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### Legislation

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## I

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

## REGULATIONS

## COUNCIL REGULATION (EC) No 338/2008

of 14 April 2008

**providing for the adaptation of cod fishing quotas to be allocated to Poland in the Baltic Sea  
(Subdivisions 25-32, EC Waters) from 2008 to 2011**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/1993 of 12 October 1993 establishing a control system applicable to the Common Fisheries Policy <sup>(1)</sup>, and in particular Article 23(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Council Regulation (EC) No 1941/2006 of 11 December 2006, fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2007 <sup>(2)</sup>, allocated cod fishing quotas to Poland in the Baltic Sea for 2007.

(2) Commission Regulation (EC) No 804/2007 <sup>(3)</sup> established that catches for cod in the Eastern Baltic Sea (Subdivisions 25-32, EC Waters) were deemed to have exhausted the quota allocated to Poland for 2007 and therefore prohibited, as from 12 July 2007, fishing for that stock in the Baltic Sea by vessels flying the flag of Poland.

(3) On the basis of information in its possession, the Commission estimated in July 2007 that the catches of cod in the Eastern Baltic Sea (Subdivisions 25-32, EC Waters) by vessels flying the flag of Poland were three times the amounts originally declared by Poland.

Moreover, fishing vessels flying the flag of Poland continued fishing for that stock after the prohibition, thereby further overshooting the quota allocated to Poland for 2007.

(4) Following several technical meetings between the Polish authorities and the Commission in order to establish a verified quantity of overshooting, Poland notified an overshooting of the quota by 8 000 tonnes.

(5) Article 23(2) of Regulation (EEC) No 2847/1993 provides that the Council is to adopt rules for deducting quantities fished in excess from the annual quotas. Those rules are to be established in accordance with the objective and management strategies of the common fisheries policy (CFP), taking into account, as a matter of priority, the degree of overfishing and the biological status of the resources concerned.

(6) Such rules have been established by Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas <sup>(4)</sup>. According to Article 5 of that Regulation the quantities fished in excess of the annual quotas should be deducted from the quota of the same stock in the following year.

(7) The main causes for the overfishing of cod by vessels flying the flag of Poland are a deficient control and enforcement scheme and a fleet for which the potential to catch cod is disproportionate with regard to the fishing opportunities allocated each year to Poland by the Council.

<sup>(1)</sup> OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1098/2007 (OJ L 248, 22.9.2007, p. 1).

<sup>(2)</sup> OJ L 367, 22.12.2006, p. 1. Regulation as last amended by Regulation (EC) No 754/2007 (OJ L 172, 30.6.2007, p. 26).

<sup>(3)</sup> OJ L 180, 10.7.2007, p. 3.

<sup>(4)</sup> OJ L 115, 9.5.1996, p. 3.

- (8) In order to address comprehensively the serious shortcomings in the implementation of the common fisheries policy by Poland, resulting in particular in misreported and undeclared fishing for the cod in the Eastern Baltic Sea, and to avoid a repetition of the overfishing of cod that occurred in 2007, Poland has committed itself to adopt and implement National Action Plans including immediate measures to improve the control and enforcement systems in accordance with Community standards and specific measures to adjust the capacity of the Polish fleets in order to achieve a stable balance between that capacity and the fishing opportunities for cod in the Baltic Sea allocated to Poland.
- (9) In light of this commitment and given the high amount of overfishing and the resulting socio-economic consequences of its immediate pay-back, it is appropriate to derogate from Article 5 of Regulation (EC) No 847/96 and to adopt specific rules for the deduction of the quantities fished in excess.
- (10) The quantity of cod fished in excess by Poland in 2007 should therefore be deducted from Poland's quota over a period of four years, in such a way as to reduce the socio-economic consequences in particular in the first year.
- (11) The Commission should evaluate the implementation of the National Action Plans adopted by Poland. If the actions and timelines laid down in the plans are not met, the Council may amend the rules for the deduction of the quantities fished in excess.
- (12) In order to ensure certainty for the fishers concerned as regards the size of their cod fishing quotas for 2008 in the Baltic Sea and in order to avoid endangering resources, it is essential to decide any reduction in such quotas for 2008 as early as possible in the fishing season. Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in Title I Article 3 of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

#### Article 1

For the purposes of this Regulation 'amount overfished in the year 2007' means the amount by which the quota allocated to

Poland for cod (*Gadus morhua*) in the Baltic Sea (Subdivisions 25-32, EC Waters) was exceeded in the year 2007.

#### Article 2

By way of derogation from Article 5 of Regulation (EC) No 847/96 the quotas of cod (*Gadus morhua*) in the Baltic Sea (Subdivisions 25-32, EC Waters) to be allocated to Poland in the years from 2008 to 2011 shall be reduced over a period of four years according to the following method:

- (a) in the year 2008, a reduction of 10 % of the amount overfished in the year 2007; and
- (b) in the years 2009, 2010 and 2011, reductions of 30 % of the amount overfished in 2007.

#### Article 3

1. Poland shall adopt and implement National Action Plans on control and fleet restructuring, including, in particular, measures aiming at:

- (a) a reinforcement of the control of fishing activities, especially for that part of the fleet for which cod is a substantial part of the catch;
- (b) an improved enforcement of Community and national conservation rules, and especially catch limits;
- (c) an adjustment of the capacity of that part of the fleet for which cod is a substantial part of the catch.

2. Each year, the Commission shall evaluate and report to the Council on the implementation of the National Action Plans referred to in paragraph 1. If actions are not delivered as planned, the Council may, in accordance with the procedure laid down in Article 23(2) of Regulation (EEC) No 2847/1993, modify the method for deductions referred to in Article 2(a) and (b).

#### Article 4

This Regulation shall enter into force on the 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 Luxembourg, 14 April 2008.

*For the Council*

*The President*

I. JARC

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**COMMISSION REGULATION (EC) No 339/2008**  
**of 16 April 2008**  
**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 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector <sup>(1)</sup>, and in particular Article 138(1) thereof,

Whereas:

- (1) Regulation (EC) No 1580/2007 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 138 of Regulation (EC) No 1580/2007 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 17 April 2008.

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

Done at Brussels, 16 April 2008.

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

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<sup>(1)</sup> OJ L 350, 31.12.2007, p. 1.

## ANNEX

**to Commission Regulation of 16 April 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	65,4
	TN	144,8
	TR	105,3
	ZZ	105,2
0707 00 05	JO	178,8
	MK	88,0
	TR	151,1
	ZZ	139,3
0709 90 70	MA	92,6
	TR	102,1
	ZZ	97,4
0709 90 80	EG	349,4
	ZZ	349,4
0805 10 20	EG	51,2
	IL	53,1
	MA	56,7
	TN	56,4
	TR	58,4
	US	55,6
	ZZ	55,2
0805 50 10	AR	117,4
	IL	126,5
	TR	134,5
	ZA	128,0
	ZZ	126,6
0808 10 80	AR	90,5
	BR	82,4
	CA	79,6
	CL	85,7
	CN	97,7
	MK	64,5
	NZ	123,8
	US	112,9
	UY	65,3
	ZA	73,8
	ZZ	87,6
0808 20 50	AR	84,6
	AU	93,7
	CL	90,9
	CN	50,6
	ZA	92,9
	ZZ	82,5

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

## COMMISSION REGULATION (EC) No 340/2008

of 16 April 2008

on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

(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 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC<sup>(1)</sup>, and in particular Article 74(1) and Article 132 thereof,

Whereas:

- (1) The structure and amounts of the fees and charges collected by the European Chemicals Agency, hereinafter the 'Agency', as well as the rules for payment should be established.
- (2) The structure and amount of the fees should take account of the work required by Regulation (EC) No 1907/2006 to be carried out by the Agency and the competent authorities and should be fixed at such a level as to ensure that the revenue derived from them when combined with other sources of the Agency's revenue pursuant to Article 96(1) of Regulation (EC) No 1907/2006 is sufficient to cover the cost of the services delivered. The fees for registration should also take into account the work that may be done pursuant to Title VI of Regulation (EC) No 1907/2006.
- (3) A fee should be set for the registration of substances which should depend on the tonnage range of those substances. However, no fee should be levied for registrations covered by Article 74(2) of Regulation (EC) No 1907/2006.
- (4) Specific fees should be levied in the case of registrations of isolated intermediates submitted under Article 17(2), Article 18(2) or (3) or Article 19 of Regulation (EC) No 1907/2006.
- (5) Requests made in accordance with Article 10(a)(xi) of Regulation (EC) No 1907/2006 should also give rise to the payment of a fee.
- (6) A fee should be levied for updates to the registration. In particular, a fee should be paid for updates of the tonnage range, for changes in the identity of the registrant involving a change in legal personality, and for certain changes in the status of the information contained in the registration.
- (7) A fee should be levied for the notification of information concerning product and process oriented research and development (PPORD) in accordance with Article 9 of Regulation (EC) No 1907/2006. A charge should be levied also for any request for an extension of a PPORD exemption.
- (8) A fee should be levied for the submission of an application for an authorisation. The fee should consist of a base fee that should cover one substance, one use, and one applicant, and additional fees for any additional substance, use, or applicant covered by the application. A charge should also be levied for the submission of a review report.
- (9) Reduced fees and charges should apply in the case of certain joint submissions. Reduced fees and charges should also apply to micro, small and medium-sized enterprises (SMEs) within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises<sup>(2)</sup>.
- (10) In case of an only representative, the assessment of whether the reduction for SMEs applies should be done by reference to the headcount, turnover and balance sheet information of the non-Community manufacturer, formulator of a preparation, or producer of an article that is represented by that only representative in connection with that transaction, including relevant information from linked and partner companies of the non-Community manufacturer, formulator of a preparation, or producer of an article, in accordance with Recommendation 2003/361/EC.

<sup>(1)</sup> OJ L 396, 30.12.2006, p. 1, as corrected by OJ L 136, 29.5.2007, p. 3. Regulation as amended by Council Regulation (EC) No 1354/2007 (OJ L 304, 22.11.2007, p. 1).

<sup>(2)</sup> OJ L 124, 20.5.2003, p. 36.



- (11) Reductions provided for in this Regulation should apply on the basis of a declaration of the entity that claims to be entitled to the reduction. The submission of false information should be discouraged by the imposition of an administrative charge by the Agency and a dissuasive fine by the Member States, if appropriate.
- (12) A fee should be levied for any appeal lodged in accordance with Article 92 of Regulation (EC) No 1907/2006. The amount of the fee should take into account the complexity of the work involved.
- (13) Fees and charges should be levied in euro only.
- (14) A proportion of the fees and charges collected by the Agency should be transferred to the competent authorities of the Member States to compensate them for the work of the rapporteurs of the committees of the Agency and, as appropriate, for other tasks provided for in Regulation (EC) No 1907/2006. The maximum proportion of the fees and charges to be transferred to the competent authorities of the Member States should be determined by the Management Board of the Agency following a favourable opinion from the Commission.
- (15) In fixing the amounts to be transferred to the competent authorities of the Member States and in fixing any necessary remuneration in respect of any other agreed work done for the Agency, the Management Board of the Agency should observe the principle of sound financial management as defined in Article 27 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>(1)</sup>. It should also ensure that the Agency continues to have available sufficient financial resources to undertake its tasks, having regard to existing and pluriannual estimated budgetary appropriations and it should take into account the workload involved for the competent authorities of the Member States.
- (16) Deadlines for the payment of fees and charges levied under this Regulation should be fixed taking due account of the deadlines of the procedures provided for in Regulation (EC) No 1907/2006. In particular, the first deadline for payment of the fee in connection with the submission of a registration dossier or the submission of an update should be fixed taking into account the deadlines during which the Agency must perform the completeness check. Likewise, the first deadline for payment of fees in connection with notifications for an exemption from the obligation to register for product and process orientated research and development

should be fixed taking into account the deadline provided for in Article 9(5) of Regulation (EC) No 1907/2006. However, a second reasonable deadline should be set by the Agency for payments that are not made before expiry of the first deadline.

- (17) Fees and charges provided for under this Regulation should be adapted to take account of inflation and for that purpose the European Index of Consumer Prices published by Eurostat pursuant to Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices<sup>(2)</sup> should be used.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

#### CHAPTER I

#### SUBJECT MATTER AND DEFINITIONS

##### Article 1

##### Subject matter

This Regulation lays down the amounts, and rules for payment, of the fees and charges levied by the European Chemicals Agency, hereinafter the 'Agency', as provided for in Regulation (EC) No 1907/2006.

##### Article 2

##### Definitions

For the purposes of this Regulation:

1. 'SME' means a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC;
2. 'medium enterprise' means a medium-sized enterprise within the meaning of Recommendation 2003/361/EC;
3. 'small enterprise' means a small enterprise within the meaning of Recommendation 2003/361/EC;
4. 'micro enterprise' means a micro enterprise within the meaning of Recommendation 2003/361/EC.

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Regulation (EC) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).

<sup>(2)</sup> OJ L 257, 27.10.1995, 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).

CHAPTER II  
FEES AND CHARGES

Article 3

**Fees for registrations submitted under Articles 6, 7 or 11 of Regulation (EC) No 1907/2006**

1. The Agency shall levy a fee, as provided for in paragraphs 2, 3 and 4 of this Article, for any registration of a substance under Article 6, 7 or 11 of Regulation (EC) No 1907/2006.

However, no fee shall be levied for the registration of a substance in a quantity of between 1 and 10 tonnes where the submission of the registration contains all the information required in Annex VII to Regulation (EC) No 1907/2006, as provided for in Article 74(2) of that Regulation.

2. Where the submission for registration of a substance in the range of 1 to 10 tonnes does not contain all the information required in Annex VII to Regulation (EC) No 1907/2006, the Agency shall levy a fee, as set out in Annex I to this Regulation.

The Agency shall levy a fee for any registration of a substance in a quantity of 10 tonnes or more, as set out in Annex I.

3. In the case of a joint submission the Agency shall levy a reduced fee on each registrant, as set out in Annex I.

However, if a registrant submits separately part of the relevant information referred to in Article 10(a)(iv), (vi), (vii) and (ix) of Regulation (EC) No 1907/2006, the Agency shall levy a fee for an individual submission on that registrant, as set out in Annex I to this Regulation.

4. Where the registrant is an SME, the Agency shall levy a reduced fee, as set out in Table 2 of Annex I.

5. Fees due under paragraphs 1 to 4 shall be paid within 14 calendar days from the date on which the invoice is notified to the registrant by the Agency.

However, invoices linked to a registration of a pre-registered substance that is submitted to the Agency during the two months that precede the relevant registration deadline of Article 23 of Regulation (EC) No 1907/2006 shall be paid within 30 days from the date on which the invoice is notified to the registrant by the Agency.

6. Where the payment is not made before expiry of the deadline provided for in paragraph 5, the Agency shall set a second deadline for the payment. Where the payment is not

made before expiry of the second deadline, the registration shall be rejected.

7. Where the registration has been rejected due to the failure of the registrant to submit missing information or due to his failure to pay the fee before expiry of the deadlines, the fees paid in relation to that registration shall not be refunded or otherwise credited to the registrant.

Article 4

**Fees for registrations submitted under Article 17(2), Article 18(2) or (3) or Article 19 of Regulation (EC) No 1907/2006**

1. The Agency shall levy a fee, as provided for in paragraphs 2, 3 and 4 of this Article, for any registration of an on-site or transported isolated intermediate under Article 17(2), Article 18(2) or (3) or Article 19 of Regulation (EC) No 1907/2006.

However, no fee shall be levied for the registration of an on-site or transported isolated intermediate in a quantity of between 1 and 10 tonnes where the submission of the registration contains all the information required in Annex VII to Regulation (EC) No 1907/2006 as provided for in Article 74(2) of that Regulation.

The fees under this Article shall only apply to registrations of on-site or transported isolated intermediates submitted under Article 17(2), Article 18(2) or (3) or Article 19 of Regulation (EC) No 1907/2006. In the case of registrations of intermediate substances that require the information specified in Article 10 of Regulation (EC) No 1907/2006, the fees set out in Article 3 of this Regulation shall apply.

2. Where the submission for registration of an on-site or transported isolated intermediate in the range of 1 to 10 tonnes does not contain all the information required in Annex VII to Regulation (EC) No 1907/2006, the Agency shall levy a fee, as set out in Annex II to this Regulation.

The Agency shall levy a fee for any registration of an on-site or transported isolated intermediate in a quantity of 10 tonnes or more, as set out in Annex II.

3. In the case of a joint submission the Agency shall levy a reduced fee on each registrant, as set out in Annex II.

However, if a registrant submits separately part of the relevant information referred to in Article 17(2)(c) and (d), or Article 18(2)(c) and (d) of Regulation (EC) No 1907/2006, the Agency shall levy a fee for an individual submission on that registrant, as set out in Annex II to this Regulation.

4. Where the registrant is an SME, the Agency shall levy a reduced fee, as set out in Table 2 of Annex II.

5. Fees due under paragraphs 1 to 4 shall be paid within 14 calendar days from the date on which the invoice is notified to the registrant by the Agency.

However, invoices linked to a registration of a pre-registered substance that is submitted to the Agency during the two months that precede the relevant registration deadline of Article 23 of Regulation (EC) No 1907/2006 shall be paid within 30 days from the date on which the invoice is notified to the registrant by the Agency.

6. Where the payment is not made before the expiry of the deadline provided for in paragraph 5, the Agency shall set a second deadline for the payment. Where the payment is not made before the expiry of the second deadline, the registration shall be rejected.

7. Where the registration has been rejected due to the failure of the registrant to submit missing information or due to his failure to pay the fee before expiry of the deadlines, the fees paid in relation to that registration shall not be refunded or otherwise credited to the registrant.

#### Article 5

#### **Fees for updates of a registration under Article 22 of Regulation (EC) No 1907/2006**

1. The Agency shall levy a fee, as provided for in paragraphs 2, 3 and 4 of this Article, for updates of a registration under Article 22 of Regulation (EC) No 1907/2006.

However, the Agency shall not levy a fee for the following updates of a registration:

- (a) a change from a higher to a lower tonnage range;
- (b) a change from a lower to a higher tonnage range if the registrant has previously paid the fee for that higher tonnage range;
- (c) a change in the status of the registrant or his identity, provided that it does not involve a change in legal personality;
- (d) a change in the composition of the substance;
- (e) information on new uses including uses advised against;
- (f) information on new risks of the substance;

(g) a change in the classification and labelling of the substance;

(h) a change in the chemical safety report;

(i) a change in the guidance on safe use;

(j) a notification that a test listed in Annex IX or X to Regulation (EC) No 1907/2006 must be developed;

(k) a request for previously confidential information to be accessible.

2. The Agency shall levy a fee for updates of the tonnage range, as set out in Tables 1 and 2 of Annex III.

For other updates, the Agency shall levy a fee, as set out in Tables 3 and 4 of Annex III.

3. In the case of an update to a joint submission the Agency shall levy a reduced fee on each registrant submitting the update, as set out in Annex III.

However, if part of the relevant information referred to in Article 10(a)(iv), (vi), (vii) and (ix), Article 17(2)(c) and (d), or Article 18(2)(c) and (d) of Regulation (EC) No 1907/2006 is submitted separately, the Agency shall levy a fee for an individual submission, as set out in Annex III to this Regulation.

4. Where the registrant is an SME, the Agency shall levy a reduced fee, as set out in Annex III.

However, in cases of updates involving a change in the identity of the registrant, the SME reduction shall apply only if the new entity is an SME.

5. Fees due under paragraphs 1 to 4 shall be paid within 14 calendar days from the date on which the invoice is notified to the registrant by the Agency.

6. Where the payment is not made before expiry of the deadline provided for in paragraph 5, the Agency shall set a second deadline for the payment.

Where the payment is not made before expiry of the second deadline, in the case of updates of the tonnage range submitted in accordance with Article 22(1)(c) of Regulation (EC) No 1907/2006, the update shall be rejected.

Where the payment is not made before expiry of the second deadline, in the case of other updates, the update shall be rejected after the Agency has given formal warning to the registrant.

7. Where the update has been rejected due to the failure of the registrant to submit missing information or due to his failure to pay the fee before expiry of the deadlines, the fees paid in relation to that update shall not be refunded or otherwise credited to the registrant.

#### Article 6

#### **Fees for requests under Article 10(a)(xi) of Regulation (EC) No 1907/2006**

1. The Agency shall levy a fee, as provided for in paragraphs 2, 3 and 4 of this Article, for any request under Article 10(a)(xi) of Regulation (EC) No 1907/2006.

2. The Agency shall levy a fee per item for which a request is made, as set out in Annex IV.

In the case of a request concerning study summaries or robust study summaries, the Agency shall levy a fee for each study summary or robust study summary for which the request is made.

3. In the case of a request that refers to a joint submission, the Agency shall levy a reduced fee on each registrant, as set out in Annex IV.

4. Where the request is made by an SME, the Agency shall levy a reduced fee, as set out in Table 2 of Annex IV.

5. The date on which the fee levied for a request is received by the Agency shall be considered to be the date of receipt of the request.

#### Article 7

#### **Fees and charges for notifications under Article 9 of Regulation (EC) No 1907/2006**

1. The Agency shall levy a fee, as set out in Table 1 of Annex V to this Regulation, for any notification for an exemption from the general obligation to register for product and process orientated research and development, hereinafter 'PPORD', under Article 9 of Regulation (EC) No 1907/2006.

Where the notification is made by an SME, the Agency shall levy a reduced fee as set out in Table 1 of Annex V.

2. The Agency shall levy a charge, as set out in Table 2 of Annex V to this Regulation, for any request to extend an

exemption from the general obligation to register for PPORD under Article 9 of Regulation (EC) No 1907/2006.

Where the request is made by an SME, the Agency shall levy a reduced charge as set out in Table 2 of Annex V.

3. Fees due under paragraph 1 shall be paid within seven calendar days from the date on which the invoice is notified by the Agency to the manufacturer, importer, or producer of articles making the notification.

Charges due under paragraph 2 shall be paid within 30 calendar days from the date on which the invoice is notified by the Agency to the manufacturer, importer, or producer of articles requesting an extension.

4. Where the payment is not made before expiry of the deadline provided for in paragraph 3, the Agency shall set a second deadline for the payment.

Where the payment is not made before expiry of the second deadline, the notification or the request for an extension shall be rejected.

5. Where a notification or the request for an extension has been rejected due to the failure of the registrant to submit missing information or due to his failure to pay the fee or charges before expiry of the deadlines, the fees or charges paid in relation to that notification or that request for an extension shall not be refunded or otherwise credited to the person making the notification or the request.

#### Article 8

#### **Fees for applications under Article 62 of Regulation (EC) No 1907/2006**

1. The Agency shall levy a fee, as provided for in paragraphs 2 and 3 of this Article, for any application for an authorisation of a substance under Article 62 of Regulation (EC) No 1907/2006.

2. The Agency shall levy a base fee for any application for an authorisation of a substance, as set out in Annex VI. The base fee shall cover the application for an authorisation for one substance, one use, and one applicant.

The Agency shall levy an additional fee, as set out in Annex VI to this Regulation, for each additional use, for each additional substance that meets the definition of a group of substances as defined in Section 1(5) of Annex XI to Regulation (EC) No 1907/2006 and that is covered by the application, and for each additional applicant that is party to the application.

For the purposes of this paragraph, each exposure scenario shall be considered a different use.

3. Where the application is submitted by a medium enterprise or by two or more SMEs only, of which the largest enterprise is a medium enterprise, the Agency shall levy a reduced base fee and reduced additional fees, as set out in Table 2 of Annex VI.

Where the application is submitted by a small enterprise or by two or more SMEs only, of which the largest enterprise is a small enterprise, the Agency shall levy a reduced base fee and reduced additional fees, as set out in Table 3 of Annex VI.

Where the application is submitted by one or more micro enterprises only, the Agency shall levy a reduced base fee and reduced additional fees, as set out in Table 4 of Annex VI.

4. The date on which the fee levied for the application for an authorisation is received by the Agency shall be considered to be the date of receipt of the application.

#### Article 9

#### **Charges for reviews of authorisations under Article 61 of Regulation (EC) No 1907/2006**

1. The Agency shall levy a charge, as provided for in paragraphs 2 and 3 of this Article, for any submission of a review report under Article 61 of Regulation (EC) No 1907/2006.

2. The Agency shall levy a base charge for submission of any review report, as set out in Annex VII. The base charge shall cover the submission of a review report for one substance, one use, and one applicant.

The Agency shall levy an additional charge, as set out in Annex VII to this Regulation, for each additional use, for each additional substance that meets the definition of a group of substances as defined in Section 1(5) of Annex XI to Regulation (EC) No 1907/2006 and that is covered by the review report, and for each additional entity covered by the review report.

For the purposes of this paragraph, each exposure scenario shall be considered a different use.

3. Where the application is submitted by a medium enterprise or by two or more SMEs only, of which the largest enterprise is a medium enterprise, the Agency shall levy a reduced base charge and reduced additional charges, as set out in Table 2 of Annex VII.

Where the application is submitted by a small enterprise or by two or more SMEs only, of which the largest enterprise is a

small enterprise, the Agency shall levy a reduced base charge and reduced additional charges, as set out in Table 3 of Annex VII.

Where the application is submitted by one or more micro enterprises only, the Agency shall levy a reduced base charge and reduced additional charges as set out in Table 4 of Annex VII.

4. The date on which the charge levied for submission of the review report is received by the Agency shall be considered to be the date of receipt of the submission.

#### Article 10

#### **Fees for appeals against a decision of the Agency under Article 92 of Regulation (EC) No 1907/2006**

1. The Agency shall levy a fee, as set out in Annex VIII to this Regulation, for any submission of an appeal against a decision of the Agency under Article 92 of Regulation (EC) No 1907/2006.

2. Where the appeal is submitted by an SME, the Agency shall levy a reduced fee, as set out in Table 2 of Annex VIII.

3. If the appeal is considered inadmissible by the Board of Appeal, the fee shall not be refunded.

4. The Agency shall refund the fee levied in accordance with paragraph 1 of this Article if the Executive Director of the Agency rectifies a decision in accordance with Article 93(1) of Regulation (EC) No 1907/2006, or if the appeal is decided in favour of the appellant.

5. An appeal shall not be considered to be received by the Board of Appeal until the relevant fee has been received by the Agency.

#### Article 11

#### **Other charges**

1. A charge may be levied for administrative and technical services provided by the Agency at the request of a party which are not covered by another fee or charge provided for in this Regulation. The level of the charge shall take into account the workload involved.

However, charges shall not be levied for the assistance provided by its Helpdesk and for the support to Member States as provided for in Article 77(2)(h) and (i) of Regulation (EC) No 1907/2006.



The Executive Director of the Agency may decide not to levy a charge on international organisations or countries that request assistance from the Agency.

2. The charges for administrative services shall be paid within 30 calendar days from the date on which the invoice is notified by the Agency.

3. Where the payment is not made before expiry of the deadline provided for in paragraph 2, the Agency shall set a second deadline for the payment.

Where the payment is not made before expiry of the second deadline, the Agency shall reject the request.

4. In the absence of contractual agreement to the contrary, the charges for technical services shall be paid before the service is provided.

5. A classification of the services and charges shall be drawn up by the Management Board of the Agency and adopted after a favourable opinion by the Commission.

#### Article 12

##### Only representatives

In the case of an only representative referred to in Article 8 of Regulation (EC) No 1907/2006, the assessment of whether the reduction for SMEs applies shall be determined by reference to the headcount, turnover and balance sheet information of the non-Community manufacturer, formulator of a preparation, or producer of an article that is represented by that only representative in connection with the transaction concerned, including relevant information from linked and partner companies of the non-Community manufacturer, formulator of a preparation, or producer of an article, in accordance with Recommendation 2003/361/EC.

#### Article 13

##### Reductions and fee waiver

1. A natural or legal person that claims to be entitled to a reduced fee or charge under Articles 3 to 10 shall inform the Agency thereof at the time of the submission of the registration, update of registration, request, notification, application, review report or appeal giving rise to the payment of the fee.

2. A natural or legal person that claims to be entitled to the fee waiver under Article 74(2) of Regulation (EC) No 1907/2006 shall inform the Agency thereof at the time of the submission of the registration.

3. The Agency may request, at any time, evidence that the conditions for a reduction of fees or charges or for a fee waiver apply.

4. Where a natural or legal person that claims to be entitled to a reduction or a fee waiver cannot demonstrate that it is entitled to such a reduction or waiver, the Agency shall levy the full fee or charge as well as an administrative charge.

Where a natural or legal person that has claimed to be entitled to a reduction has already paid a reduced fee or charge, but cannot demonstrate that it is entitled to such a reduction, the Agency shall levy the balance of the full fee or charge as well as an administrative charge.

Paragraphs 2, 3 and 5 of Article 11 shall apply *mutatis mutandis*.

### CHAPTER III

#### PAYMENT OF REMUNERATION BY THE AGENCY

##### Article 14

##### Transfers of funds to Member States

1. A proportion of the fees and charges collected under this Regulation shall be transferred to the competent authorities of the Member States in the following cases:

- (a) where the competent authority of the Member State notifies to the Agency the conclusion of an evaluation procedure for a substance in accordance with Article 46(4) of Regulation (EC) No 1907/2006;
- (b) where the competent authority has appointed a member of the Committee for Risk Assessment who acts as rapporteur in the context of an authorisation procedure, including in the context of a review;
- (c) where the competent authority of the Member State has appointed a member of the Committee for Socioeconomic Analysis who acts as rapporteur in the context of an authorisation procedure, including in the context of a review;
- (d) where the competent authority of the Member State has appointed a member of the Committee for Risk Assessment who acts as rapporteur in the context of a restrictions procedure;
- (e) where the competent authority of the Member State has appointed a member of the Committee for Socioeconomic Analysis who acts as rapporteur in the context of a restrictions procedure;
- (f) where appropriate, for other tasks performed by the competent authorities at the request of the Agency.

When the Committees referred to in this paragraph decide to appoint a co-rapporteur, the transfer shall be divided between the rapporteur and the co-rapporteur.

2. The amounts for each of the tasks identified under paragraph 1 of this Article and the maximum proportion of the fees and charges to be transferred to the competent authorities of the Member States as well as any arrangements necessary for the transfer, shall be set by the Management Board of the Agency following a favourable opinion from the Commission. In fixing the amounts to be transferred, the Management Board of the Agency shall comply with the principles of economy, efficiency and effectiveness as defined in Article 27 of Regulation (EC, Euratom) No 1605/2002. It shall also ensure that the Agency continues to have available sufficient financial resources to undertake its tasks as defined in Regulation (EC) No 1907/2006, having regard to its existing budgetary appropriations and pluriannual estimates of income, including a Community subsidy, and it shall take into account the workload for the competent authorities of the Member States.

3. Transfers provided for in paragraph 1 shall be made only after the relevant report has been made available to the Agency.

However, the Management Board of the Agency may decide to authorise pre-financing or interim payments in accordance with Article 81(1) of Regulation (EC, Euratom) No 1605/2002.

4. The transfers of funds provided for in points (b) to (e) of paragraph 1 are intended to compensate competent authorities of a Member State for the work of the rapporteur or co-rapporteur and for any related scientific and technical support and shall be without prejudice to the obligation of Member States not to give instructions incompatible with the independence of the Agency.

#### Article 15

##### Other remuneration

In fixing the amounts of the payments made to remunerate experts or co-opted members of the committees for work done for the Agency in accordance with Article 87(3) of Regulation (EC) No 1907/2006, the Management Board of the Agency shall take into account the workload involved and it shall comply with the principles of economy, efficiency and effectiveness as defined in Article 27 of the Regulation (EC, Euratom) No 1605/2002. It shall also ensure that the Agency has sufficient financial resources available to undertake its tasks as defined in Regulation (EC) No 1907/2006, having regard to its existing budgetary appropriations and pluriannual estimates of income, including a Community subsidy.

#### CHAPTER IV

#### PAYMENTS

##### Article 16

##### Mode of payment

1. The fees and charges shall be paid in euro.

2. Payments shall be made only after the Agency has issued an invoice, with the exception of payments due under Article 10.

3. Payments shall be made by means of a transfer to the bank account of the Agency.

#### Article 17

##### Identification of the payment

1. Every payment must indicate in the reference field the invoice number, with the exception of payments due under Article 10.

Payments due under Article 10 shall indicate in the reference field the identity of the appellant(s) and, if available, the number of the decision that is being appealed.

2. If the purpose of the payment cannot be established, the Agency shall set a deadline by which the payer must notify it in writing of the purpose of the payment. If the Agency does not receive a notification of the purpose of the payment before expiry of that deadline, the payment shall be considered invalid and the amount concerned shall be refunded to the payer.

#### Article 18

##### Date of payment

1. The date on which the full amount of the payment is deposited in a bank account held by the Agency shall be considered to be the date on which the payment has been made.

2. The payment shall be considered to have been made in time where sufficient documentary evidence is produced to show that the payer ordered the transfer to the bank account indicated on the invoice before expiry of the relevant deadline.

A confirmation of the transfer order issued by a financial institution shall be regarded as sufficient evidence. However, where the transfer requires the use of the SWIFT electronic bank payment method, the acknowledgement of provision of the transfer order shall take the form of a copy of the SWIFT report, stamped and signed by a duly authorised official of a financial institution.

#### Article 19

##### Insufficient payment

1. A deadline for payment shall be considered to have been observed only if the full amount of the fee or charge has been paid in due time.

2. When an invoice relates to a group of transactions, the Agency may attribute any under-payment to any of the relevant transactions. The criteria for the attribution of payments shall be laid down by the Management Board of the Agency.

*Article 20*

**Refund of amounts paid in excess**

1. The arrangements for the refund to the payer of amounts paid in excess of a fee or a charge shall be fixed by the Executive Director of the Agency and published on the website of the Agency.

However, where an amount paid in excess is under EUR 100 and the party concerned has not expressly requested a refund, the amount paid in excess shall not be refunded.

2. It shall not be possible to count any amounts paid in excess towards future payments to the Agency.

CHAPTER V

**FINAL PROVISIONS**

*Article 21*

**Provisional estimate**

The Management Board of the Agency shall, when producing an estimate of the overall expenditure and income for the

following financial year in accordance with Article 96(5) of Regulation (EC) No 1907/2006, include a specific provisional estimate of income from fees and charges which is separate from income from any subsidy from the Community.

*Article 22*

**Review**

1. The fees and charges provided for in this Regulation shall be reviewed annually by reference to the inflation rate as measured by means of the European Index of Consumer Prices as published by Eurostat pursuant to Regulation (EC) No 2494/95. A first review shall be carried out by 1 June 2009.

2. The Commission shall also keep this Regulation under continual review in the light of significant information becoming available in relation to the underlying assumptions for anticipated income and expenditure of the Agency. At the latest, by 1 January 2013, the Commission shall review this Regulation with a view to amend it, if appropriate, taking into account in particular the costs of the Agency and the related costs of the services provided by the competent authorities of the Member States.

*Article 23*

**Entry into force**

This Regulation shall enter into force on the third 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, 16 April 2008.

*For the Commission*  
Günter VERHEUGEN  
*Vice-President*



## ANNEX I

**Fees for registrations submitted under Articles 6, 7 or 11 of Regulation (EC) No 1907/2006**

Table 1

**Standard fees**

(EUR)

	Individual submission	Joint submission
Fee for substances in the range of 1 to 10 tonnes	1 600	1 200
Fee for substances in the range 10 to 100 tonnes	4 300	3 225
Fee for substances in the range 100 to 1 000 tonnes	11 500	8 625
Fee for substances above 1 000 tonnes	31 000	23 250

Table 2

**Reduced fees for SMEs**

(EUR)

	Medium enterprise (Individual submission)	Medium enterprise (Joint submission)	Small enterprise (Individual submission)	Small enterprise (Joint submission)	Micro enterprise (Individual submission)	Micro enterprise (Joint submission)
Fee for substances in the range of 1 to 10 tonnes	1 120	840	640	480	160	120
Fee for substances in the range 10 to 100 tonnes	3 010	2 258	1 720	1 290	430	323
Fee for substances in the range 100 to 1 000 tonnes	8 050	6 038	4 600	3 450	1 150	863
Fee for substances above 1 000 tonnes	21 700	16 275	12 400	9 300	3 100	2 325

## ANNEX II

**Fees for registrations submitted under Articles 17(2), 18(2), 18(3) or 19 of Regulation (EC) No 1907/2006**

Table 1

**Standard fees**

(EUR)

	Individual submission	Joint submission
Fee	1 600	1 200

Table 2

**Reduced fees for SMEs**

(EUR)

	Medium enterprise (Individual submission)	Medium enterprise (Joint submission)	Small enterprise (Individual submission)	Small enterprise (Joint submission)	Micro enterprise (Individual submission)	Micro enterprise (Joint submission)
Fee	1 120	840	640	480	160	120

## ANNEX III

## Fees for the update of registrations under Article 22 of Regulation (EC) No 1907/2006

Table 1

## Standard fees for the update of the tonnage range

(EUR)

	Individual submission	Joint submission
From 1-10 tonnes range to 10-100 tonnes range	2 700	2 025
From 1-10 tonnes range to 100-1 000 tonnes range	9 900	7 425
From 1-10 tonnes range to over 1 000 tonnes range	29 400	22 050
From 10-100 tonnes range to 100-1 000 tonnes range	7 200	5 400
From 10-100 tonnes range to over 1 000 tonnes range	26 700	20 025
From 100-1 000 tonnes range to over 1 000 tonnes range	19 500	14 625

Table 2

## Reduced fees for SMEs for the update of the tonnage range

(EUR)

	Medium enterprise	Medium enterprise	Small enterprise	Small enterprise	Micro enterprise	Micro enterprise
	(Individual submission)	(Joint submission)	(Individual submission)	(Joint submission)	(Individual submission)	(Joint submission)
From 1-10 tonnes range to 10-100 tonnes range	1 890	1 418	1 080	810	270	203
From 1-10 tonnes range to 100-1 000 tonnes range	6 930	5 198	3 960	2 970	990	743
From 1-10 tonnes range to over 1 000 tonnes range	20 580	15 435	11 760	8 820	2 940	2 205
From 10-100 tonnes range to 100-1 000 tonnes range	5 040	3 780	2 880	2 160	720	540
From 10-100 tonnes range to over 1 000 tonnes range	18 690	14 018	10 680	8 010	2 670	2 003
From 100-1 000 tonnes range to over 1 000 tonnes range	13 650	10 238	7 800	5 850	1 950	1 463

Table 3

## Fees for other updates

(EUR)

Type of update		
Change in identity of the registrant involving a change in legal personality	1 500	
Type of update	Individual submission	Joint submission
Change in the access granted to information in the submission (per item)	1 500	1 125

Table 4

**Reduced fees for SMEs for other Updates**

(EUR)

Type of update	Medium enterprise		Small enterprise		Micro enterprise	
Change in identity of the registrant involving a change in legal personality	1 050		600		150	
Type of update	Medium enterprise (Individual submission)	Medium enterprise (Joint submission)	Small enterprise (Individual submission)	Small enterprise (Joint submission)	Micro enterprise (Individual submission)	Micro enterprise (Joint submission)
Change in the access granted to information in the submission (per item)	1 050	788	600	450	150	113

## ANNEX IV

## Fees for requests under Article 10(a)(xi) of Regulation (EC) No 1907/2006

Table 1

## Standard fees

(EUR)

Item for which confidentiality is requested	Individual submission	Joint submission
Degree of purity and/or identity of impurities or additives	4 500	3 375
Relevant tonnage band	1 500	1 125
A study summary or a robust study summary	4 500	3 375
Information in the safety data sheet	3 000	2 250
Trade name of the substance	1 500	1 125
IUPAC name for non-phase in substances that are dangerous	1 500	1 125
IUPAC name for dangerous substances used as intermediates, in scientific research and development or product process oriented research and development	1 500	1 125

Table 2

## Reduced fees for SMEs

(EUR)

Item for which confidentiality is requested	Medium enterprise	Medium enterprise	Small enterprise	Small enterprise	Micro enterprise	Micro enterprise
	(Individual submission)	(Joint submission)	(Individual submission)	(Joint submission)	(Individual submission)	(Joint submission)
Degree of purity and/or identity of impurities or additives	3 150	2 363	1 800	1 350	450	338
Relevant tonnage band	1 050	788	600	450	150	113
A study summary or a robust study summary	3 150	2 363	1 800	1 350	450	338
Information in the safety data sheet	2 100	1 575	1 200	900	300	225
Trade name of the substance	1 050	788	600	450	150	113
IUPAC name for non-phase in substances that are dangerous	1 050	788	600	450	150	113
IUPAC name for dangerous substances used as intermediates, in scientific research and development or product process oriented research and development	1 050	788	600	450	150	113

## ANNEX V

**Fees and charges for PPORD notifications under Article 9 of Regulation (EC) No 1907/2006**

Table 1

**Fees for PPORD notifications**

<i>(EUR)</i>	
Standard fee	500
Reduced fee for medium enterprise	350
Reduced fee for small enterprise	200
Reduced fee for micro enterprise	50

Table 2

**Charges for the extension of a PPORD exemption**

<i>(EUR)</i>	
Standard charge	1 000
Reduced charge for medium enterprise	700
Reduced charge for small enterprise	400
Reduced charge for micro enterprise	100

## ANNEX VI

**Fees for applications for an authorisation under Article 62 of Regulation (EC) No 1907/2006**

Table 1

**Standard fees**

Base fee	EUR 50 000
Additional fee per substance	EUR 10 000
Additional fee per use	EUR 10 000
Additional fee per applicant	Additional applicant is not an SME: EUR 37 500
	Additional applicant is a medium enterprise: EUR 30 000
	Additional applicant is a small enterprise: EUR 18 750
	Additional applicant is a micro enterprise: EUR 5 625

Table 2

**Reduced fees for medium enterprises**

Base fee	EUR 40 000
Additional fee per substance	EUR 8 000
Additional fee per use	EUR 8 000
Additional fee per applicant	Additional applicant is a Medium enterprise: EUR 30 000
	Additional applicant is a Small enterprise: EUR 18 750
	Additional applicant is a Micro enterprise: EUR 5 625

Table 3

**Reduced fees for small enterprises**

Base fee	EUR 25 000
Additional fee per substance	EUR 5 000
Additional fee per use	EUR 5 000
Additional fee per applicant	Additional applicant is a small enterprise: EUR 18 750
	Additional applicant is a micro enterprise: EUR 5 625

Table 4

**Reduced Fees for micro enterprises**

Base fee	EUR 7 500
Additional fee per substance	EUR 1 500
Additional fee per use	EUR 1 500
Additional fee per applicant	Additional applicant: EUR 5 625



## ANNEX VII

**Charges for the review of an authorisation under Article 61 of Regulation (EC) No 1907/2006**

Table 1

**Standard charges**

Base charge	EUR 50 000
Additional charge per use	EUR 10 000
Additional charge per substance	EUR 10 000
Additional charge per applicant	Additional applicant is not an SME: EUR 37 500
	Additional applicant is a Medium enterprise: EUR 30 000
	Additional applicant is a Small enterprise: EUR 18 750
	Additional applicant is a Micro enterprise: EUR 5 625

Table 2

**Reduced charges for medium enterprises**

Base charge	EUR 40 000
Additional charge per use	EUR 8 000
Additional charge per substance	EUR 8 000
Additional charge per applicant	Additional applicant is a medium enterprise: EUR 30 000
	Additional applicant is a small enterprise: EUR 18 750
	Additional applicant is a micro enterprise: EUR 5 625

Table 3

**Reduced charges for small enterprises**

Base charge	EUR 25 000
Additional charge per use	EUR 5 000
Additional charge per substance	EUR 5 000
Additional charge per applicant	Additional applicant is a small enterprise: EUR 18 750
	Additional applicant is a micro enterprise: EUR 5 625

Table 4

**Reduced charges for micro enterprises**

Base charge	EUR 7 500
Additional charge per use	EUR 1 500
Additional charge per substance	EUR 1 500
Additional charge per applicant	Additional applicant is a Micro enterprise: EUR 5 625

## ANNEX VIII

**Fees for appeals under Article 92 of Regulation (EC) No 1907/2006**

Table 1

**Standard fees**

(EUR)

Appeal against decision taken under:	Fee
Article 9 or 20 of Regulation (EC) No 1907/2006	2 200
Article 27 or 30 of Regulation (EC) No 1907/2006	4 400
Article 51 of Regulation (EC) No 1907/2006	6 600

Table 2

**Reduced fees for SMEs**

(EUR)

Appeal against decision taken under:	Fee
Article 9 or 20 of Regulation (EC) No 1907/2006	1 800
Article 27 or 30 of Regulation (EC) No 1907/2006	3 600
Article 51 of Regulation (EC) No 1907/2006	5 400

**COMMISSION REGULATION (EC) No 341/2008**  
**of 16 April 2008**  
**on the issuing of import licences for applications lodged in April 2008 under tariff quotas opened**  
**by Regulation (EC) No 616/2007 for poultry meat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(2)</sup>, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas for poultrymeat originating in Brazil, Thailand and other third countries <sup>(3)</sup>, and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 616/2007 opened tariff quotas for imports of products in the poultrymeat sector.
- (2) The applications for import licences lodged in April 2008 for the subperiod 1 July to 30 September 2008 and, for group 3, for the period 1 July 2008 to 30 June 2009 relate, for some quotas, to quantities exceeding those available. The extent to which licences may be

issued should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for.

- (3) The applications for import licences lodged in April 2008 for the subperiod 1 July to 30 September 2008 do not, for some quotas, cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The quantities for which import licence applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod 1 July to 30 September 2008 and, for group 3, for the period 1 July 2008 to 30 June 2009 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 616/2007, to be added to the subperiod 1 October to 31 December 2008, are set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 17 April 2008.

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

Done at Brussels, 16 April 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1). Regulation (EEC) No 2777/75 will be replaced by Regulation (EC) No 1234/2007 (OJ L 299, 16.11.2007, p. 1) as from 1 July 2008.

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13. Regulation amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

<sup>(3)</sup> OJ L 142, 5.6.2007, p. 3. Regulation as amended by Regulation (EC) No 1549/2007 (OJ L 337, 21.12.2007, p. 75).

## ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod 1.7.2008-30.9.2008 (%)	Quantities not applied for to be added to the subperiod 1.10.2008-31.12.2008 (kg)
1	09.4211	1,780550	—
2	09.4212	( <sup>1</sup> )	27 783 000
4	09.4214	28,694208	—
5	09.4215	36,799882	—
6	09.4216	( <sup>2</sup> )	2 014 010
7	09.4217	4,045341	—
8	09.4218	( <sup>1</sup> )	3 478 800

(<sup>1</sup>) Not applied: no licence application has been sent to the Commission.

(<sup>2</sup>) Not applied: the applications do not cover the total quantity available.

Group No	Order No	Allocation coefficient for import licence applications lodged for the period 1.7.2008-30.6.2009 (%)
3	09.4213	3,395585

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 7 April 2008

**appointing two Austrian members and two Austrian alternate members of the Committee of the Regions**

(2008/308/EC)

THE COUNCIL OF THE EUROPEAN UNION,

(a) as members:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

— Ms Marianne FÜGL, Vizebürgermeisterin, Marktgemeinde Traisen,

Having regard to the proposal from the Austrian Government,

— Mr Erwin MOHR, Bürgermeister, Marktgemeinde Wolfurt,

Whereas:

and

(1) On 24 January 2006 the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 <sup>(1)</sup>.

(b) as alternate members:

— Mr Johannes PEINSTEINER, Bürgermeister, Marktgemeinde St. Wolfgang,

(2) A member's seat on that Committee has become vacant as a result of the resignation of Mr LINHART. Another member's seat has become vacant as a result of the death of Mr ZIMPER. Two alternate members' seats have become vacant as a result of the resignations of Mr MÖDLHAMMER and Mr VÖGERLE,

— Mr Markus LINHART, Bürgermeister der Stadt Bregenz.

*Article 2*

This Decision shall take effect on the date of its adoption.

HAS DECIDED AS FOLLOWS:

Done at Luxembourg, 7 April 2008.

*Article 1*

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, ending on 25 January 2010:

*For the Council*  
*The President*  
R. ŽERJAV

<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.

**COUNCIL DECISION**  
**of 7 April 2008**  
**appointing a Belgian member to the Committee of the Regions**  
(2008/309/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

*Article 1*

Mr Dirk VAN MECHELEN, Flemish Minister for Finance and the Budget and Town and Country Planning, is hereby appointed to the Committee of the Regions as a member for the remainder of Ms MOERMAN's current term of office, which runs until 25 January 2010.

Having regard to the proposal from the Belgian Government,

Whereas:

*Article 2*

- (1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 <sup>(1)</sup>.

This Decision shall take effect on the day of its adoption.

Done at Luxembourg, 7 April 2008.

- (2) A member's seat on the Committee of the Regions has become vacant following the resignation of Ms MOERMAN,

*For the Council*  
*The President*  
R. ŽERJAV

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<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.

## COUNCIL DECISION

of 7 April 2008

appointing seven UK members and seven UK alternate members to the Committee of the Regions

(2008/310/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal of the Government of the United Kingdom,

Whereas:

- (1) On 24 January 2006 the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 <sup>(1)</sup>.
- (2) Seven members' seats on the Committee of the Regions have become vacant following the expiry of the mandates of Ms ASHTON, Mr BODFISH, Ms Olive BROWN, Ms COLEMAN, Ms BUTLER, Mr McCONNELL and Ms OLDFATHER. Five alternate members' seats have become vacant following the expiry of the mandates of Mr ANGELL, Mr FOOTE-WOOD, Ms KAGAN, Ms DAVIES and Mr LYON. One alternate member's seat has become vacant following the resignation of Mr LOCHHEAD. One alternate member's seat becomes vacant following Mr MALCOLM's appointment as member,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010:

(a) as members:

- Linda GILLHAM, Member of Runnymede Borough Council,
- Dave WILCOX, Member of Derbyshire County Council,
- Iain MALCOLM, Member of South Tyneside Council (change of mandate),

- Doris ANSARI, Member of Cornwall County Council,
  - Christine CHAPMAN, Member of the National Assembly of Wales,
  - Keith BROWN, Member of the Scottish Parliament,
  - Irene OLDFATHER, Member of the Scottish Parliament;
- and

(b) as alternate members:

- Kathy POLLARD, Member of Suffolk County Council,
- Doreen HUDDART, Member of Newcastle-upon-Tyne City Council,
- Feryat DEMIRCI, Member of London Borough of Hackney,
- Cindy HUGHES, Member of Darlington Borough Council,
- Nerys EVANS, Member of the National Assembly of Wales,
- Allison McINNES, Member of the Scottish Parliament,
- Ted BROCKLEBANK, Member of the Scottish Parliament.

*Article 2*

This Decision shall take effect on the date of its adoption.

Done at Luxembourg, 7 April 2008.

*For the Council*  
*The President*  
 R. ŽERJAV

<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.



**COUNCIL DECISION**  
**of 14 April 2008**  
**appointing an Irish member to the European Economic and Social Committee**  
(2008/311/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

*Article 1*

Ms Heidi LOUGHEED, Head of IBEC Europe, is hereby appointed a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2010.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 2006/651/EC, Euratom <sup>(1)</sup>,

*Article 2*

This Decision shall take effect on the date of its adoption.

Having regard to the proposal submitted by the Irish Government,

Having regard to the opinion of the Commission,

Done at Luxembourg, 14 April 2008.

Whereas a member's seat on the European Economic and Social Committee has fallen vacant following the resignation of Mr Arthur FORBES,

*For the Council*  
*The President*  
I. JARC

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<sup>(1)</sup> OJ L 269, 28.9.2006, p. 13. Decision as amended by Decision 2007/622/EC, Euratom (OJ L 253, 28.9.2007, p. 39).

# COMMISSION

## COMMISSION DECISION

of 5 March 2008

**establishing the standard document for the supervision and control of shipments of radioactive waste and spent fuel referred to in Council Directive 2006/117/Euratom**

(notified under document number C(2008) 793)

(2008/312/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Atomic Energy Community,

### *Article 1*

The standard document set out in the Annex shall be used in respect of any shipments of radioactive waste or spent fuel between Member States or into, out of and through the Community within the scope of Directive 2006/117/Euratom.

Having regard to Council Directive 2006/117/Euratom of 20 November 2006 on the supervision and control of shipments of radioactive waste and spent fuel <sup>(1)</sup>, and in particular Article 17(2) thereof,

### *Article 2*

The standard document shall be made available in electronic form, in the format presented by the Commission.

After having obtained the opinion of the Advisory Committee established in accordance with the procedure laid down in Article 21,

### *Article 3*

Member States shall take the measures necessary to comply with this Decision not later than 25 December 2008.

Whereas:

(1) The Commission is required to establish a new standard document to be used for the shipments of radioactive waste and spent fuel within the scope of Directive 2006/117/Euratom.

### *Article 4*

Commission Decision 93/552/Euratom <sup>(2)</sup> shall be repealed.

(2) The new standard document is required to apply to shipments of radioactive waste and spent fuel between Member States, as well as to imports into and exports out of the Community of such radioactive waste/spent fuel and to its transit through the Community from a third country to another third country.

### *Article 5*

This Decision is addressed to the Member States.

(3) The measures provided for in this Decision are in line with the opinion of the Advisory Committee established in accordance with the procedure laid down in Article 21,

Done at Brussels, 5 March 2008.

*For the Commission*  
Andris PIEBALGS  
*Member of the Commission*

<sup>(1)</sup> OJ L 337, 5.12.2006, p. 21.

<sup>(2)</sup> JO L 268, 29.10.1993, p. 83.

## ANNEX

**Standard document for the supervision and control of shipments of radioactive waste and spent fuel  
(Council Directive 2006/117/Euratom)**

**General notes**

Sections A-1 to A-6: to be completed for shipments of radioactive waste.

Sections B-1 to B-6: to be completed for shipments of spent fuel (including spent fuel destined for final disposal and as such categorised as waste)

**Section A-1 or B-1** (Application for authorisation of shipments): to be completed by the applicant, this is the following, depending on the type of the shipment:

- the holder in case of a shipment between Member States (type MM) or an export from the Community into a third country (type ME),
- the consignee in case of an import into the Community from a third country (type IM),
- the person responsible for the shipment in the Member State by which the radioactive waste or spent fuel enters the Community in case of a transit through the Community (type TT).

**Section A-2 or B-2** (Acknowledgement of receipt of application): to be completed by the relevant competent authorities concerned, which are — depending on the type of the shipment — the competent authorities:

- of origin in case of a shipment type MM or ME,
- of destination in case of a shipment type IM,
- where the shipment first enters the Community in case of a shipment type TT,

and all competent authorities of the Member States of transit, if any.

**Section A-3 or B-3** (Refusal or consent): to be completed by all competent authorities concerned.

**Section A-4a/A-4b or B-4a/B-4b** (Authorisation or refusal of shipment): to be completed by the competent authority responsible for issuing the authorisation, which is — depending on the type of the shipment — the competent authority of:

- the Member State of origin in case of shipments type MM and ME shipments,
- the Member State of destination in case of type IM shipments, or
- the first Member State of transit, where the shipment enters the Community in case of type TT shipments.

**Section A-5 or B-5** (Description of consignment/List of packages): to be completed by the applicant as referred to in Section A-1 or B-1.

**Section A-6 or B-6** (Acknowledgement of receipt of shipment): to be completed by the consignee (in case of MM and IM shipments) or the holder (in case of ME shipments) or the person responsible for the shipment (in case of TT shipments).

Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION A-1**

**Application for authorisation of shipment(s) of radioactive waste**

1.	Type of shipment (tick the appropriate box): <input type="checkbox"/> type MM: shipment between Member States (via one or more Member States or third countries) <input type="checkbox"/> type IM: import into the Community <input type="checkbox"/> type ME: export out of the Community <input type="checkbox"/> type TT: transit through the Community
2.	Application for authorisation for (tick the appropriate box): <input type="checkbox"/> a single shipment _____ Planned period of execution: _____ <input type="checkbox"/> several shipments: number (planned) _____ Planned period of execution: _____
3.	<input type="checkbox"/> Not applicable. <input type="checkbox"/> Type MM shipment(s) via one or more third countries: Frontier post of exit from the Community (*): _____ Frontier post of entry to third country (*) (first country crossed): _____ Frontier post of exit from third country (*) (last country crossed): _____ Frontier post of return to the Community (*): _____ (*) These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.
4.	Applicant (trade name): _____ <input type="checkbox"/> Holder (for types MM, ME) <input type="checkbox"/> Consignee (for type IM) <input type="checkbox"/> Other (for type TT), to be specified _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
5.	Location of the radioactive waste before shipment (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
6.	Consignee (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
7.	Location of radioactive waste after shipment (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____

8.	<p>Nature of radioactive waste: _____</p> <p>Physicochemical characteristics (tick as appropriate):  <input type="checkbox"/> solid, <input type="checkbox"/> liquid, <input type="checkbox"/> gaseous, <input type="checkbox"/> other (e.g. fissile, low dispersible, ...), to be specified _____</p> <p>Main radionuclides: _____</p> <p>Maximum alpha activity: per shipment (GBq) _____ per package (GBq) _____</p> <p>Maximum beta/gamma activity: per shipment (GBq) _____ per package (GBq) _____</p> <p>Total alpha activity (GBq): _____</p> <p>Total beta/gamma activity (GBq): _____</p> <p>(These values are estimates if the application relates to several shipments)</p>			
9.	<p>Total number of packages: _____</p> <p>Total net mass of shipment (kg): _____</p> <p>Total gross mass of shipment (kg): _____</p> <p>(These values are estimates if the application relates to several shipments)</p> <p>Description of consignment:  <input type="checkbox"/> Plastic bags, <input type="checkbox"/> metal drums (m<sup>3</sup>): _____, <input type="checkbox"/> ISO transport container (m<sup>3</sup>): _____, <input type="checkbox"/> other, to be specified _____</p> <p>Type of package <sup>(1)</sup> (if known): _____</p> <p>Means of identification of the packages (if labelling is used, annex examples): _____</p> <p><sup>(1)</sup> According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements No TS-R-1 IAEA, Vienna, 2005.</p>			
10.	<p>Type of activity giving rise to the radioactive waste (tick as appropriate):  <input type="checkbox"/> medicine, <input type="checkbox"/> research, <input type="checkbox"/> (non-nuclear) industry, <input type="checkbox"/> nuclear industry,  <input type="checkbox"/> other activity (to be specified): _____</p>			
11.	<p>Purpose of the shipment:  <input type="checkbox"/> return of radioactive waste after (re)treatment or reprocessing of spent fuel  <input type="checkbox"/> return of radioactive waste after treatment of radioactive waste  <input type="checkbox"/> treatment, e.g. (re)packaging, conditioning, volume reduction  <input type="checkbox"/> interim storage  <input type="checkbox"/> return after interim storage  <input type="checkbox"/> final disposal  <input type="checkbox"/> other purpose (to be specified): _____</p>			
12.	<p>Proposed mode of transport (road, rail, sea, air, inland waterway)</p>	<p>Point of departure</p>	<p>Point of arrival</p>	<p>Proposed carrier (if known)</p>
	1.			
	2.			
	3.			
	4.			
	5.			
	6.			
	7.			
	8.			

13.	Sequential list of countries concerned in the shipment (the first country is that where the radioactive waste is held and the last is the country of destination)			
	1.	3.	5.	7.
	2.	4.	6.	8.
14.	<p>In accordance with the provisions of Directive 2006/117/Euratom, I, the applicant, hereby:</p> <p>1. apply for authorisation to make the shipment(s) of radioactive waste described above; <i>and</i></p> <p>2. certify that the information provided above is correct to the best of my knowledge and that the shipment(s) will be carried out in accordance with all the relevant statutory provisions; <i>and</i></p> <p>3. (*) (Where the shipment is of type MM or ME) undertake to take back the radioactive waste if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled; <i>or</i></p> <p>(*) (Where the shipment is of type IM or TT) attach hereto the evidence of the arrangement between the consignee and the holder of the radioactive waste established in the third country, which has been accepted by the competent authority of the third country, stating that the holder in the third country will take back the radioactive waste if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled, unless an alternative safe arrangement can be made.</p>			
(Date and place)		(Stamp)		(Signature)
(*) Only one of the asterisked statements can apply: delete as applicable.				



Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION A-3**

**Refusal or consent of the radioactive waste shipment by the competent authorities concerned**

18.	<p>Name of the competent authority concerned: _____</p> <p>Member State or Country (tick and fill in as appropriate): _____</p> <p><input type="checkbox"/> of origin <sup>(1)</sup>, <input type="checkbox"/> of destination <sup>(2)</sup>, <input type="checkbox"/> of transit <sup>(3)</sup></p> <p>Address: _____</p> <p>Postcode: _____ Town: _____ Country: _____</p> <p>Tel. _____ Fax _____ E-mail: _____</p> <p>Contact person: Mr/Ms _____</p> <p><small>(<sup>1</sup>) Not required by the Directive, country of origin may be consulted on a voluntary basis in case of type TT and IM shipments.  <sup>(2)</sup> In case of a type MM or ME shipment.  <sup>(3)</sup> In case of type MM, IM, ME or TT shipments, if one or more Member States of transit are concerned.</small></p>
19.	<p>(*) General deadline for automatic approval _____ (dd/mm/yyyy)</p> <p>(*) Request for additional period of not more than one month, extended deadline for automatic approval: _____ (dd/mm/yyyy)</p> <p>_____</p> <p>(Date and place) (Stamp) (Signature)</p> <p><small>(*) Only one of the asterisked statements can apply: delete as applicable.</small></p>
20.	<p>In accordance with the provisions of Directive 2006/117/Euratom, I hereby:</p> <p>(*) refuse consent for the following reasons (attach complete list of reasons, if space is not sufficient): _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(Date and place) (Stamp) (Signature)</p> <p>(*) grant consent under the following conditions (attach complete list, if space is not sufficient): _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(Date and place) (Stamp) (Signature)</p> <p><small>(*) Only one of the asterisked statements can apply: delete as applicable.</small></p>



Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

### SECTION A-4a

#### Authorisation of radioactive waste shipment

21.	Name of competent authority responsible for issuing the authorisation of the shipment: _____ Member State (fill in and tick as appropriate): _____ <input type="checkbox"/> of origin, <input type="checkbox"/> of destination, <input type="checkbox"/> by way of which the waste enters the Community Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____		
22.	Sequential list of consents and/or refusals of the countries concerned in the shipment:		
	Member State/country	Consent granted?	List of conditions for consent, if any
	1.	YES/NO (*)	
	2.	YES/NO (*)	
	3.	YES/NO (*)	
	4.	YES/NO (*)	
	5.	YES/NO (*)	
	6.	YES/NO (*)	
	7.	YES/NO (*)	
	8.	YES/NO (*)	
	(*) Only one asterisked statement can apply, delete as appropriate.		
23.	The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom <sup>(1)</sup> . The competent authorities of the countries concerned are informed that the single shipment (*) several shipments (*) of the radioactive waste as described in Section A-1, has/have been <p style="text-align: center;"><b>AUTHORISED</b></p> Date of expiry of authorisation: _____ (dd/mm/yyyy) <hr/> <div style="display: flex; justify-content: space-between;"> <span>(Date and place)</span> <span>(Stamp)</span> <span>(Signature)</span> </div> (*) Only one asterisked statement can apply, delete as appropriate. (1) This authorisation in no way diminishes the responsibility of the holder, carrier, owner, consignee or any other physical or legal person concerned in the shipment.		

Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION A-4b**

**Refusal of radioactive waste shipment**

24.	Name of competent authority responsible for issuing the refusal of the shipment: _____ Member State (fill in and tick as appropriate): _____ <input type="checkbox"/> of origin, <input type="checkbox"/> of destination, <input type="checkbox"/> of transit, or <input type="checkbox"/> by way of which the waste enters the Community Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____		
25.	Sequential list of consents and/or refusals of the countries concerned:		
	Member State/country	Consent granted?	List of conditions for consent, if any, or reasons for refusal
	1.	YES/NO (*)	
	2.	YES/NO (*)	
	3.	YES/NO (*)	
	4.	YES/NO (*)	
	5.	YES/NO (*)	
	6.	YES/NO (*)	
	7.	YES/NO (*)	
	8.	YES/NO (*)	
	The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom.  The competent authorities of the countries concerned are informed that the single shipment (*) several shipments (*)  of the radioactive waste as described in Section A-1, has/have been  <p style="text-align: center;"><b>REFUSED</b></p> <hr/> <div style="display: flex; justify-content: space-between;"> <span>(Date and place)</span> <span>(Stamp)</span> <span>(Signature)</span> </div>		
	(*) Only one asterisked statement can apply, delete as appropriate.		

Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION A-5**

**Description of radioactive waste consignment and list of packages**

26.	Applicant (trade name): _____ <input type="checkbox"/> holder, <input type="checkbox"/> consignee, <input type="checkbox"/> other, to be specified _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____																																																																					
27.	Date of expiry of the authorisation _____ (dd/mm/yyyy) covering <input type="checkbox"/> a single shipment, or <input type="checkbox"/> several shipments, serial number of the shipment: _____																																																																					
28.	Nature of radioactive waste Physicochemical characteristics (tick as appropriate): <input type="checkbox"/> solid, <input type="checkbox"/> liquid, <input type="checkbox"/> gaseous, <input type="checkbox"/> other (e.g. fissile, low dispersible), to be specified _____ Main radionuclides: _____ Maximum alpha activity/package (GBq): _____ Maximum beta/gamma activity/package (GBq): _____ Total alpha activity (GBq): _____ Total beta/gamma activity (GBq): _____																																																																					
29.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">(*) Identification No</th> <th style="width: 15%;">(*) Type <sup>(1)</sup></th> <th style="width: 15%;">(*) Gross mass (kg)</th> <th style="width: 15%;">(*) Net mass (kg)</th> <th style="width: 15%;">(*) Activity (GBq)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td><b>Total number:</b></td> <td><b>Total/type:</b></td> <td><b>Total:</b></td> <td><b>Total:</b></td> <td><b>Total:</b></td> </tr> </tbody> </table> <p>(*) To be completed for each package, attach separate list, if space is not sufficient.  <sup>(1)</sup> According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements TS-R-1, IAEA, Vienna, 2005.</p>					(*) Identification No	(*) Type <sup>(1)</sup>	(*) Gross mass (kg)	(*) Net mass (kg)	(*) Activity (GBq)																																																								<b>Total number:</b>	<b>Total/type:</b>	<b>Total:</b>	<b>Total:</b>	<b>Total:</b>
(*) Identification No	(*) Type <sup>(1)</sup>	(*) Gross mass (kg)	(*) Net mass (kg)	(*) Activity (GBq)																																																																		
<b>Total number:</b>	<b>Total/type:</b>	<b>Total:</b>	<b>Total:</b>	<b>Total:</b>																																																																		
30.	Date of dispatch of the shipment: _____ (dd/mm/yyyy) I hereby certify that the information provided in this section (and in the attached list or documents) is correct to the best of my knowledge.  <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <span>_____ (Date and place)</span> <span>_____ (Stamp)</span> <span>_____ (Signature)</span> </div>																																																																					

Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION A-6**

**Acknowledgement of receipt of the radioactive waste**

31.	Consignee (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
32.	Location where the radioactive waste is held after the shipment (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
33.	Authorisation granted for (tick as appropriate): <input type="checkbox"/> a single shipment of type MM or IM, <input type="checkbox"/> a single shipment of type ME or TT <input type="checkbox"/> several shipments of type MM or IM, Serial number of shipment: _____ Last shipment covered by the authorisation: <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> several shipments of type ME or TT, Serial number of shipment: _____ Last shipment covered by the authorisation: <input type="checkbox"/> yes <input type="checkbox"/> no
34.	<input type="checkbox"/> Not applicable. <input type="checkbox"/> Shipments of type ME or TT (this item may be replaced by a separate declaration, fill in reference to attachment): _____ Frontier post of entry to the third country of destination or transit: _____ Third country: _____ Frontier post: _____
35.	Depending on the type of shipment, the consignee must send the acknowledgement of receipt together with section A-5: — (type MM or IM): to the competent authority of the Member State of destination, — (type ME or TT): to the applicant (type ME: to the holder, type TT: to the person responsible for the shipment in the Member State by way of which the waste enters the Community) as referred to as in item 4 (section A-1). Date of receipt of the radioactive waste: _____ (dd/mm/yyyy) Date of dispatch of the acknowledgement of receipt: _____ (dd/mm/yyyy) I, the consignee, hereby certify that the information provided in this section (and the attached list) is correct to the best of my knowledge.  <hr/> <div style="display: flex; justify-content: space-between;"> <span>(Date and place)</span> <span>(Stamp)</span> <span>(Signature)</span> </div>

36.	<input type="checkbox"/> Not applicable. <input type="checkbox"/> Shipments of type ME or TT: the applicant forwards the acknowledgement of receipt and, where appropriate, the consignee's declaration to the authority which issued the authorisation. 1. A consignee located outside the European Union may acknowledge receipt of the radioactive waste by means of a declaration or certificate providing at least the information contained in items 31 to 36. 2. The competent authority which receives the original acknowledgement of receipt must send copies of it to the other competent authorities. 3. The originals of Sections A-5 and A-6 must be sent finally to the competent authority which issued the authorisation. 4. For shipments between Member States, the competent authority of the Member State of origin or where the shipment first enters the Community must send a copy of the acknowledgement of receipt to the holder.	
	Date of forwarding of the acknowledgement of receipt (together with section A-5): _____ (dd/mm/yyyy)	Frontier post of exit from the Community:
	Country:	Post:
	_____ (Date and place)	_____ (Stamp)
	_____ (Signature of the applicant)	

Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION B-1**

**Application for authorisation of shipment(s) of spent fuel**

1.	Type of shipment (tick the appropriate box): <input type="checkbox"/> type MM: shipment between Member States (via one or more Member States or third countries) <input type="checkbox"/> type IM: import into the Community <input type="checkbox"/> type ME: export out of the Community <input type="checkbox"/> type TT: transit through the Community
2.	Application for authorisation for (tick the appropriate box): <input type="checkbox"/> a single shipment _____ Planned period of execution: _____ <input type="checkbox"/> several shipments: number (planned) _____ Planned period of execution: _____
3.	<input type="checkbox"/> Not applicable. <input type="checkbox"/> Type MM shipment(s) via one or more third countries: Frontier post of exit from the Community (*): _____ Frontier post of entry to third country (*) (first country crossed): _____ Frontier post of exit from third country (*) (last country crossed): _____ Frontier post of return to the Community (*): _____ (*) These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.
4.	Applicant (trade name): _____ <input type="checkbox"/> Holder (for types MM, ME), <input type="checkbox"/> Consignee (for type IM), <input type="checkbox"/> Other (for type TT), to be specified _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
5.	Location of the spent fuel before shipment (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
6.	Consignee (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
7.	Location of spent fuel after shipment (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____

8.	<p>Type of spent fuel:</p> <p><input type="checkbox"/> uranium metal,</p> <p><input type="checkbox"/> uranium dioxide,</p> <p><input type="checkbox"/> mixed oxide (MOX),</p> <p><input type="checkbox"/> other, please specify _____</p> <hr/> <p>Original fissile content:</p> <p><input type="checkbox"/> uranium-235 _____ (maximum enrichment _____ %)</p> <p><input type="checkbox"/> MOX _____ (nominal uranic enrichment _____ %)</p> <p>_____ (maximum plutonium content _____ %)</p> <p><input type="checkbox"/> other, please specify _____</p> <hr/> <p>Fuel burn up (average or typical range): _____ MWdays/teHM</p>																																				
9.	<p>Total number of packages (e.g. flasks, ...): _____</p> <p>Total number of assemblies/bundles/elements/rods (specify): _____</p> <p>Total net mass (kg): _____</p> <p>Total gross mass (kg): _____</p> <p>(These values are estimates if the application relates to several shipments)</p> <p>Description of consignment (e.g. flasks): _____</p> <p>Type of package <sup>(1)</sup> (if known): _____</p> <p>Maximum spent fuel content per package (kg): _____</p> <p>Means of identification of the packages (if labelling is used, annex examples): _____</p> <p><small>(<sup>1</sup>) According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements TS-R-1, IAEA, Vienna, 2005.</small></p>																																				
10.	<p>Type of activity giving rise to the spent fuel (tick as appropriate):</p> <p><input type="checkbox"/> research, <input type="checkbox"/> commercial nuclear power, <input type="checkbox"/> other activity (to be specified): _____</p>																																				
11.	<p>Purpose of the spent fuel shipment:</p> <p><input type="checkbox"/> (re)treatment or reprocessing</p> <p><input type="checkbox"/> interim storage</p> <p><input type="checkbox"/> return after interim storage</p> <p><input type="checkbox"/> final disposal</p> <p><input type="checkbox"/> other purpose (to be specified): _____</p>																																				
12.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%; padding: 5px;">Proposed mode of transport (road, rail, sea, air, inland waterway)</th> <th style="width: 25%; padding: 5px;">Point of departure</th> <th style="width: 25%; padding: 5px;">Point of arrival</th> <th style="width: 25%; padding: 5px;">Proposed carrier (if known)</th> </tr> </thead> <tbody> <tr><td style="padding: 5px;">1.</td><td></td><td></td><td></td></tr> <tr><td style="padding: 5px;">2.</td><td></td><td></td><td></td></tr> <tr><td style="padding: 5px;">3.</td><td></td><td></td><td></td></tr> <tr><td style="padding: 5px;">4.</td><td></td><td></td><td></td></tr> <tr><td style="padding: 5px;">5.</td><td></td><td></td><td></td></tr> <tr><td style="padding: 5px;">6.</td><td></td><td></td><td></td></tr> <tr><td style="padding: 5px;">7.</td><td></td><td></td><td></td></tr> <tr><td style="padding: 5px;">8.</td><td></td><td></td><td></td></tr> </tbody> </table>	Proposed mode of transport (road, rail, sea, air, inland waterway)	Point of departure	Point of arrival	Proposed carrier (if known)	1.				2.				3.				4.				5.				6.				7.				8.			
Proposed mode of transport (road, rail, sea, air, inland waterway)	Point of departure	Point of arrival	Proposed carrier (if known)																																		
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13.	Sequential list of countries concerned in the spent fuel shipment (the first country is where the spent fuel is held and the last is the country of destination)			
	1.	3.	5.	7.
	2.	4.	6.	8.
14.	<p>In accordance with the provisions of Directive 2006/117/Euratom, I, the applicant, hereby:</p> <ol style="list-style-type: none"> <li>1. apply for authorisation to make the shipment(s) of spent fuel described above; <i>and</i></li> <li>2. certify that the information provided above is correct to the best of my knowledge and that the shipment(s) will be carried out in accordance with all the relevant statutory provisions; <i>and</i></li> <li>3. (*) (Where the shipment is of type MM or ME) undertake to take back the spent fuel if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled; <i>or</i></li> </ol> <p>(*) (Where the shipment is of type IM or TT) attach hereto the evidence of the arrangement between the consignee and the holder of the spent fuel established in the third country, which has been accepted by the competent authority of the third country, stating that the holder in the third country will take back the spent fuel if the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled.</p>			
(Date and place)		(Stamp)		(Signature)
(*) Only one of the asterisked statements can apply: delete as applicable.				





Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION B-3**

**Refusal or consent of spent fuel shipment(s) by the competent authorities concerned**

18.	<p>Name of the competent authority concerned: _____</p> <p>Member State or Country of (tick and fill in as appropriate): _____</p> <p><input type="checkbox"/> origin <sup>(1)</sup>, <input type="checkbox"/> destination <sup>(2)</sup>, <input type="checkbox"/> transit <sup>(3)</sup></p> <p>Address: _____</p> <p>Postcode: _____ Town: _____ Country: _____</p> <p>Tel. _____ Fax _____ E-mail: _____</p> <p>Contact person: Mr/Ms _____</p> <p><small>(<sup>1</sup>) Not required by the Directive, country of origin may be consulted on a voluntary basis in case of type TT and IM shipments.  <sup>(2)</sup> In case of a type MM or ME shipments.  <sup>(3)</sup> In case of type MM, IM, ME or TT shipment, if one or more Member States of transit are concerned.</small></p>
19.	<p>(* General deadline for automatic approval: _____ (dd/mm/yyyy)</p> <p>(* Request for additional period of not more than one month, extended deadline for automatic approval: _____ (dd/mm/yyyy)</p> <hr/> <p style="text-align: center;">(Date and place) (Stamp) (Signature)</p> <p><small>(* Only one of the asterisked statements can apply: delete as applicable.</small></p>
20.	<p>In accordance with the provisions of Directive 2006/117/Euratom, I hereby:</p> <p>(* refuse consent for the following reasons (attach complete list of reasons, if space is not sufficient): _____</p> <hr/> <hr/> <hr/> <p style="text-align: center;">(Date and place) (Stamp) (Signature)</p> <p>(* grant consent under the following conditions (attach complete list, if space is not sufficient): _____</p> <hr/> <hr/> <hr/> <p style="text-align: center;">(Date and place) (Stamp) (Signature)</p> <p><small>(* Only one of the asterisked statements can apply: delete as applicable.</small></p>

Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION B-4a**

**Authorisation of spent fuel shipment(s)**

21.	Name of competent authority responsible for issuing the authorisation of the shipment: _____ Member State (fill in and tick as appropriate): _____ <input type="checkbox"/> of origin, <input type="checkbox"/> of destination, <input type="checkbox"/> by way of which the spent fuel enters the Community Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____		
22.	Sequential list of consents and/or refusals of the countries concerned in the shipment:		
	Member State/country	Consent granted?	List of conditions for consent, if any
	1.	YES/NO (*)	
	2.	YES/NO (*)	
	3.	YES/NO (*)	
	4.	YES/NO (*)	
	5.	YES/NO (*)	
	6.	YES/NO (*)	
	7.	YES/NO (*)	
	8.	YES/NO (*)	
	(*) Only one asterisked statement can apply, delete as appropriate.		
23.	The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom <sup>(1)</sup> . The competent authorities of the countries concerned are informed that the single shipment (*) several shipments (*) of spent fuel as described in Section B-1, has/have been <div style="text-align: center; margin: 10px 0;"><b>AUTHORISED</b></div> Date of expiry of authorisation: _____ (dd/mm/yyyy) <hr/> <div style="display: flex; justify-content: space-between;"> <span>(Date and place)</span> <span>(Stamp)</span> <span>(Signature)</span> </div>		
	(*) Only one asterisked statement can apply, delete as appropriate. (1) This authorisation in no way diminishes the responsibility of the holder, carrier, owner, consignee or any other physical or legal person concerned in the shipment.		

Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION B-4b**

**Refusal of spent fuel shipment(s)**

24.	Name of competent authority responsible for issuing the refusal of the shipment: _____ Member State (fill in and tick as appropriate): _____ <input type="checkbox"/> of origin, <input type="checkbox"/> of destination, <input type="checkbox"/> of transit or <input type="checkbox"/> by way of which the spent fuel enters the Community Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____		
25.	Sequential list of consents and/or refusals of the countries concerned:		
	Member State/country	Consent granted?	List of conditions for consent, if any, or reasons for refusal
	1.	YES/NO (*)	
	2.	YES/NO (*)	
	3.	YES/NO (*)	
	4.	YES/NO (*)	
	5.	YES/NO (*)	
	6.	YES/NO (*)	
	7.	YES/NO (*)	
	8.	YES/NO (*)	
<p>The decision adopted and recorded in this section has been reached in accordance with the provisions of Directive 2006/117/Euratom.</p> <p>The competent authorities of the countries concerned are informed that          the single shipment (*)          several shipments (*)          of spent fuel as described in Section B-1, has/have been</p> <p style="text-align: center;"><b>REFUSED</b></p> <hr/> <p style="text-align: center;">(Date and place) <span style="margin-left: 150px;">(Stamp)</span> <span style="margin-left: 150px;">(Signature)</span></p> <p>(*) Only one asterisked statement can apply, delete as appropriate.</p>			

Registration No: \_\_\_\_\_  
 (to be completed by the competent authority responsible for issuing the shipments authorisation)

**SECTION B-5**

**Description of spent fuel consignment and list of packages**

26.	Applicant (trade name): _____ <input type="checkbox"/> holder, <input type="checkbox"/> consignee, <input type="checkbox"/> other, to be specified _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____				
27.	Date of expiry of the authorisation _____ (dd/mm/yyyy) covering <input type="checkbox"/> a single shipment, or <input type="checkbox"/> several shipments, serial number of the shipment: _____				
28.	Type of spent fuel: <input type="checkbox"/> uranium metal, <input type="checkbox"/> uranium dioxide, <input type="checkbox"/> mixed oxide (MOX), <input type="checkbox"/> other, please specify _____ <hr/> Original fissile content: <input type="checkbox"/> uranium-235 _____ (maximum enrichment _____ %) <input type="checkbox"/> MOX _____ (nominal U-enrichment _____ %) _____ (maximum Pu content _____ %) <input type="checkbox"/> other, please specify _____ <hr/> Fuel burn up (average or typical range): _____ MWd/tHM Total number of assemblies/bundles/elements/rods (specify): _____ Maximum spent fuel content per package (kg): _____				
29.	(*) Identification No	(*) Type <sup>(1)</sup>	(*) Gross mass (kg)	(*) Net mass (kg)	(*) Activity (GBq)
	Total number:	Total/type:	Total:	Total:	Total:
(*) To be completed for each package, attach separate list, if space is not sufficient. (1) According to Regulations for the Safe Transport of Radioactive Material 2005 Edition, Safety Requirements TS-R-1, IAEA, Vienna, 2005.					
30.	Date of dispatch of the shipment: _____ (dd/mm/yyyy) I hereby certify that the information provided in this section (and in the attached list or documents) is correct to the best of my knowledge.  <hr/> <div style="display: flex; justify-content: space-between;"> <span>(Date and place)</span> <span>(Stamp)</span> <span>(Signature)</span> </div>				

Registration No: \_\_\_\_\_  
 (to be completed by the competent authority  
 responsible for issuing the shipments authorisation)

**SECTION B-6**

**Acknowledgement of receipt of the spent fuel**

31.	Consignee (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
32.	Location where the spent fuel is held after the shipment (trade name): _____ Address: _____ Postcode: _____ Town: _____ Country: _____ Tel. _____ Fax _____ E-mail: _____ Contact person: Mr/Ms _____
33.	Authorisation granted for (tick as appropriate): <input type="checkbox"/> a single shipment of type MM or IM, <input type="checkbox"/> a single shipment of type ME or TT <input type="checkbox"/> several shipments of type MM or IM, Serial number of shipment: _____ Last shipment covered by the authorisation: <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> several shipments of type ME or TT, Serial number of shipment: _____ Last shipment covered by the authorisation: <input type="checkbox"/> yes <input type="checkbox"/> no
34.	<input type="checkbox"/> Not applicable. <input type="checkbox"/> For shipments of type ME or TT (this item may be replaced by a separate declaration, fill in reference to attachment): _____ Frontier post of entry to the third country of destination or transit: _____ Third country: _____ Frontier post: _____
35.	Depending on the type of shipment, the consignee must send the acknowledgement of receipt together with section B-5: — type MM or IM: to the competent authority of the Member State of destination, — type ME or TT: to the applicant (type ME: to the holder, type TT: to the person responsible for the shipment in the Member State by way of which the spent fuel enters the Community) as referred to as in item 4 (Section B-1). Date of receipt of the spent fuel: _____ (dd/mm/yyyy) Date of dispatch of the acknowledgement of receipt: _____ (dd/mm/yyyy)  I, the consignee, hereby certify that the information provided in this section (and the attached list) is correct to the best of my knowledge.  <hr/> <div style="display: flex; justify-content: space-between;"> <span>(Date and place)</span> <span>(Stamp)</span> <span>(Signature)</span> </div>

<p>36.</p> <p><input type="checkbox"/> Not applicable.</p> <p><input type="checkbox"/> For shipments of type ME or TT: the applicant forwards the acknowledgement of receipt and, where appropriate, the consignee's declaration to the authority which issued the authorisation.</p> <p>1. A consignee located outside the European Communities may acknowledge receipt of the spent fuel by means of a declaration or certificate providing at least the information contained in items 31 to 36.</p> <p>2. The competent authority which receives the original acknowledgement of receipt must send copies of it to the other competent authorities.</p> <p>3. The originals of Sections B-5 and B-6 must be sent finally to the competent authority which issued the authorisation.</p> <p>4. For shipments between Member States, the competent authority of the Member State of origin or where the shipment first enters the Community must send a copy of the acknowledgement of receipt to the holder.</p>	<p>Date of forwarding of the acknowledgement of receipt (together with Section B-5): _____ (dd/mm/yyyy)</p>		<p>Frontier post of exit from the Community:</p>	
	<p>Country:</p>		<p>Post:</p>	
	<p>_____</p>			<p>_____</p>
	<p>(Date and place)</p>	<p>(Stamp)</p>	<p>(Signature of the applicant)</p>	

**Explanatory notes to each item of the standard document Sections A-1 to A-6 and B-1 to B-6:**

Definition of a duly completed application: an application for the authorisation of a shipment of radioactive waste or spent fuel is duly completed in accordance with Directive 2006/117/Euratom, if – in case of shipments of radioactive waste – each item of Section A-1, or – in case of shipments of spent fuel – each item of Section B-1, contains the required information, either by ticking the relevant box, deleting (= crossing out) the non-applicable option or filling in the relevant data and values. In case of an application for several shipments, items 8 and 9 may contain estimates.

1. The applicant must duly complete all items 1 to 14. In item 1 tick one of the boxes as applicable to define the type of shipment and fill in the relevant frontier posts in case third countries are concerned in the shipment:
  - (a) tick type MM for shipments between Member States, eventually passing through one or more other Member States or third countries;
  - (b) tick type IM for shipments from a third country to a Member State (= import into the Community), bearing in mind, that the application must include evidence that the consignee has made an arrangement with the holder established in the third country, and which has been accepted by the competent authority of that third country, obliging that holder to take back the radioactive waste or spent fuel where a shipment cannot or may not be completed;
  - (c) tick type ME for shipments from a Member State to a third Country (= export from the Community); or
  - (d) tick type TT for shipments from one third country to another third country passing one or more Member States, bearing in mind that the application must include evidence that the consignee established in the third country has made an arrangement with the holder established in the third country, and accepted by the competent authority of that third country, obliging that holder to take back radioactive waste or spent fuel where a shipment cannot or may not be completed.
2. By ticking the relevant box, the applicant must state clearly whether the application covers only one shipment within a period of time (e.g. 05/2010, 2009 or 2010-2011) or whether the application covers more than one shipment within a period of time, but not more than a period of three years from the date of authorisation. A single application may be sent in respect of more than one shipment, provided the following conditions are met as set out in Article 6(2) of the Directive 2006/117/Euratom:
  - (a) the radioactive waste or spent fuel to which it relates essentially has the same physical, chemical and radioactive characteristics; and
  - (b) the shipments are to be made from the same holder to the same consignee and involve the same competent authorities; and
  - (c) where the shipments involve transit through third countries, such transit is made via the same frontier post of entry to and/or exit from the Community and via the same frontier post(s) of the third country or countries concerned, unless otherwise agreed between the competent authorities concerned.
3. The applicant must fill in the relevant frontier posts in case one or more third countries are concerned in the shipment. These frontier posts must be identical for all shipments covered by the application unless otherwise agreed by the competent authorities.
4. The applicant must fill in his/her trade name, address and contact details. The trade name, also known as a trading name or a business name, is the name which a business trades under for commercial purposes, although its registered, legal name, used for contracts and other formal situations, may be another. The applicant must tick the appropriate box to define his/her function, which is the following, depending on the type of shipment:
  - (a) the holder in case of a shipment between Member States (type MM) or an export from the Community into a third country (type ME);
  - (b) the consignee in case of an import into the Community from a third country (type IM);



- (c) the person responsible for the shipment in the Member State by which the radioactive waste or spent fuel enters the Community in case of a transit through the Community (type TT).
5. The applicant must fill in the trade name, address and contact details of the location, where the radioactive waste or spent fuel is held before the shipment, which can be different from the address of the applicant.
  6. The applicant must fill in the trade name, address and contact details of the consignee. In case of shipment type IM, this information is identical with item 4.
  7. The applicant must fill in the trade name, address and contact details of the location, where the radioactive waste or spent fuel will be held after the shipment, which can be different from the address of the consignee.
  8. The applicant must complete all fields either by ticking the appropriate box (more than one answer is possible) or filling in the specific characteristics and values of the radioactive waste or spent fuel. These values may be estimates in case of several shipments.
  9. The applicant must complete item 9, the values may be estimates.
  10. The applicant must tick and define the type of activity giving rise to the radioactive waste or spent fuel and tick the appropriate box(es) or specify any other activity. More than one answer is possible.
  11. The applicant must define the purpose of the shipment and tick the appropriate box (only one answer is possible) or specify any other purpose.
  12. The applicant must list up, as planned, the different modes of transport foreseen for the shipment (road, rail, sea, air, inland waterway) and add accordingly the relevant point of departure, point of arrival and the planned carrier (if already known). Changes of this schedule at a later point during the application procedure are possible and should be notified to the competent authorities but do not require a new application for approval.
  13. The applicant must list up all countries concerned in the shipment, starting with the first Member State or third country where the radioactive waste or spent fuel is held and ending with the last Member State or third country, where it will be held after the completion of the shipment. Should the applicant wish to change the sequential list of countries, a new application is required.
  14. The applicant must declare who takes back the radioactive waste or spent fuel in case the shipment(s) cannot take place or if the conditions for shipment cannot be fulfilled. Where the shipment is of type IM or TT, the applicant must attach to the application evidence of an arrangement between the consignee in the Member State or third country of destination and the holder of the radioactive waste or spent fuel in the third country which has been approved by the competent authorities of the third country.

Having completed items 1 to 14 the applicant must send the Section 1 of the standard document to the competent authority, which is responsible for issuing the authorisation for the shipment.

The competent authority responsible for issuing the shipment authorisation or refusal is the following, depending on the type of the shipment is:

- the competent authority of the Member State of origin in case of shipments between Member States (type MM) and exports out of the Community (type ME),
- the competent authority of the Member State of destination in case of an import into the Community (type IM),
- the competent authority of the first Member State of transit, where the shipment enters the Community in case of a transit through the Community (type TT).

The relevant contact data can be retrieved from the electronic communication platform established and maintained by the Commission or from the published list of competent authorities.

15. Immediately upon receipt of the application, the competent authority responsible for issuing the authorisation for the shipment must:
- (a) enter the registration number at the top of each section of the standard document, starting with Section 1;
  - (b) verify that all items of Section 1 have been duly completed by the applicant;
  - (c) complete item 15 of Section 2 and make sufficient copies of Sections 1, 2 and 3 for each Member State or Country concerned. Third countries of transit are consulted for information only.
16. The competent authority responsible for the authorisation must:
- (a) complete, as appropriate, item 16 of Section 2 (and 18 of Section 3) for each competent authority of the Member States or Countries concerned as listed in item 13, whose consent is required for the shipment(s) to be authorised; and
  - (b) send the duly completed application (Section 1) together with Section 2 – without delay – for consent to each competent authority concerned named in item 16.
17. Item 17 to be completed by the competent authority of the Member State(s) concerned. The date of the application and of receipt must be entered immediately upon receipt of the application. Within 20 days after the date of receipt the competent authority of the Member States concerned must verify, if the application is duly completed (all items 1 to 14 must be completed and no information may be missing; some values may be estimates). Only 17(a) or 17(b) can apply, please delete as applicable.
- (a) If the competent authority of the Member State(s) of transit, if any, or of destination consider the application not duly completed, they must complete item 17(a), delete item 17(b) and notify their request for missing information to the competent authority responsible for issuing the authorisation (referred to as in item 15). They have to clearly state, which information is missing (fill in or attach document). The competent authority requesting the missing information must send copies of Section 2 to all other competent authorities of the Member States concerned referred to as in item 13 within a period of 20 days from the date of receipt of the application. The relevant contact data can be retrieved from the electronic communication platform established and maintained by the Commission or from the published list of competent authorities. If one Member State concerned considers the application not duly completed, the procedure is stopped. In this case, even if the competent authority of Member State of destination considers the application duly completed, they may not send an acknowledgement of receipt until the requested information has been received and no further request has been sent within 10 days after the receipt of the missing information. This procedure may be repeated until all missing information has been received and no further requests for missing information have been sent.
- Not later than 10 days after expiry of the 20 days from the receipt of application, if no request for missing information has been received within the 20-day period and if the competent authority of the Member State concerned deems the application duly completed, it must send Section 2 to the competent authority responsible for the authorisation as referred to as in item 15 and copies thereof to all other competent authorities of the Member States concerned as referred to as in item 13. The relevant contact data can be retrieved from the electronic communication platform established and maintained by the Commission or from the published list of competent authorities.
- Shorter periods of time can be agreed between all competent authorities of the Member States concerned.
- (b) In order to allow the competent authorities to request missing information within a period of 20 days after the receipt of the application, the competent authority of the Member State of destination must not issue their acknowledgement of receipt before the expiry of the 20 days deadline. Upon expiry of the 20-day deadline, if the competent authority of the Member States of destination consider the application duly completed and if either no other Member States are concerned or no other competent authority concerned requested missing information, it (the competent authority of the Member States of destination) must complete item 17(b).
18. Immediately upon receipt of the acknowledgement of receipt of a duly completed application of the competent authority of the Member State of destination the competent authority responsible for the authorisation must verify if the deadlines have been respected, and complete item 18 of Section 3 for each Member State concerned, as listed in item 13, whose consent is required for the shipment(s) to be authorised.

The competent authority concerned must make necessary additional entries in item 18.

19. The competent authority responsible for the authorisation must fill in the general deadline for automatic approval, which applies to all Member States concerned. This expiry date is in general two months after the date of acknowledgement of receipt of the Member State of destination as referred to as in item 17(b). Then the competent authority responsible for the authorisation has to send Section 3 on the consent or refusal to all Member States or Countries concerned.

Immediately upon receipt of Section 3, any competent authority concerned must decide if a further period of time is needed to decide upon refusal or consent to the shipment. An additional period of up to one month may be requested by deleting the general deadline in item 19, filling in the new deadline and notifying the extended deadline to all competent authorities concerned.

20. The competent authority concerned must give the application due consideration. Not later than the expiry of the deadline for the automatic approval, the competent authority concerned must complete item 20 and return the original copy of Section 3 (scanned original if sent by e-mail) to the competent authority responsible for issuing the authorisation (as referred to as in item 15). In case consent is refused, reasons must be given and must be based (for Member States of transit) on the relevant national, Community or international legislation applicable to the transport of radioactive material or – for Member States of destination – on relevant legislation applicable to the management of radioactive waste or spent fuel or on relevant national, Community or international legislation applicable to the transport of radioactive material. Any conditions imposed must not be more stringent than those laid down for similar shipments within Member States. Failure to complete and return the standard document by the due time shall be taken as deemed consent to the shipment application, subject to Article 9(2) of Directive 2006/117/Euratom.
21. The competent authority responsible for issuing the shipment authorisation must complete items 21 to 23, when all consents necessary for the shipment have been given by the competent authorities concerned, bearing in mind, that tacit consent is deemed to be given only provided that:
- (a) the acknowledgement of receipt has been received (at least) from the competent authority of the Member State of destination (as referred to as in item 17(b)); and
  - (b) no request for missing information have been left unanswered; and
  - (c) no reply (neither consent nor refusal) has been received within the applicable deadlines as referred to as in item 19 from the competent authorities concerned.
22. The competent authority referred to as in item 21 must list up or attach, if space provided is not sufficient, all consents (including conditions) and refusals (including reasons) received, if any, from all competent authorities concerned.
23. The competent authority referred to as in item 21 must:
- (a) complete item 23 bearing in mind that the maximum period of validity for the authorisation is three years and that a single authorisation may cover more than one shipment, where the conditions set out in Article 6(2) of the Directive 2006/117/Euratom are met;
  - (b) send the original of Section 4a to the applicant together with the Sections 1, 4a, 5 and 6; and
  - (c) send copies of Section 4a to all other competent authorities concerned.
24. The competent authority responsible for issuing the shipment authorisation must complete items 24 to 25, if at least one of the competent authorities concerned did not give their consent to the shipment.
25. The competent authority as referred to in item 24 must list up or attach all consents and refusals received, including all conditions and reasons for refusal and send the original copy of Section 4b to the applicant and copies of this section to all other competent authorities concerned.

26. If the shipment(s) has(ve) been authorised and the applicant has received Sections 4a, 5 and 6, he/she must duly complete item 26. In case the application covers several shipments, he/she must make sufficient copies of Section 5 for each shipment.
27. The applicant must tick the appropriate box, indicating whether the authorisation covers a single shipment or several shipments. In case of several shipments, the appropriate serial number must be filled in.
28. Before each shipment the applicant must duly complete item 28 to 30 (even if the authorisation relates to several shipments). In this section, the values must not be estimates!
29. The applicant must duly complete item 29 (list of packages) and indicate at the bottom the total number of packages, the total number of each type of package, the total net mass, the total gross mass and the total activity (GBq) of all packages. If the place provided in the document is not sufficient, please attach a separate list with the information requested.
30. The applicant must complete item 30 (date of dispatch and declaration) before each shipment of radioactive waste of spent fuel (even if the authorisation relates to several shipments). Together with Sections 1 and 4a, Section 5 accompanies the radioactive waste or spent fuel while it is being shipped. The description of consignment and list of packages (Section 5) is then attached to the Section 6 (acknowledgement of receipt).
31. The consignee (in case of MM and IM shipments), the holder (in case of ME shipments) or the person responsible for the shipment (in case of TT shipments) must duly complete items 31 to 35 (36, if applicable); any necessary additions being made by the applicant. However, a consignee located outside the European Community may acknowledge receipt of the radioactive waste or spent fuel by means of a declaration separate from the standard document.
32. The consignee must duly complete the name, address and contact details of the place where the radioactive waste or spent fuel is held after the shipment.
33. The consignee must complete item 33 (as referred to as in item 23) and indicate if the shipment received is the last shipment covered by the authorisation.
  - (a) In cases where the authorisation covers a single shipment of the types MM or IM, the consignee must complete Section 6 within 15 days of receiving the radioactive waste or spent fuel and submit Sections 5 and 6 to the competent authority of the Member State of destination. The competent authority of the Member State of destination then forward copies of Sections 5 and 6 to the other competent authorities concerned (and, where appropriate, the original of these two sections to the competent authority who issued the authorisation). For shipments of the type MM, the competent authority of the Member State of origin must send a copy of the acknowledgement of receipt to the holder.
  - (b) In cases where the authorisation covers a single shipment of type ME or TT the applicant must ensure that the consignee located outside the European Community sends him Section 5 and Section 6 duly completed immediately on receipt of the radioactive waste or spent fuel. Section 6 may be replaced by a declaration on the part of the consignee providing at least the information contained in items 31-36. Within 15 days after receipt of the radioactive waste or spent fuel, the applicant must forward Section 5, Section 6 (if the consignee did not use Section 6, the applicant must complete it) and, where applicable, the consignee's declaration, to the competent authority which issued the authorisation. This authority must then send copies of Sections 5 and 6, and, where applicable, the consignee's declaration, to the other competent authorities concerned.
  - (c) In cases where the authorisation covers several shipments of the types MM or IM, the consignee must complete Section 6 after each shipment (having made several copies of a blank Section 6 for this purpose) and submit this section directly to the competent authority which issued the authorisation. The consignee attaches Section 5 relating to the same shipment.
  - (d) In cases where the authorisation covers several shipments of the types ME or TT the applicant must ensure that after each shipment the consignee located outside the European Communities completes for each shipment a (blank) copy of Section 6 and returns it together with the appropriate Section 5.
34. The consignee must tick 'not applicable' or complete item 34 for shipments of type ME or TT or attach a separate declaration and give the reference to the attachment.

35. The consignee must complete item 35 when the single shipment or all the shipments covered by the authorisation have been carried out. In cases where the authorisation covers several shipments the final acknowledgement of receipt is completed and submitted as if the authorisation were valid for a single shipment only except that:

- (a) it is stated in item 30 of Section 6 that the shipment in question is the last shipment covered by the authorisation;
- (b) any declaration made by a consignee located outside the European Communities must state that all the radioactive waste or spent fuel covered by the shipment authorisation has indeed arrived.

The consignee must send the Section 6 (acknowledgement of receipt) together with Section 5 depending on the type of shipment to the competent authority of the Member State of destination in case of type MM or IM shipments, or to the applicant as referred to as in item 5 (Section 1) in case of a type ME or TT shipment. To provide an overview, the Section 6 for each of the shipments covered by the authorisation must be attached to the final acknowledgement of receipt.

36. The consignee must tick 'not applicable' or complete item 36 in case of shipments of type ME or TT, or replace it by a separate declaration, referring to the attachment. The applicant must forward Sections 5 and 6 to the authority which issued the authorisation. To provide an overview, the Section 6 for each of the shipments covered by the authorisation must be attached to the final acknowledgement of receipt.

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## III

*(Acts adopted under the EU Treaty)*

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## POLITICAL AND SECURITY COMMITTEE DECISION CHAD/2/2008

of 18 March 2008

**on the setting-up of the Committee of Contributors for the European Union military operation in the Republic of Chad and in the Central African Republic**

(2008/313/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

PSC, which exercises the political control and strategic direction of the operation, will take account of the views expressed by the Committee of Contributors.

Having regard to the Treaty on European Union, and in particular third subparagraph of Article 25 thereof,

- (4) In accordance with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications,

Having regard to Council Joint Action 2007/677/CFSP of 15 October 2007 on the European Union military operation in the Republic of Chad and in the Central African Republic <sup>(1)</sup> (Operation EUFOR Tchad/RCA), and in particular Article 10(5) thereof,

HAS DECIDED AS FOLLOWS:

Whereas:

*Article 1***Establishment and terms of reference**

A Committee of Contributors for the European Union military operation in the Republic of Chad and in the Central African Republic (CoC) is hereby established. Its terms of reference are laid down in the European Council Conclusions of Nice and Brussels.

- (1) Under Article 10(5) of Joint Action 2007/677/CFSP, the Council authorised the Political and Security Committee (PSC) to take relevant decisions on the setting-up of a Committee of Contributors for Operation EUFOR Tchad/RCA.
- (2) The European Council Conclusions of Nice of 7, 8 and 9 December 2000 and Brussels of 24 and 25 October 2002 laid down the arrangements for the participation of third States in crisis management operations and the setting-up of a Committee of Contributors.
- (3) The Committee of Contributors will play a key role in the day-to-day management of Operation EUFOR Tchad/RCA. It will be the main forum where contributing States collectively address questions relating to the employment of their forces in the operation. The

*Article 2***Composition**

1. The CoC members shall be as follows:

- representatives of all Member States,
- representatives of third States participating in the operation and providing significant military contributions, as referred to in the Annex.

<sup>(1)</sup> OJ L 279, 23.10.2007, p. 21.

2. The EU Operation Commander, the Director General of the European Union Military Staff, or their representatives and representatives of the Commission shall attend the CoC meetings.

3. Third persons may be invited for relevant parts of the discussion, as appropriate.

#### Article 3

##### Chair

Without prejudice to the prerogatives of the Presidency, the CoC for this operation shall be chaired by the Secretary General/High Representative or his representative in close consultation with the Presidency and the Chairman of the European Union Military Committee (CEUMC) or his representative.

#### Article 4

##### Meetings

1. The CoC shall be convened by the Chair on a regular basis. Where circumstances require, emergency meetings may be convened on the Chair's initiative, or at the request of a member.

2. The Chair shall circulate in advance a provisional agenda and documents relating to the meeting. A summary of the meeting shall be circulated after each meeting.

#### Article 5

##### Procedure

1. Except as provided in paragraph 3 and without prejudice to the competencies of the PSC and the responsibilities of the EU Operation Commander:

— unanimity of the representatives of States contributing to the operation shall apply when the CoC takes decisions on the day-to-day management of the operation,

— unanimity of the CoC members shall apply when the CoC makes recommendations on possible adjustments to operational planning, including possible adjustment to objectives.

The abstention of a member shall not preclude unanimity.

2. The Chair shall establish that the majority of the representatives of States entitled to take part in the deliberations is present.

3. All procedural questions shall be settled by the simple majority of the members present at the meeting.

4. Denmark shall not take part in any decision of the Committee.

#### Article 6

##### Confidentiality

1. The Council Security Regulations shall apply to the meetings and proceedings of the CoC. In particular, representatives in the CoC shall possess adequate security clearance.

2. The deliberations of the CoC shall be covered by the obligation of professional secrecy, except insofar as the CoC unanimously decides otherwise.

#### Article 7

##### Entry into force

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

Done at Brussels, 18 March 2008.

*For the Political and Security Committee*

*The Chairperson*

M. IPAVIC

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#### ANNEX

##### List of the third State(s) referred to in Article 2(1)

— Albania

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**COUNCIL JOINT ACTION 2008/314/CFSP**

**of 14 April 2008**

**on support for IAEA activities in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction, Chapter III of which contains a list of measures that need to be taken both within the European Union (EU) and in third countries to combat such proliferation.
- (2) The EU is actively implementing this Strategy and is giving effect to the measures listed in Chapter III thereof, in particular through releasing financial resources to support specific projects conducted by multilateral institutions, such as the International Atomic Energy Agency (IAEA).
- (3) On 17 November 2003 the Council adopted Common Position 2003/805/CFSP on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery <sup>(1)</sup>. That Common Position calls, *inter alia*, for the promotion of the conclusion of IAEA comprehensive safeguards agreements and Additional Protocols and commits the EU to working towards making the Additional Protocols and comprehensive safeguards agreements the standard for the IAEA verification system.
- (4) On 17 May 2004, the Council adopted Joint Action 2004/495/CFSP on support for IAEA activities under its Nuclear Security Programme and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction <sup>(2)</sup>.
- (5) On 18 July 2005, the Council adopted Joint Action 2005/574/CFSP on support for IAEA activities in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction <sup>(3)</sup>.
- (6) On 12 June 2006, the Council adopted Joint Action 2006/418/CFSP on support for IAEA activities in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction <sup>(4)</sup>.
- (7) On 22 December 2003 the Council adopted Directive 2003/122/Euratom on the control of high-activity sealed radioactive sources and orphan sources <sup>(5)</sup>. As far as the EU is concerned, the strengthening of the control of high-activity radioactive sources in all third countries, in accordance with the G-8 statement and Action Plan on securing radioactive sources, remains an important objective to be pursued.
- (8) In July 2005, States Parties and the European Atomic Energy Community agreed by consensus to amend the Convention on the Physical Protection of Nuclear Material (CPPNM) with a view to expanding its scope to encompass nuclear material and facilities in peaceful domestic use and storage, as well as in transport, and to requiring States Parties to put violations under criminal sanctions.
- (9) In September 2005, the International Convention for the Suppression of Acts of Nuclear Terrorism (Nuclear Terrorism Convention) was opened for signature. Once it enters into force, it will require States Parties to enact legislation to criminalise these offences.
- (10) The IAEA pursues the same objectives as those set out in Recitals (3) to (9). This is done through the implementation of its Nuclear Security Plan which is financed through voluntary contributions to the IAEA Nuclear Security Fund,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

1. For the purposes of giving immediate and practical implementation to certain elements of the EU Strategy against Proliferation of Weapons of Mass Destruction, the EU shall support the IAEA activities in the areas of nuclear security and verification in order to further the following objectives:

- (a) to work towards the universalisation of international non-proliferation and nuclear security instruments, including comprehensive safeguards agreements and the Additional Protocol;

<sup>(1)</sup> OJ L 302, 20.11.2003, p. 34.

<sup>(2)</sup> OJ L 182, 19.5.2004, p. 46.

<sup>(3)</sup> OJ L 193, 23.7.2005, p. 44.

<sup>(4)</sup> OJ L 165, 17.6.2006, p. 20.

<sup>(5)</sup> OJ L 346, 31.12.2003, p. 57.



(b) to enhance the protection of proliferation-sensitive materials and equipment and the relevant technology and provide legislative and regulatory assistance in the area of nuclear security and safeguards;

(c) to strengthen the detection of and response to illicit trafficking of nuclear and other radioactive materials.

2. The projects of the IAEA corresponding to measures of the EU Strategy are projects which aim at:

(a) strengthening national legislative and regulatory infrastructures for the implementation of relevant international instruments in the areas of nuclear security and verification, including comprehensive safeguards agreements and the Additional Protocol;

(b) assisting States in strengthening the security and control of nuclear and other radio-active materials;

(c) strengthening States' capabilities for detection and response to illicit trafficking in nuclear and other radio-active materials.

These projects shall be carried out in countries needing assistance in these areas after an initial assessment undertaken by an expert team.

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

#### Article 2

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

2. The projects referred to in Article 1(2) shall be carried out by the IAEA. It shall perform this task under the control of the SG/HR, assisting the Presidency. For this purpose, the SG/HR shall enter into the necessary arrangements with IAEA.

3. The Presidency, the SG/HR and the Commission shall keep each other regularly informed about the projects, in conformity with their respective competences.

#### Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 7 703 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the general budget of the European Communities.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2, which shall take the form of a grant. For this purpose, it shall conclude a financing agreement with the IAEA. The financing agreement shall stipulate that the IAEA is to ensure visibility of the EU contribution, appropriate to its size.

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

#### Article 4

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Joint Action on the basis of regular reports prepared by the IAEA. These reports shall form the basis for the evaluation by the Council. The Commission shall be fully associated. It shall provide information on the financial aspects of the implementation of this Joint Action.

#### Article 5

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

It shall expire 15 months after the date of the conclusion of the financing agreement between the Commission and the IAEA or on 14 April 2009 if no financing agreement has been concluded before that date.

#### Article 6

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

Done at Luxembourg, 14 April 2008.

For the Council

The President

I. JARC

## ANNEX

EU support for IAEA activities in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction

### 1. Description

The number of terrorist incidents in EU Member States and elsewhere over recent years has shown no sign of diminishing. The international community has recognized in various fora that the risk of successful acts of nuclear terrorism involving nuclear or other radioactive material remains high. In addition, recent reports of illicit trafficking, also involving particularly sensitive nuclear material, have underscored the continuing risk that terrorists could acquire such materials.

The international community has reacted strongly to these threats and has taken several initiatives aimed at preventing nuclear or other radioactive material from falling into the hands of criminals and terrorists. Particular attention was drawn to the situation in Asia by the Seminar on Strengthening Nuclear Security in Asian Countries, which took place in Tokyo in November 2006 and which called on the IAEA to enhance its cooperation with States in the region to ensure that acceptable levels of security are applied to all nuclear and other radioactive material under national jurisdictions and according to effective national systems and functions. Added impetus to international efforts was given through the launch in July 2006 of the Global Initiative to Combat Nuclear Terrorism.

IAEA verification remains an indispensable tool for building confidence among States with regard to nuclear non-proliferation undertakings, and for advancing the peaceful use of nuclear material.

Recent international developments have resulted in a new and strengthened set of international legal instruments that are relevant to nuclear security and verification: in July 2005, States Parties adopted the Amendment to the Convention on the Physical Protection of Nuclear Material; the International Convention for the Suppression of Acts of Nuclear Terrorism was opened for signature in September 2005; and in April 2004 the UN Security Council adopted resolution 1540(2004) dealing with weapons of mass destruction and non-State actors. UN Security Council resolution 1373(2001) calls for all States to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism.

To date, over 80 States have made a political commitment to implement the Code of Conduct on the Safety and Security of Radioactive Sources <sup>(1)</sup>. In addition, in 2005 the General Conference and the Board of Governors of the IAEA adopted a number of resolutions and decisions to strengthen the IAEA safeguards system <sup>(2)</sup>.

States' implementation of these international instruments may be significantly facilitated, in part, by assistance provided through the IAEA Nuclear Security Plan for 2006-2009, which was approved by the Board of Governors of the IAEA in September 2005 <sup>(3)</sup>. This is a continuation to the 2003-2005 Plan of Activities to protect against nuclear terrorism <sup>(4)</sup>. The Nuclear Security Plan includes three activity areas: (1) Needs assessment, analysis and coordination, (2) Prevention, and (3) Detection and response. It also includes a part referred to as 'Activities Supporting Nuclear Security', which comprises activities originally identified for their safety and safeguards objectives but which are also recognized for their important contributions to nuclear security.

International Safeguards, as implemented by the IAEA, represent key means of verifying the compliance by States with their specific non-proliferation commitments and obligations. It is of utmost importance that the required national legislation for the implementation of a comprehensive safeguards agreement with the IAEA and, if applicable, an additional protocol, is in place <sup>(5)</sup>. The implementation requires that each State party to such agreements maintain an effective State System for Accounting for and Control of Nuclear Material (SSAC). In September 2005, the IAEA Board of Governors requested that the IAEA Secretariat assist States for which comprehensive safeguards agreements had small quantities protocols attached, including non-members of the Agency, through available resources, in the establishment and maintenance of such SSACs.

<sup>(1)</sup> GOV/2003/49-GC(47)/9. Also the document: 'Measures to Strengthen International Cooperation in Nuclear, Radiation, Transport Safety and Waste Management: Promoting Effective and Sustainable National Regulatory Infrastructure for the Control of Radiation Sources' (GOV/2004/52-GC(48)/15) includes parts that are relevant to the IAEA-EU cooperation under the EU Strategy against Proliferation of Weapons of Mass Destruction. These activities are also reflected in 'Activities Supporting Nuclear Security' in the IAEA Nuclear Security Plan for 2006-2009.

<sup>(2)</sup> In September 2005, the Board of Governors of the International Atomic Energy Agency (IAEA) decided that in order to strengthen the safeguards system, the so-called 'small quantities protocol' (SQP) to NPT safeguards agreements should remain part of the Agency's safeguards system, subject to modifications in the standard text and the change in the SQP criteria; the 2005 IAEA General Conference adopted a resolution in which it noted, *inter alia*, that in the case of a State with a comprehensive safeguards agreement supplemented by an additional protocol in force, these measures represent the enhanced verification standard for that State.

<sup>(3)</sup> GOV/2005/50-GC(49)/17.

<sup>(4)</sup> GOV/2002/10.

<sup>(5)</sup> See the Agency's Plan of Action to Promote the Conclusion of Safeguards Agreements and Additional Protocols, as published by the IAEA.

The Nuclear Security Plan 2006-2009 pursues similar objectives to some elements of the EU Strategy against Proliferation of Weapons of Mass Destruction. These provide a comprehensive approach to nuclear security including the regulatory controls, accountability and protection of nuclear and other radioactive materials in use, storage and transport, 'from cradle to grave', in the short term as well as in the long term. However, should the protection fail, backup measures must be established to detect theft or attempts to smuggle the material across international borders and to respond to malicious acts involving nuclear or other radioactive materials, should they occur.

The IAEA is about to complete implementation of Council Joint Action 2004/495/CFSP and is in the process of implementing Council Joint Action 2005/574/CFSP as well as Council Joint Action 2006/418/CFSP all of which concern support for IAEA activities in the areas of nuclear security and verification and in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction. With the associated contributions of the EU, the IAEA has initiated major activities to support efforts of recipient States in Caucasus, Central Asia, South-Eastern Europe and the Balkans, the Mediterranean region in the Middle East, and Africa to strengthen nuclear security and the implementation of international safeguards in these countries.

Support for these efforts continues to be in high demand in IAEA Member States as well as in States that are not members of the IAEA. Countries eligible to receive support are:

in South-Eastern Europe: Turkey, Albania, Bosnia and Herzegovina, Croatia, Serbia, Montenegro, Republic of Moldova, and the former Yugoslav Republic of Macedonia;

in the Central Asia region: Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan;

in the Caucasus region: Armenia, Azerbaijan and Georgia;

in the Mediterranean region in the Middle East: Israel, Jordan, Lebanon, and Syrian Arab Republic;

in Africa <sup>(1)</sup>: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo (Brazzaville), Cote d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, Tanzania, Zambia and Zimbabwe;

in the South East Asia region: Bangladesh, Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam.

Work will continue in South-Eastern Europe, Central Asia, the Caucasus, in the Mediterranean region in the Middle East, and in Africa on the basis of the existing Joint Actions and an update of the needs evaluations carried out as part of those Joint Actions. The final selection of the additional countries in the South East Asia region to receive support will be made on the basis of the needs evaluation phase, which will comprise evaluation of existing information in headquarters supplemented by assessment missions where required. The support activities for each project will be focused on those countries that are in most need of support in each project area.

For the purpose of the needs evaluations, a team of recognised experts will assess the present status of nuclear security system already in place in these countries and give recommendations on improvements. The recommendations will constitute a platform for the definition of subsequent assistance, covering present status and need for improvement as regards prevention, detection of and response to malicious acts involving nuclear and other radioactive materials, including those in non-nuclear use, and of nuclear facilities. Priorities will be set in identifying the countries for each project covered by the budget made available through EU support. The development of human resources will be implemented as part of the established training programme of the IAEA, which, to a large extent, is based on a regional approach. The participation of experts from as many eligible countries as possible will be supported, subject to available financial resources.

Subsequently, projects will be implemented in the selected countries in three fields:

#### 1. *Legislative and Regulatory Assistance*

The legal foundation for nuclear security comprises, in large part, international instruments and recognised principles (treaties, conventions, agreements, norms, IAEA standards, codes of conduct and guidance documents, and recommendations) that are implemented by national authorities to control nuclear material and other radioactive sources. This broad range of norms (many developed under IAEA auspices) provides a framework for using nuclear material, other radioactive substances and their related facilities safely and securely – both those with large nuclear programmes and those conducting only limited nuclear activities.

<sup>(1)</sup> Up to 20-25 countries in Africa are foreseen to receive support for nuclear security upgrades under different projects. Additional countries may be involved in regional training events.

The existence of proper national legislation, and regulatory control infrastructure, is a precondition for a successful nuclear security regime. National implementing legislation should provide a framework of principles and general provisions that enables authorized governmental entities to exercise the necessary regulatory functions and that regulates the conduct of any person engaged in regulated activities. In many States such legislation is inadequate and the regulatory infrastructure is not in place or is inadequate. Such gaps, combined with inefficient regulatory control infrastructures result in a weakness of the global security regime. The aim should therefore be to strengthen or establish adequate national legislative and regulatory frameworks, and the effective application of relevant measures.

Radioactive materials are often used in non-nuclear applications, e.g. in medical or industrial use. Some of these sources are highly radioactive and belong to categories 1 to 3 as defined in the IAEA document 'Categorisation of Radioactive Sources'. These sources, if not adequately under regulatory control and protected, may fall into the wrong hands and be used in malicious activities. The regulatory infrastructure for radiation safety and security of radioactive sources must be effective and must function adequately in accordance with international standards, the guidelines of the Code of Conduct on the Safety and Security of Radioactive Sources and the associated import/export guidance, and best practices.

The conclusion of safeguards agreements and additional protocols with the IAEA is an effective measure that promotes stringent national and international control over nuclear material and related technologies. It is important that national implementing legislation clearly identify the nuclear activities, installations, facilities and material to which safeguards will be applied. In addition, States that have concluded an additional protocol need to ensure that their national implementing legislation has been enhanced to enable the State concerned to comply with the additional obligations under the additional protocol. In particular, the State's domestic legislation should be revised to expand the responsibilities and powers of the regulatory body designated for the purposes of implementing and applying the safeguards agreements concluded.

States also accept obligations to meet international norms related to nuclear security when becoming parties to the CPPNM by ratifying the Amendment to the CPPNM, and when becoming a party to the Nuclear Terrorism Convention. In addition, United Nations Security Council Resolution 1540(2004) also obliges all States to establish domestic controls including appropriate controls over materials related to nuclear weapons.

States' undertakings included in the aforementioned international instruments in the field of nuclear security have resulted in a juxtaposition of commitments related to the security of nuclear material and facilities and other radioactive sources. These commitments include measures for the establishment of a regulatory infrastructure for radiation safety and security of radioactive sources; accountancy and control measures; physical protection measures; import and export controls and the criminalization of unlawful acts.

## 2. *Strengthening the Security and Control of Nuclear and other Radioactive Materials*

The materials used or stored at nuclear facilities and locations must be adequately accounted for and protected in order to prevent theft or sabotage. An effective regulatory system should identify those elements requiring implementation at the level of the State and of the operator respectively.

It is also of vital importance that powerful and vulnerable sources in non-nuclear applications are physically protected against malicious acts when used or stored, and when no longer required, that they be dismantled and stored, or disposed of as radioactive waste, in a safe and secure location.

All States with comprehensive safeguards agreements are required to establish and maintain state systems of accounting for and control of all nuclear material (SSACs) subject to safeguards. However, IAEA estimates that such systems are lacking or inadequate in many States that are party to such agreements. This situation is particularly widespread among the 120 States or so that do not operate any nuclear facilities.

## 3. *Strengthening of States' Capabilities for Detection and Response to Illicit Trafficking*

Illicit trafficking relates to the unauthorised receipt, provision, use, transfer or disposal of nuclear material and other radioactive materials, whether intentional or unintentional and with or without crossing international borders.

A terrorist-made, crude nuclear explosive device or a radiological dispersal device cannot be constructed without the material having been acquired as a result of illicit trafficking. In addition, sensitive equipment and technology to produce sensitive material for or to construct a crude nuclear explosive device may also have been acquired via illicit trafficking. It may be assumed that cross-border movement of material or technology is necessary for the material to reach its end destination. To combat illicit trafficking, States thus require the necessary regulatory systems to be in place, as well as technical systems (including user-friendly instruments) and available procedures and information at border posts for detecting attempts to smuggle radioactive materials (including fissile, radioactive materials) or unauthorised trade in sensitive equipment and technology.

Effective measures must also be in place to respond to such acts and also to seizures of any radioactive materials. Law enforcement staff (customs, police, etc.) is frequently not trained in the use of detection equipment, and thus the sensitive equipment and technology may be unfamiliar. Training of these officers is therefore critical to the success of any measures put in place for detection of illicit trafficking. Different training should be offered to staff of different categories, both in using detection instruments and in understanding the reading of the instruments in order to be able to decide on follow-up activities.

Support in this area is in great demand as a result of increased awareness of the threat involved and of the availability of equipment and methodology for improved border-monitoring capability.

## 2. Objectives

Overall objective: To strengthen nuclear security in selected countries.

### 2.1. Evaluation Phase: Financing International Nuclear Security Missions

Evaluation will be carried out by the IAEA to identify needs to strengthen nuclear security in each of those countries mentioned in point 1 in which such evaluation has not been completed. For the other identified countries, the evaluation carried out earlier will be updated. The evaluation will cover, as appropriate, physical protection and security of nuclear and non-nuclear applications, established measures to combat illicit trafficking as well as the necessary legal and regulatory infrastructure. The results of the overall evaluation will be used as a basis for selecting the countries in which the projects will be implemented.

The projects outlined above will:

- evaluate, in each country, the status of physical protection of nuclear and other radioactive materials, and the protection of any nuclear or research installation or location in which these materials are used or stored. Identify a subset of facilities and locations containing these materials to be selected for subsequent upgrading and support,
- evaluate, in each country, any needs with respect to the upgrading of the security of radioactive sources. Identify any weaknesses and shortcoming against international standards and the Code of Conduct requiring improvement of regulatory infrastructure, and identify the need to provide additional protection of powerful, vulnerable sources. The specific equipment needed to provide protection would also be determined as a result of the evaluation,
- evaluate, in each country, the current status of the capability to combat illicit trafficking and identify needs for the required improvements,
- evaluate, in each country, the status of the SSAC and identify needs for the required improvements.

### 2.2. Implementation of specific actions defined as priorities as a result of the evaluation phase

#### Project 1. Legislative and Regulatory Assistance

Project purpose:

- to strengthen national legislative and regulatory infrastructures related to nuclear and other radioactive material taking into account relevant international instruments and recognized principles in the nuclear security field and existing synergies with national systems of radiation safety,
- to strengthen national legislative frameworks for the implementation of Safeguards Agreements and Additional Protocols concluded between States and the Agency,
- to strengthen the national regulatory infrastructure for radiation safety and security of radioactive sources.

Project results:

- development and adoption of comprehensive, coherent and effective legislation at the national level, thereby contributing to a harmonized, strengthened and more universal system of nuclear security,
- development and adoption (in national languages) of national legislation necessary to enable States to comply with their obligations under Agency Safeguards Agreements and Additional Protocols,

- establishment/upgrading of the national regulatory infrastructure for radiation safety and security of radioactive sources through the provision of advisory services, equipment and training, in accordance with international standards, the guidelines of the Code of Conduct on the Safety and Security of Radioactive Sources and best practices.

#### Project 2. Strengthening the Security and Control of Nuclear and other Radioactive Materials

Project purpose:

- to strengthen physical protection of nuclear facilities and of nuclear and other radioactive materials in nuclear applications in the selected countries,
- to strengthen the control and physical protection of radioactive materials in non-nuclear applications in the selected countries,
- to strengthen SSACs for the implementation of safeguards agreements and additional protocols, including in States with 'small quantities protocols'.

Project results:

- physical protection of nuclear materials and other radioactive materials at selected nuclear facilities and locations upgraded,
- vulnerable sources in non-nuclear applications protected or, as appropriate, dismantled and transferred to safe and secure storage in the selected countries,
- national regulatory infrastructure for physical protection improved through expert assistance,
- establishment and maintenance of effective SSACs capable of implementing safeguards agreements and additional protocols, including in States with 'small quantities protocols',
- staff training provided in the countries eligible to receive support.

#### Project 3. Strengthening of States' Capabilities for Detection and Response to Illicit Trafficking

Project purpose:

- to strengthen the States' capacities for detection of and response to illicit trafficking in the selected countries.

Project results:

- enhanced information collected and evaluated on illicit nuclear trafficking, from open sources and from States' Points of Contact, to improve the knowledge about and circumstances of illicit nuclear trafficking. This information will also facilitate the prioritisation of the various activities undertaken to combat illicit trafficking,
- national frameworks established through expert assistance, to combat illicit trafficking and to improve the national coordination of control cross-border movements of radioactive materials, sensitive nuclear equipment and technology in the selected countries,
- border monitoring equipment upgraded at selected border crossings,
- training provided for law enforcement staff in countries eligible to receive support.

### 3. Duration

The evaluation will be performed within a period of three months after entry into force of the financing agreement between the Commission and the IAEA. The three projects will be performed in parallel during the 12 subsequent months.

The total estimated duration for the implementation of this Joint Action is 15 months.



#### 4. **Beneficiaries**

The beneficiaries are the countries where the assessment and the subsequent projects will be implemented. Their authorities will be helped to understand where there are weak points and receive support to bring solutions and increase security. The final choice of the beneficiaries and the needs to be addressed in the selected countries shall be made in consultation between the implementing entity and the Presidency, assisted by the SG/HR in close consultation with Member States and the Commission in the framework of the competent Council working group. These decisions shall be based, where appropriate, on proposals made by the implementing entity in accordance with Article 2(1).

#### 5. **Implementing Entity**

The IAEA will be entrusted with the implementation of the projects. The international nuclear security missions will be performed following the standard mode of operation for missions of the IAEA, which will be carried out by IAEA and Member States' experts. The implementation of the three projects will be done directly by the IAEA staff and/or selected experts or contractors from IAEA Member States. In the case of contractors, the procurement of any goods, works or services by the IAEA in the context of this Joint Action shall be carried out as detailed in the financing agreement with the IAEA.

#### 6. **Third Party Participants**

The projects will be financed 100 % by this Joint Action. Experts from IAEA Member States may be considered as third party participants. They will work under the standard rules of operation for IAEA experts.

#### 7. **Specific Conditions for Contracting and Procurement**

In some cases, to improve the security arrangements for nuclear and other radioactive materials, e.g. radioactive sources, originally supplied by the Russian Federation, contracts for procurement of goods, works and services could be offered to providers in the Russian Federation, which are familiar with the Russian technology.

#### 8. **Estimated required means**

The EU contribution will cover the evaluation and the implementation of the three projects as described in point 2.2. The estimated costs are as follows:

Nuclear security evaluation, including missions	EUR 160 000
Project 1	EUR 1 340 000
Project 2	EUR 3 400 000
Project 3	EUR 3 050 000

In addition, a contingency reserve of about 3 % of eligible costs (for a total amount of EUR 250 000) is included for unforeseen costs.

#### 9. **Financial reference amount to cover the cost of the project**

The total cost of the project is EUR 7 703 000.

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