biological systems therefor, as follows:

1. 'Biocatalysts' specially designed for the decontamination or degradation of CW agents controlled by ML7.b. resulting from directed laboratory selection or genetic manipulation of biological systems;

2. Biological systems, as follows: 'expression vectors', viruses or cultures of cells containing the genetic information specific to the production of 'biocatalysts' controlled by ML7.i.1.;

Note 1 *ML7.b. and ML7.d. do not control:*

a. Cyanogen chloride (CAS 506-77-4). See 1C450.a.5. on the EU Dual-Use List;

b. Hydrocyanic acid (CAS 74-90-8);

c. Chlorine (CAS 7782-50-5);

d. Carbonyl chloride (phosgene) (CAS 75-44-5). See 1C450.a.4. on the EU Dual-Use List;

e. Diphosgene (trichloromethyl-chloroformate) (CAS 503-38-8);

f. Deleted;

g. Xylyl bromide, ortho: (CAS 89-92-9), meta: (CAS 620-13-3), para: (CAS 104-81-4);

h. Benzyl bromide (CAS 100-39-0);

i. Benzyl iodide (CAS 620-05-3);

j. Bromo acetone (CAS 598-31-2);

k. Cyanogen bromide (CAS 506-68-3);

l. Bromo methylethylketone (CAS 816-40-0);

m. Chloro acetone (CAS 78-95-5);

n. Ethyl iodoacetate (CAS 623-48-3);

o. Iodo acetone (CAS 3019-04-3);

p. Chloropicrin (CAS 76-06-2). See 1C450.a.7. on the EU Dual-Use List.

Note 2 The cultures of cells and biological systems listed in ML7.h. and ML7.i.2. are exclusive and these sub-items do not control cells or biological systems for civil purposes, such as agricultural, pharmaceutical, medical, veterinary, environmental, waste management, or in the food industry.

ML8 **'Energetic materials', and related substances, as follows:**

NB: See also 1C011 on the EU Dual-Use List.

Technical Notes

1. For the purposes of this entry, mixture refers to a composition of two or more substances with at least one substance being listed in the ML8 sub-items.

2. Any substance listed in the ML8 sub-items is controlled by this list, even when utilised in an application other than that indicated. (e.g. TAGN is predominantly used as an explosive but can also be used either as a fuel or an oxidizer.)

a. 'Explosives', as follows, and mixtures thereof:

1. ADNBF (aminodinitrobenzofuroxan or 7-amino-4,6-dinitrobenzofurazane-1-oxide) (CAS 97096-78-1);

2. BNCP (cis-bis (5-nitrotetrazolato) tetra amine-cobalt (III) perchlorate) (CAS 117412-28-9);

3. CL-14 (diamino dinitrobenzofuroxan or 5,7-diamino-4,6-dinitrobenzofurazane-1-oxide) (CAS 117907-74-1);

4. CL-20 (HNIW or Hexanitrohexaazaisowurtzitane) (CAS 135285-90-4); chlathrates of CL-20 (see also ML8.g.3. and g.4. for its 'precursors');

5. CP (2-(5-cyanotetrazolato) penta amine-cobalt (III) perchlorate) (CAS 70247-32-4);

6. DADE (1,1-diamino-2,2-dinitroethylene, FOX7);

7. DATB (diaminotrinitrobenzene) (CAS 1630-08-6);

8. DDFP (1,4-dinitrodifurazanopiperazine);

9. DDPO (2,6-diamino-3,5-dinitropyrazine-1-oxide, PZO) (CAS 194486-77-6);

10. DIPAM (3,3′-diamino-2,2′,4,4′,6,6′-hexanitrobiphenyl or dipicramide) (CAS 17215-44-0);

11. DNGU (DINGU or dinitroglycoluril) (CAS 55510-04-8);

12. Furazans, as follows:

    a. DAAOF (diaminoazoxyfurazan);

    b. DAAzF (diaminoazofurazan) (CAS 78644-90-3);

13. HMX and derivatives (see also ML8.g.5. for its 'precursors'), as follows:

    a. HMX (Cyclotetramethylenetetranitramine, octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazine, 1,3,5,7-tetranitro-1,3,5,7-tetraza-cyclooctane, octogen or octogene) (CAS 2691-41-0);

    b. difluoroaminated analogs of HMX;

    c. K-55 (2,4,6,8-tetranitro-2,4,6,8-tetraazabicyclo [3,3,0]-octanone-3, tetranitrosemiglycouril or keto-bicyclic HMX) (CAS 130256-72-3);

14. HNAD (hexanitroadamantane) (CAS 143850-71-9);

15. HNS (hexanitrostilbene) (CAS 20062-22-0);

16. Imidazoles, as follows:

    a. BNNII (Octahydro-2,5-bis(nitroimino)imidazo [4,5-d]imidazole);

    b. DNI (2,4-dinitroimidazole) (CAS 5213-49-0);

    c. FDIA (1-fluoro-2,4-dinitroimidazole);

    d. NTDNIA (N-(2-nitrotriazolo)-2,4-dinitroimidazole);

    e. PTIA (1-picryl-2,4,5-trinitroimidazole);

17. NTNMH (1-(2-nitrotriazolo)-2-dinitromethylene hydrazine);

18. NTO (ONTA or 3-nitro-1,2,4-triazol-5-one) (CAS 932-64-9);

19. Polynitrocubanes with more than four nitro groups;

20. PYX (2,6-Bis(picrylamino)-3,5-dinitropyridine) (CAS 38082-89-2);

21. RDX and derivatives, as follows:

    a. RDX (cyclotrimethylenetrinitramine, cyclonite, T4, hexahydro-1,3,5-trinitro-1,3,5-triazine, 1,3,5-trinitro-1,3,5-triaza-cyclohexane, hexogen or hexogene) (CAS 121-82-4);

    b. Keto-RDX (K-6 or 2,4,6-trinitro-2,4,6-triazacyclohexanone) (CAS 115029-35-1);

22. TAGN (triaminoguanidinenitrate) (CAS 4000-16-2);

23. TATB (triaminotrinitrobenzene) (CAS 3058-38-6) (see also ML8.g.7 for its 'precursors');

24. TEDDZ (3,3,7,7-tetrabis(difluoroamine) octahydro-1,5-dinitro-1,5-diazocine);

25. Tetrazoles, as follows:

    a. NTAT (nitrotriazol aminotetrazole);

    b. NTNT (1-N-(2-nitrotriazolo)-4-nitrotetrazole);

26. Tetryl (trinitrophenylmethylnitramine) (CAS 479-45-8);

27. TNAD (1,4,5,8-tetranitro-1,4,5,8-tetraazadecalin) (CAS 135877-16-6) (see also ML8.g.6. for its 'precursors');

28. TNAZ (1,3,3-trinitroazetidine) (CAS 97645-24-4) (see also ML8.g.2. for its 'precursors');

29. TNGU (SORGUYL or tetranitroglycoluril) (CAS 55510-03-7);

30. TNP (1,4,5,8-tetranitro-pyridazino[4,5-d]pyridazine) (CAS 229176-04-9);

31. Triazines, as follows:

    a. DNAM (2-oxy-4,6-dinitroamino-s-triazine) (CAS 19899-80-0);

    b. NNHT (2-nitroimino-5-nitro-hexahydro-1,3,5-triazine) (CAS 130400-13-4);

32. Triazoles, as follows:

    a. 5-azido-2-nitrotriazole;

    b. ADHTDN (4-amino-3,5-dihydrazino-1,2,4-triazole dinitramide) (CAS 1614-08-0);

    c. ADNT (1-amino-3,5-dinitro-1,2,4-triazole);

    d. BDNTA ([bis-dinitrotriazole]amine);

    e. DBT (3,3′-dinitro-5,5-bi-1,2,4-triazole) (CAS 30003-46-4);

f. DNBT (dinitrobistriazole) (CAS 70890-46-9);

g. NTDNA (2-nitrotriazole 5-dinitramide) (CAS 75393-84-9);

h. NTDNT (1-N-(2-nitrotriazolo) 3,5-dinitrotriazole);

i. PDNT (1-picryl-3,5-dinitrotriazole);

j. TACOT (tetranitrobenzotriazolobenzotriazole) (CAS 25243-36-1);

33. Any explosive not listed elsewhere in ML8.a. with a detonation velocity exceeding 8 700 m/s at maximum density or a detonation pressure exceeding 34 GPa (340 kbar);

34. Other organic explosives not listed elsewhere in ML8.a. yielding detonation pressures of 25 GPa (250 kbar) or more that will remain stable at temperatures of 523 K (250 °C) or higher for periods of five minutes or longer.

b. 'Propellants', as follows:

1. Any United Nations (UN) Class 1.1 solid 'propellant' with a theoretical specific impulse (under standard conditions) of more than 250 seconds for non-metallised, or more than 270 seconds for aluminised compositions;

2. Any UN Class 1.3 solid 'propellant' with a theoretical specific impulse (under standard conditions) of more than 230 seconds for non-halogenised, 250 seconds for non-metallised compositions and 266 seconds for metallised compositions;

3. 'Propellants' having a force constant of more than 1 200 kJ/kg;

4. 'Propellants' that can sustain a steady-state linear burning rate of more than 38 mm/s under standard conditions (as measured in the form of an inhibited single strand) of 6,89 MPa (68,9 bar) pressure and 294 K (21 °C);

5. Elastomer modified cast double base (EMCDB) 'propellants' with extensibility at maximum stress of more than 5 % at 233 K (– 40 °C);

6. Any 'propellant' containing substances listed in ML8.a.

c. 'Pyrotechnics', fuels and related substances, as follows, and mixtures thereof:

1. Aircraft fuels specially formulated for military purposes;

2. Alane (aluminum hydride) (CAS 7784-21-6);

3. Carboranes; decaborane (CAS 17702-41-9); pentaboranes (CAS 19624-22-7 and 18433-84-6) and their derivatives;

4. Hydrazine and derivatives, as follows (see also ML8.d.8. and d.9. for oxidising hydrazine derivatives):

a. Hydrazine (CAS 302-01-2) in concentrations of 70 % or more;

b. Monomethyl hydrazine (CAS 60-34-4);

c. Symmetrical dimethyl hydrazine (CAS 540-73-8);

d. Unsymmetrical dimethyl hydrazine (CAS 57-14-7);

5. Metal fuels in particle form whether spherical, atomised, spheroidal, flaked or ground, manufactured from material consisting of 99 % or more of any of the following:

a. Metals and mixtures thereof, as follows:

1. Beryllium (CAS 7440-41-7) in particle sizes of less than 60 μm;

2. Iron powder (CAS 7439-89-6) with particle size of 3 μm or less produced by reduction of iron oxide with hydrogen;

b. Mixtures, which contain any of the following:

1. Zirconium (CAS 7440-67-7), magnesium (CAS 7439-95-4) or alloys of these in particle sizes of less than 60 μm;

2. Boron (CAS 7440-42-8) or boron carbide (CAS 12069-32-8) fuels of 85 % purity or higher and particle sizes of less than 60 μm;

6. Military materials containing thickeners for hydrocarbon fuels specially formulated for use in flame-throwers or incendiary munitions, such as metal stearates or palmates (e.g. octal (CAS 637-12-7)) and M1, M2, and M3 thickeners;

7. Perchlorates, chlorates and chromates composited with powdered metal or other high energy fuel components;

8. Spherical aluminum powder (CAS 7429-90-5) with a particle size of 60 μm or less, manufactured from material with an aluminum content of 99 % or more;

9. Titanium subhydride (TiH_n) of stoichiometry equivalent to n = 0,65 to 1,68.

Note 1 *Aircraft fuels controlled by ML8.c.1. are finished products not their constituents.*

Note 2 *ML8.c.4.a. does not control hydrazine mixtures specially formulated for corrosion control.*

Note 3 *Explosives and fuels containing the metals or alloys listed in ML8.c.5. are controlled whether or not the metals or alloys are encapsulated in aluminum, magnesium, zirconium, or beryllium.*

Note 4 *ML8.c.5.b.2. does not control boron and boron carbide enriched with boron-10 (20 % or more of total boron-10 content).*

d. Oxidizers, as follows, and mixtures thereof:

1. ADN (ammonium dinitramide or SR 12) (CAS 140456-78-6);

2. AP (ammonium perchlorate) (CAS 7790-98-9);

3. Compounds composed of fluorine and any of the following:

a. Other halogens;

b. Oxygen; or

c. Nitrogen;

Note 1 *ML8.d.3 does not control chlorine trifluoride. See 1C238 on the EU Dual-Use List.*

Note 2 *ML8.d.3 does not control nitrogen trifluoride in its gaseous state.*

4. DNAD (1,3-dinitro-1,3-diazetidine) (CAS 78246-06-7);

5. HAN (hydroxylammonium nitrate) (CAS 13465-08-2);

6. HAP (hydroxylammonium perchlorate) (CAS 15588-62-2);

7. HNF (hydrazinium nitroformate) (CAS 20773-28-8);

8. Hydrazine nitrate (CAS 37836-27-4);

9. Hydrazine perchlorate (CAS 27978-54-7);

10. Liquid oxidisers comprised of or containing inhibited red fuming nitric acid (IRFNA) (CAS 8007-58-7);

Note *ML8.d.10 does not control non-inhibited fuming nitric acid.*

e. Binders, plasticisers, monomers, polymers, as follows:

1. AMMO (azidomethylmethyloxetane and its polymers) (CAS 90683-29-7) (see also ML8.g.1. for its 'precursors');

2. BAMO (bisazidomethyloxetane and its polymers) (CAS 17607-20-4) (see also ML8.g.1. for its 'precursors');

3. BDNPA (bis (2,2-dinitropropyl)acetal) (CAS 5108-69-0);

4. BDNPF (bis (2,2-dinitropropyl)formal) (CAS 5917-61-3);

5. BTTN (butanetrioltrinitrate) (CAS 6659-60-5) (see also ML8.g.8. for its 'precursors');

6. Energetic monomers, plasticisers and polymers containing nitro, azido, nitrate, nitraza or difluoroamino groups specially formulated for military use;

7. FAMAO (3-difluoroaminomethyl-3-azidomethyl oxetane) and its polymers;

8. FEFO (bis-(2-fluoro-2,2-dinitroethyl) formal) (CAS 17003-79-1);

9. FPF-1 (poly-2,2,3,3,4,4-hexafluoropentane-1,5-diol formal) (CAS 376-90-9);

10. FPF-3 (poly-2,4,4,5,5,6,6-heptafluoro-2-tri-fluoromethyl-3-oxaheptane-1,7-diol formal);

11. GAP (glycidylazide polymer) (CAS 143178-24-9) and its derivatives;

12. HTPB (hydroxyl terminated polybutadiene) with a hydroxyl functionality equal to or greater than 2,2 and less than or equal to 2,4, a hydroxyl value of less than 0,77 meq/g, and a viscosity at 30 °C of less than 47 poise (CAS 69102-90-5);

13. Low (less than 10 000) molecular weight, alcohol functionalised, poly(epichlorohydrin); poly(epichlorohydrindiol) and triol;

14. NENAs (nitratoethylnitramine compounds) (CAS 17096-47-8, 85068-73-1, 82486-83-7, 82486-82-6 and 85954-06-9);

15. PGN (poly-GLYN, polyglycidylnitrate or poly(nitratomethyl oxirane) (CAS 27814-48-8);

16. Poly-NIMMO (poly nitratomethylmethyloxetane) or poly-NMMO (poly[3-Nitratomethyl-3-methyloxetane]) (CAS 84051-81-0);

17. Polynitroorthocarbonates;

18. TVOPA (1,2,3-tris[1,2-bis(difluoroamino)ethoxy] propane or tris vinoxy propane adduct) (CAS 53159-39-0).

f. Additives, as follows:

1. Basic copper salicylate (CAS 62320-94-9);

2. BHEGA (bis-(2-hydroxyethyl) glycolamide) (CAS 17409-41-5);

3. BNO (butadienenitrileoxide) (CAS 9003-18-3);

4. Ferrocene derivatives, as follows:

a. Butacene (CAS 125856-62-4);

b. Catocene (2,2-bis-ethylferrocenyl propane) (CAS 37206-42-1);

c. Ferrocene carboxylic acids;

d. n-butyl-ferrocene (CAS 31904-29-7);

e. Other adducted polymer ferrocene derivatives;

5. Lead beta-resorcylate (CAS 20936-32-7);

6. Lead citrate (CAS 14450-60-3);

7. Lead-copper chelates of beta-resorcylate or salicylates (CAS 68411-07-4);

8. Lead maleate (CAS 19136-34-6);

9. Lead salicylate (CAS 15748-73-9);

10. Lead stannate (CAS 12036-31-6);

11. MAPO (tris-1-(2-methyl)aziridinyl phosphine oxide) (CAS 57-39-6); BOBBA 8 (bis(2-methyl aziridinyl) 2-(2-hydroxypropanoxy) propylamino phosphine oxide); and other MAPO derivatives;

12. Methyl BAPO (bis(2-methyl aziridinyl) methylamino phosphine oxide) (CAS 85068-72-0);

13. N-methyl-p-nitroaniline (CAS 100-15-2);

14. 3-Nitraza-1,5-pentane diisocyanate (CAS 7406-61-9);

15. Organo-metallic coupling agents, as follows:

    a. Neopentyl[diallyl]oxy, tri[dioctyl]phosphato-titanate (CAS 103850-22-2); also known as titanium IV, 2,2[bis 2-propenolato-methyl, butanolato, tris (dioctyl) phosphato] (CAS 110438-25-0); or LICA 12 (CAS 103850-22-2);

    b. Titanium IV, [(2-propenolato-1) methyl, n-propanolatomethyl] butanolato-1, tris[dioctyl] pyrophosphate or KR3538;

    c. Titanium IV, [(2-propenolato-1)methyl, n-propanolatomethyl] butanolato-1, tris(dioctyl)-phosphate;

16. Polycyanodifluoroaminoethyleneoxide;

17. Polyfunctional aziridine amides with isophthalic, trimesic (BITA or butylene imine trimesamide), isocyanuric or trimethyladipic backbone structures and 2-methyl or 2-ethyl substitutions on the aziridine ring;

18. Propyleneimine (2-methylaziridine) (CAS 75-55-8);

19. Superfine iron oxide (Fe_2O_3) with a specific surface area more than 250 m^2/g and an average particle size of 3,0 nm or less;

20. TEPAN (tetraethylenepentaamineacrylonitrile) (CAS 68412-45-3); cyanoethylated polyamines and their salts;

21. TEPANOL (tetraethylenepentaamineacrylonitrileglycidol) (CAS 68412-46-4); cyanoethylated polyamines adducted with glycidol and their salts;

22. TPB (triphenyl bismuth) (CAS 603-33-8).

g. 'Precursors', as follows:

NB: In ML8.g. the references are to controlled 'Energetic Materials' manufactured from these substances.

1. BCMO (bischloromethyloxetane) (CAS 142173-26-0) (see also ML8.e.1. and e.2.);

2. Dinitroazetidine-t-butyl salt (CAS 125735-38-8) (see also ML8.a.28.);

3. HBIW (hexabenzylhexaazaisowurtzitane) (CAS 124782-15-6) (see also ML8.a.4.);

4. TAIW (tetraacetyldibenzylhexaazaisowurtzitane) (see also ML8.a.4.);

5. TAT (1,3,5,7 tetraacetyl-1,3,5,7,-tetraaza cyclo-octane) (CAS 41378-98-7) (see also ML8.a.13.);

6. 1,4,5,8-tetraazadecalin (CAS 5409-42-7) (see also ML8.a.27.);

7. 1,3,5-trichlorobenzene (CAS 108-70-3) (see also ML8.a.23.);

8. 1,2,4-trihydroxybutane (1,2,4-butanetriol) (CAS 3068-00-6) (see also ML8.e.5.).

Note 5 For charges and devices see ML4.

Note 6 *ML8 does not control the following substances unless they are compounded or mixed with the 'energetic material' mentioned in ML8.a. or powdered metals in ML8.c.:*

a. Ammonium picrate;

b. Black powder;

c. Hexanitrodiphenylamine;

d. Difluoroamine;

e. Nitrostarch;

f. Potassium nitrate;

g. Tetranitronaphthalene;

h. Trinitroanisol;

i. Trinitronaphthalene;

j. Trinitroxylene;

k. N-pyrrolidinone; 1-methyl-2-pyrrolidinone;

l. Dioctylmaleate;

m. Ethylhexylacrylate;

n. Triethylaluminium (TEA), trimethylaluminium (TMA), and other pyrophoric metal alkyls and aryls of lithium, sodium, magnesium, zinc or boron;

o. Nitrocelluose;

p. Nitroglycerin (or glyceroltrinitrate, trinitroglycerine) (NG);

q. 2,4,6-trinitrotoluene (TNT);

r. Ethylenediaminedinitrate (EDDN);

s. Pentaerythritoltetranitrate (PETN);

t. Lead azide, normal and basic lead styphnate, and primary explosives or priming compositions containing azides or azide complexes;

u. Triethyleneglycoldinitrate (TEGDN);

v. 2,4,6-trinitroresorcinol (styphnic acid);

w. Diethyldiphenyl urea; dimethylidiphenyl urea; methylethyldiphenyl urea [Centralites];

x. N,N-diphenylurea (unsymmetrical diphenylurea);

y. Methyl-N,N-diphenylurea (methyl unsymmetrical diphenylurea);

z. Ethyl-N,N-diphenylurea (ethyl unsymmetrical diphenylurea);

aa. 2-Nitrodiphenylamine (2-NDPA);

bb. 4-Nitrodiphenylamine (4-NDPA);

cc. 2,2-dinitropropanol;

dd. Nitroguanidine (see 1C011.d. on the EU Dual-Use List).

ML9 **Vessels of war, special naval equipment and accessories, as follows, and components therefor, specially designed for military use:**

NB: For guidance and navigation equipment, see ML11, Note 7.

a. Combatant vessels and vessels (surface or underwater) specially designed or modified for offensive or defensive action, whether or not converted to non-military use, regardless of current state of repair or operating condition, and whether or not they contain weapon delivery systems or armour, and hulls or parts of hulls for such vessels;

b. Engines and propulsion systems, as follows:

1. Diesel engines specially designed for submarines with both of the following characteristics:

a. A power output of 1,12 MW (1 500 h.p.) or more; and

b. A rotary speed of 700 rpm or more;

2. Electric motors specially designed for submarines having all of the following characteristics:

a. A power output of more than 0,75 MW (1 000 h.p.);

b. Quick reversing;

c. Liquid cooled; and

d. Totally enclosed;

3. Non-magnetic diesel engines specially designed for military use with a power output of 37,3 kW (50 h.p.) or more and with a non-magnetic content in excess of 75 % of total mass;

4. Air Independent Propulsion systems specially designed for submarines;

Technical Note

'Air Independent Propulsion' allows a submerged submarine to operate its propulsion system, without access to atmospheric oxygen, for a longer time than the batteries would have otherwise allowed. This does not include nuclear power.

c. Underwater detection devices specially designed for military use and controls thereof;

d. Submarine and torpedo nets;

e. Not used;

f. Hull penetrators and connectors specially designed for military use that enable interaction with equipment external to a vessel;

Note *ML9.f. includes connectors for vessels which are of the single-conductor, multi-conductor, coaxial or waveguide type, and hull penetrators for vessels, both of which are capable of remaining impervious to leakage from without and of retaining required characteristics at marine depths exceeding 100 m; and fibre-optic connectors and optical hull penetrators specially designed for 'laser' beam transmission regardless of depth. It does not include ordinary propulsive shaft and hydrodynamic control-rod hull penetrators.*

g. Silent bearings, with gas or magnetic suspension, active signature or vibration suppression controls, and equipment containing those bearings, specially designed for military use.

ML10 **'Aircraft', 'lighter-than-air vehicles', unmanned airborne vehicles, aero-engines and 'aircraft' equipment, related equipment and components, specially designed or modified for military use, as follows:**

NB: *For guidance and navigation equipment, see ML11, Note 7.*

a. Combat 'aircraft' and specially designed components therefor;

b. Other 'aircraft' and 'lighter-than-air vehicles' specially designed or modified for military use, including military reconnaissance, assault, military training, transporting and airdropping troops or military equipment, logistics support, and specially designed components therefor;

c. Unmanned airborne vehicles and related equipment, specially designed or modified for military use, as follows, and specially designed components therefor:

1. Unmanned airborne vehicles including remotely piloted air vehicles (RPVs), autonomous programmable vehicles and 'lighter-than-air vehicles';

2. Associated launchers and ground support equipment;

3. Related equipment for command and control;

d. Aero-engines specially designed or modified for military use, and specially designed components therefor;

e. Airborne equipment, including airborne refuelling equipment, specially designed for use with the 'aircraft' controlled by ML10.a. or ML10.b. or the aero-engines controlled by ML10.d., and specially designed components therefor;

f. Pressure refuellers, pressure refuelling equipment, equipment specially designed to facilitate operations in confined areas and ground equipment, developed specially for 'aircraft' controlled by ML10.a. or ML10.b., or for aero-engines controlled by ML10.d.;

g. Military crash helmets and protective masks and specially designed components therefor, pressurised breathing equipment and partial pressure suits for use in 'aircraft', anti-g suits, liquid oxygen converters used for 'aircraft' or missiles, and catapults and cartridge actuated devices for emergency escape of personnel from 'aircraft';

h. Parachutes and related equipment, used for combat personnel, cargo dropping or 'aircraft' deceleration, as follows, and specially designed components therefor:

1. Parachutes for:

a. Pinpoint dropping of rangers;

b. Dropping of paratroopers;

2. Cargo parachutes;

3. Paragliders, drag parachutes, drogue parachutes for stabilisation and attitude control of dropping bodies, (e.g. recovery capsules, ejection seats, bombs);

4. Drogue parachutes for use with ejection seat systems for deployment and inflation sequence regulation of emergency parachutes;

5. Recovery parachutes for guided missiles, drones or space vehicles;

6. Approach parachutes and landing deceleration parachutes;

7. Other military parachutes;

8. Equipment specially designed for high altitude parachutists (e.g. suits, special helmets, breathing systems, navigation equipment);

i. Automatic piloting systems for parachuted loads; equipment specially designed or modified for military use for controlled opening jumps at any height, including oxygen equipment.

Note 1 *ML10.b. does not control 'aircraft' or variants of those 'aircraft' specially designed for military use which:*

a. Are not configured for military use and are not fitted with equipment or attachments specially designed or modified for military use; and

b. Have been certified for civil use by the civil aviation authority in a Wassenaar Arrangement participating state.

Note 2 *ML10.d. does not control:*

a. Aero-engines designed or modified for military use which have been certified by civil aviation authorities in a Wassenaar Arrangement participating state for use in 'civil aircraft', or specially designed components therefor;

b. Reciprocating engines or specially designed components therefor, except those specially designed for unmanned airborne vehicles.

Note 3 *The control in ML10.b. and ML10.d. on specially designed components and related equipment for non-military 'aircraft' or aero-engines modified for military use applies only to those military components and to military related equipment required for the modification to military use.*

ML11 **Electronic equipment not controlled elsewhere on the EU Common Military List, as follows, and specially designed components therefor:**

a. Electronic equipment specially designed for military use;

Note *ML11 includes:*

1. Electronic countermeasure and electronic counter-countermeasure equipment (i.e. equipment designed to introduce extraneous or erroneous signals into radar or radio communication receivers or otherwise hinder the reception, operation or effectiveness of adversary electronic receivers including their countermeasure equipment), including jamming and counter-jamming equipment;

2. Frequency agile tubes;

3. *Electronic systems or equipment designed either for surveillance and monitoring of the electromagnetic spectrum for military intelligence or security purposes or for counteracting such surveillance and monitoring;*

4. *Underwater countermeasures, including acoustic and magnetic jamming and decoy, equipment designed to introduce extraneous or erroneous signals into sonar receivers;*

5. *Data processing security equipment, data security equipment and transmission and signalling line security equipment, using ciphering processes;*

6. *Identification, authentification and keyloader equipment and key management, manufacturing and distribution equipment;*

7. *Guidance and navigation equipment;*

8. *Digital troposcatter-radio communications transmission equipment;*

9. *Digital demodulators specially designed for signals intelligence.*

b. Global Navigation Satellite Systems (GNSS) jamming equipment.

ML12 **High velocity kinetic energy weapon systems and related equipment, as follows, and specially designed components therefor:**

a. Kinetic energy weapon systems specially designed for destruction or effecting mission-abort of a target;

b. Specially designed test and evaluation facilities and test models, including diagnostic instrumentation and targets, for dynamic testing of kinetic energy projectiles and systems.

NB: *For weapon systems using sub-calibre ammunition or employing solely chemical propulsion, and ammunition therefor, see ML1 to ML4.*

Note 1 *ML12 includes the following when specially designed for kinetic energy weapon systems:*

a. Launch propulsion systems capable of accelerating masses larger than 0,1 g to velocities in excess of 1,6 km/s, in single or rapid fire modes;

b. Prime power generation, electric armour, energy storage, thermal management, conditioning, switching or fuel-handling equipment; and electrical interfaces between power supply, gun and other turret electric drive functions;

c. Target acquisition, tracking, fire control or damage assessment systems;

d. Homing seeker, guidance or divert propulsion (lateral acceleration) systems for projectiles.

Note 2 *ML12 controls weapon systems using any of the following methods of propulsion:*

a. Electromagnetic;

b. Electrothermal;

c. Plasma;

d. Light gas; or

e. Chemical (when used in combination with any of the above).

ML13 **Armoured or protective equipment and constructions and components, as follows:**

a. Armoured plate as follows:

1. Manufactured to comply with a military standard or specification; or

2. Suitable for military use;

b. Constructions of metallic or non-metallic materials or combinations thereof specially designed to provide ballistic protection for military systems, and specially designed components therefor;

c. Helmets manufactured according to military standards or specifications, or comparable national standards, and specially designed components therefor, i.e. helmet shell, liner and comfort pads;

d. Body armour and protective garments manufactured according to military standards or specifications, or equivalent, and specially designed components therefor.

Note 1 *ML13.b. includes materials specially designed to form explosive reactive armour or to construct military shelters.*

Note 2 *ML13.c. does not control conventional steel helmets, neither modified or designed to accept, nor equipped with any type of accessory device.*

Note 3 *ML13.c. and d. do not control helmets, body armour or protective garments when accompanying their user for the user's own personal protection.*

Note 4 *The only helmets specially designed for bomb disposal personnel that are controlled by ML13. are those specially designed for military use.*

NB 1: *See also entry 1A005 on the EU Dual-Use List.*

NB 2: *For 'fibrous or filamentary materials' used in the manufacture of body armour and helmets, see entry 1C010 on the EU Dual-Use List.*

ML14 **Specialised equipment for military training or for simulating military scenarios, simulators specially designed for training in the use of any firearm or weapon controlled by ML1 or ML2, and specially designed components and accessories therefor.**

Technical Note

The term 'specialised equipment for military training' includes military types of attack trainers, operational flight trainers, radar target trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, flight simulators (including human-rated centrifuges for pilot/astronaut training), radar trainers, instrument flight trainers, navigation trainers, missile launch trainers, target equipment, drone 'aircraft', armament trainers, pilotless 'aircraft' trainers, mobile training units and training equipment for ground military operations.

Note 1 *ML14 includes image generating and interactive environment systems for simulators when specially designed or modified for military use.*

Note 2 *ML14 does not control equipment specially designed for training in the use of hunting or sporting weapons.*

ML15 **Imaging or countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor:**

a. Recorders and image processing equipment;

b. Cameras, photographic equipment and film processing equipment;

c. Image intensifier equipment;

d. Infrared or thermal imaging equipment;

e. Imaging radar sensor equipment;

f. Countermeasure or counter-countermeasure equipment for the equipment controlled by sub-items ML15.a. to ML15.e.

Note *ML15.f. includes equipment designed to degrade the operation or effectiveness of military imaging systems or to minimize such degrading effects.*

Note 1 *The term 'specially designed components' includes the following when specially designed for military use:*

a. Infrared image converter tubes;

b. Image intensifier tubes (other than first generation);

c. Microchannel plates;

d. Low-light-level television camera tubes;

e. Detector arrays (including electronic interconnection or readout systems);

f. Pyroelectric television camera tubes;

g. Cooling systems for imaging systems;

h. Electrically triggered shutters of the photochromic or electro-optical type having a shutter speed of less than 100 μs, except in the case of shutters which are an essential part of a high-speed camera;

i. Fibre optic image inverters;

j. Compound semiconductor photocathodes

Note 2 *ML15 does not control 'first generation image intensifier tubes' or equipment specially designed to incorporate 'first generation image intensifier tubes'.*

NB: *For the status of weapons sights incorporating 'first generation image intensifier tubes' see entries ML1., ML2. and ML5.a.*

NB: *See also entries 6A002.a.2. and 6A002.b. on the EU Dual-Use List.*

ML16 **Forgings, castings and other unfinished products the use of which in a controlled product is identifiable by material composition, geometry or function, and which are specially designed for any products controlled by ML1 to ML4, ML6, ML9, ML10, ML12 or ML19.**

ML17 **Miscellaneous equipment, materials and libraries, as follows, and specially designed components therefor:**

a. Self-contained diving and underwater swimming apparatus, as follows:

1. Closed or semi-closed circuit (rebreathing) apparatus specially designed for military use (i.e. specially designed to be non-magnetic);

2. Specially designed components for use in the conversion of open-circuit apparatus to military use;

3. Articles designed exclusively for military use with self-contained diving and underwater swimming apparatus;

b. Construction equipment specially designed for military use;

c. Fittings, coatings and treatments for signature suppression, specially designed for military use;

d. Field engineer equipment specially designed for use in a combat zone;

e. 'Robots', 'robot' controllers and 'robot' 'end-effectors', having any of the following characteristics:

1. Specially designed for military use;

2. Incorporating means of protecting hydraulic lines against externally induced punctures caused by ballistic fragments (e.g. incorporating self-sealing lines) and designed to use hydraulic fluids with flash points higher than 839 K (566 °C); or

3. Specially designed or rated for operating in an electro magnetic pulse (EMP) environment;

f. Libraries (parametric technical databases) specially designed for military use with equipment controlled by the EU Common Military List;

g. Nuclear power generating equipment or propulsion equipment, including 'nuclear reactors', specially designed for military use and components therefor specially designed or modified for military use;

h. Equipment and material, coated or treated for signature suppression, specially designed for military use, other than those controlled elsewhere in the EU Common Military List;

i. Simulators specially designed for military 'nuclear reactors';

j. Mobile repair shops specially designed or modified to service military equipment;

k. Field generators specially designed or modified for military use;

l. Containers specially designed or modified for military use;

m. Ferries, other than those controlled elsewhere in the EU Common Military List, bridges and pontoons, specially designed for military use;

n. Test models specially designed for the 'development' of items controlled by ML4, ML6, ML9 or ML10;

o. Laser protection equipment (e.g. eye and sensor protection) specially designed for military use.

Technical Notes

1. *For the purpose of ML17, the term 'library' (parametric technical database) means a collection of technical information of a military nature, reference to which may enhance the performance of military equipment or systems.*

2. *For the purpose of ML17, 'modified' means any structural, electrical, mechanical, or other change that provides a non-military item with military capabilities equivalent to an item which is specially designed for military use.*

ML18 **Equipment for the production of products controlled by the EU Common Military List, as follows:**

a. Specially designed or modified production equipment for the production of products controlled by the EU Common Military List, and specially designed components therefor;

b. Specially designed environmental test facilities and specially designed equipment therefor, for the certification, qualification or testing of products controlled by the EU Common Military List.

Technical Note

For the purposes of ML18, the term 'production' includes design, examination, manufacture, testing and checking.

Note *ML18.a. and ML18.b. include the following equipment:*

a. Continuous nitrators;

b. Centrifugal testing apparatus or equipment having any of the following characteristics:

1. Driven by a motor or motors having a total rated horsepower of more than 298 kW (400 h.p.);

2. Capable of carrying a payload of 113 kg or more; or

3. Capable of exerting a centrifugal acceleration of 8 g or more on a payload of 91 kg or more;

c. Dehydration presses;

d. Screw extruders specially designed or modified for military explosive extrusion;

e. Cutting machines for the sizing of extruded propellants;

f. Sweetie barrels (tumblers) 1,85 m or more in diameter and having over 227 kg product capacity;

g. Continuous mixers for solid propellants;

h. Fluid energy mills for grinding or milling the ingredients of military explosives;

i. Equipment to achieve both sphericity and uniform particle size in metal powder listed in ML8.c.8.;

j. Convection current converters for the conversion of materials listed in ML8.c.3.

ML19 **Directed energy weapon systems (DEW), related or countermeasure equipment and test models, as follows, and specially designed components therefor:**

a. 'Laser' systems specially designed for destruction or effecting mission-abort of a target;

b. Particle beam systems capable of destruction or effecting mission-abort of a target;

c. High power radio-frequency (RF) systems capable of destruction or effecting mission-abort of a target;

d. Equipment specially designed for the detection or identification of, or defence against, systems controlled by ML19.a. to ML19.c.;

e. Physical test models for the systems, equipment and components controlled by this Item.

f. Continuous wave or pulsed 'laser' systems specially designed to cause permanent blindness to unenhanced vision, i.e. to the naked eye or to the eye with corrective eyesight devices.

Note 1 *Directed energy weapon systems controlled by ML19 include systems whose capability is derived from the controlled application of:*

a. 'Lasers' of sufficient continuous wave or pulsed power to effect destruction similar to the manner of conventional ammunition;

b. Particle accelerators which project a charged or neutral particle beam with destructive power;

c. High pulsed power or high average power radio frequency beam transmitters which produce fields sufficiently intense to disable electronic circuitry at a distant target.

Note 2 *ML19 includes the following when specially designed for directed energy weapon systems:*

a. Prime power generation, energy storage, switching, power conditioning or fuel-handling equipment;

b. Target acquisition or tracking systems;

c. Systems capable of assessing target damage, destruction or mission-abort;

d. Beam-handling, propagation or pointing equipment;

e. Equipment with rapid beam slew capability for rapid multiple target operations;

f. Adaptive optics and phase conjugators;

g. Current injectors for negative hydrogen ion beams;

h. 'Space qualified' accelerator components;

i. Negative ion beam funnelling equipment;

j. Equipment for controlling and slewing a high energy ion beam;

k. 'Space qualified' foils for neutralising negative hydrogen isotope beams.

ML20 **Cryogenic and 'superconductive' equipment, as follows, and specially designed components and accessories therefor:**

a. Equipment specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion and of producing or maintaining temperatures below 103 K (– 170 °C);

Note *ML20.a. includes mobile systems incorporating or employing accessories or components manufactured from non-metallic or non electrical conductive materials, such as plastics or epoxy-impregnated materials.*

b. 'Superconductive' electrical equipment (rotating machinery and transformers) specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion.

Note *ML20.b. does not control direct current hybrid homopolar generators that have single-pole normal metal armatures which rotate in a magnetic field produced by superconducting windings, provided those windings are the only superconducting component in the generator.*

ML21 **'Software', as follows:**

a. 'Software' specially designed or modified for the 'development', 'production' or 'use' of equipment or materials controlled by the EU Common Military List;

b. Specific 'software', as follows:

1. 'Software' specially designed for:

a. Modelling, simulation or evaluation of military weapon systems;

b. 'Development', monitoring, maintenance or updating of 'software' embedded in military weapon systems;

c. Modelling or simulating military operation scenarios;

d. Command, Communications, Control and Intelligence (C^3I) or Command, Communications, Control, Computer and Intelligence (C^4I) applications;

2. 'Software' for determining the effects of conventional, nuclear, chemical or biological warfare weapons.

3. 'Software', not controlled by ML21.a., b.1. or b.2., specially designed or modified to enable equipment not controlled by the EU Common Military List to perform the military functions of equipment controlled by the EU Common Military List.

ML22. **'Technology' as follows:**

a. 'Technology', other than specified in ML22.b., which is 'required' for the 'development', 'production' or 'use' of items controlled in the Common Military List of The European Union.

b. 'Technology' as follows:

1. 'Technology' 'required' for the design of, the assembly of components into, and the operation, maintenance and repair of complete production installations for items controlled in the Common Military List of The European Union, even if the components of such production installations are not controlled;

2. 'Technology' 'required' for the 'development' and 'production' of small arms even if used to produce reproductions of antique small arms;

3. 'Technology' 'required' for the 'development', 'production' or 'use' of toxicological agents, related equipment or components controlled by ML7.a. to ML7.g.;

4. 'Technology' 'required' for the 'development', 'production' or 'use' of 'biopolymers' or cultures of specific cells controlled by ML7.h.;

5. 'Technology' 'required' exclusively for the incorporation of 'biocatalysts', controlled by ML7.i.1., into military carrier substances or military material.

Note 1 *'Technology' 'required' for the 'development', 'production' or 'use' of items controlled in the EU Common Military List remains under control even when applicable to any uncontrolled item.*

Note 2 *ML22 does not control 'technology' as follows:*

a. Which is the minimum necessary for the installation, operation, maintenance (checking) and repair of those items which are not controlled or whose export has been authorised;

b. Which is 'in the public domain', 'basic scientific research' or the minimum necessary information for patent applications;

c. For magnetic induction for continuous propulsion of civil transport devices.

DEFINITIONS OF TERMS USED IN THIS LIST

The following are definitions of the terms used in this List, in alphabetical order.

Note 1: *Definitions apply throughout the List. The references are purely advisory and have no effect on the universal application of defined terms throughout the List.*

Note 2: *Words and terms contained in the List of Definitions only take the defined meaning where this is indicated by their being enclosed in quotations marks (' '). Elsewhere, words and terms take their commonly accepted (dictionary) meanings, unless a local definition for a particular control is given.*

ML7 'Adapted for use in war'

Any modification or selection (such as altering purity, shelf life, virulence, dissemination characteristics, or resistance to UV radiation) designed to increase the effectiveness in producing casualties in humans or animals, degrading equipment or damaging crops or the environment.

ML8 'Additives'

Substances used in explosive formulations to improve their properties.

ML8, ML9 and ML10 'Aircraft'

A fixed wing, swivel wing, rotary wing (helicopter), tilt rotor or tilt-wing airborne vehicle.

ML22 'Basic scientific research'

Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.

ML7, 22 'Biocatalysts'

Enzymes for specific chemical or biochemical reactions or other biological compounds which bind to and accelerate the degradation of CW agents.

Technical Note

'Enzymes' means 'biocatalysts' for specific chemical or biochemical reactions.

ML7, 22 'Biopolymers'

Biological macromolecules as follows:

a. Enzymes for specific chemical or biochemical reactions;

b. Antibodies, monoclonal, polyclonal or anti-idiotypic;

c. Specially designed or specially processed receptors;

Technical Notes

1. *'Anti-idiotypic antibodies' means antibodies which bind to the specific antigen binding sites of other antibodies;*

2. *'Monoclonal antibodies' means proteins which bind to one antigenic site and are produced by a single clone of cells;*

3. *'Polyclonal antibodies' means a mixture of proteins which bind to the specific antigen and are produced by more than one clone of cells;*

4. *'Receptors' means biological macromolecular structures capable of binding ligands, the binding of which affects physiological functions.*

ML10 'Civil aircraft'

Those 'aircraft' listed by designation in published airworthiness certification lists by the civil aviation authorities to fly commercial civil internal and external routes or for legitimate civil, private or business use.

ML21, 22 'Development'

Is related to all stages prior to serial production, such as: design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, layouts.

ML17 'End-effectors'

Grippers, active tooling units and any other tooling that is attached to the baseplate on the end of a 'robot' manipulator arm.

Technical Note

'Active tooling units' are devices for applying motive power, process energy or sensing to a workpiece.

ML4, 8 'Energetic materials'

Substances or mixtures that react chemically to release energy required for their intended application. 'Explosives', 'pyrotechnics' and 'propellants' are subclasses of energetic materials.

ML8, 18 'Explosives'

Solid, liquid or gaseous substances or mixtures of substances which, in their application as primary, booster, or main charges in warheads, demolition and other applications, are required to detonate.

ML7 'Expression Vectors'

Carriers (e.g. plasmid or virus) used to introduce genetic material into host cells.

ML13 'Fibrous or filamentary materials'

Include:

a. Continuous monofilaments;

b. Continuous yarns and rovings;

c. Tapes, fabrics, random mats and braids;

d. Chopped fibres, staple fibres and coherent fibre blankets;

e. Whiskers, either monocrystalline or polycrystalline, of any length;

f. Aromatic polyamide pulp.

ML15 'First generation image intensifier tubes'

Electrostatically focused tubes, employing input and output fibre optic or glass face plates, multi-alkali photocathodes (S-20 or S-25), but not microchannel plate amplifiers.

ML22 'In the public domain'

This means 'technology' or 'software' which has been made available without restrictions upon its further dissemination.

Note *Copyright restrictions do not remove 'technology' or 'software' from being 'in the public domain'.*

ML5, 19	'Laser'
	An assembly of components which produce both spatially and temporally coherent light that is amplified by stimulated emission of radiation.
ML10	'Lighter-than-air vehicles'
	Balloons and airships that rely on hot air or on lighter-than-air gases such as helium or hydrogen for their lift.
ML17	'Nuclear reactor'
	Includes the items within or attached directly to the reactor vessel, the equipment which controls the level of power in the core, and the components which normally contain or come into direct contact with or control the primary coolant of the reactor core.
ML8	'Precursors'
	Speciality chemicals used in the manufacture of explosives.
ML21, 22	'Production'
	Means all production stages, such as: product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.
ML8	'Propellants'
	Substances or mixtures that react chemically to produce large volumes of hot gases at controlled rates to perform mechanical work.
ML4, 8	'Pyrotechnic(s)'
	Mixtures of solid or liquid fuels and oxidizers which, when ignited, undergo an energetic chemical reaction at a controlled rate intended to produce specific time delays, or quantities of heat, noise, smoke, visible light or infrared radiation. Pyrophorics are a subclass of pyrotechnics, which contain no oxidizers but ignite spontaneously on contact with air.
ML22	'Required'
	As applied to 'technology', refers to only that portion of 'technology' which is peculiarly responsible for achieving or exceeding the controlled performance levels, characteristics or functions. Such 'required' 'technology' may be shared by different products.
ML7	'Riot control agents'
	Substances which, under the expected conditions of use for riot control purposes, produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure. (Tear gases are a subset of 'riot control agents'.)
ML17	'Robot'
	A manipulation mechanism, which may be of the continuous path or of the point-to-point variety, may use sensors, and has all the following characteristics:
	a. Is multifunctional;
	b. Is capable of positioning or orienting material, parts, tools or special devices through variable movements in three-dimensional space;

c. Incorporates three or more closed or open loop servo-devices which may include stepping motors; and

d. Has 'user-accessible programmability' by means of the teach/playback method or by means of an electronic computer which may be a programmable logic controller, i.e. without mechanical intervention.

Note *The above definition does not include the following devices:*

1. *Manipulation mechanisms which are only manually/teleoperator controllable;*

2. *Fixed sequence manipulation mechanisms which are automated moving devices, operating according to mechanically fixed programmed motions. The programme is mechanically limited by fixed stops, such as pins or cams. The sequence of motions and the selection of paths or angles are not variable or changeable by mechanical, electronic or electrical means;*

3. *Mechanically controlled variable sequence manipulation mechanisms which are automated moving devices, operating according to mechanically fixed programmed motions. The programme is mechanically limited by fixed, but adjustable, stops, such as pins or cams. The sequence of motions and the selection of paths or angles are variable within the fixed programme pattern. Variations or modifications of the programme pattern (e.g. changes of pins or exchanges of cams) in one or more motion axes are accomplished only through mechanical operations;*

4. *Non-servo-controlled variable sequence manipulation mechanisms which are automated moving devices, operating according to mechanically fixed programmed motions. The programme is variable but the sequence proceeds only by the binary signal from mechanically fixed electrical binary devices or adjustable stops;*

5. *Stacker cranes defined as Cartesian coordinate manipulator systems manufactured as an integral part of a vertical array of storage bins and designed to access the contents of those bins for storage or retrieval.*

ML21 'Software'

A collection of one or more 'programmes' or 'microprogrammes' fixed in any tangible medium of expression.

ML19 'Space qualified'

Products designed, manufactured and tested to meet the special electrical, mechanical or environmental requirements for use in the launch and deployment of satellites or high altitude flight systems operating at altitudes of 100 km or higher.

ML18, 20 'Superconductive'

Refers to materials, (i.e. metals, alloys or compounds) which can lose all electrical resistance (i.e. which can attain infinite electrical conductivity and carry very large electrical currents without Joule heating).

Technical Note

The 'superconductive' state of a material is individually characterised by a 'critical temperature', a critical magnetic field, which is a function of temperature, and a critical current density which is, however, a function of both magnetic field and temperature.

ML22 'Technology'

Specific information necessary for the 'development', 'production' or 'use' of a product. The information takes the form of technical data or technical assistance.

Technical Notes

1. *'Technical data' may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.*

2. *'Technical assistance' may take forms such as instruction, skills, training, working knowledge, consulting services. 'Technical assistance' may involve transfer of 'technical data'.*

ML21, 22 'Use'

Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.