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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 470/78

of 7 March 1978

amending Regulation (EEC) No 878/77 as regards the exchange rate for the French franc to be applied in agriculture

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽¹⁾, as last amended by Regulation (EEC) No 2543/73⁽²⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 878/77 of 26 April 1977 on the exchange rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 310/78⁽⁴⁾, fixed a representative rate for the French franc; whereas the fluctuations of that currency make it appropriate that a new representative rate should be fixed at a level closer to present economic reality; whereas that rate should be applied with effect from 8 March 1978;

Whereas the Monetary Committee will be consulted; whereas, in view of the urgency of the matter, the measures envisaged should be adopted in the manner specified in Article 3 (2) of Regulation No 129,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 (1) of Regulation (EEC) No 878/77, subparagraph (d) is hereby amended to read as follows:

'(d) for the French franc:

one French franc = 0.166638 unit of account'.

Article 2

The following paragraph is hereby added to Article 2 of Regulation (EEC) No 878/77:

'7. The representative rate for the French franc fixed by Regulation (EEC) No 470/78 shall apply with effect from 8 March 1978'.

Article 3

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

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

Done at Brussels, 7 March 1978.

For the Council

The President

P. DALSAGER

⁽¹⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽²⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽³⁾ OJ No L 106, 29. 4. 1977, p. 27.

⁽⁴⁾ OJ No L 46, 17. 2. 1978, p. 1.

COMMISSION REGULATION (EEC) No 471/78**of 7 March 1978****fixing the import levies on cereals and on wheat or rye flour groats and meal**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organiza-
tion of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 2560/77⁽²⁾, and in particular
Article 13 (5) thereof,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 1729/77⁽³⁾ and subsequent amending
Regulations;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1729/77 to the

offer prices and today's quotations known to the
Commission that the levies at present in force should
be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in
Article 1 (a), (b) and (c) of Regulation (EEC) No
2727/75 are hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 8 March
1978.

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

Done at Brussels, 7 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 5.

ANNEX

to the Commission Regulation of 7 March 1978 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./tonne)

CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	91.55
10.01 B	Durum wheat	121.69 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	79.90 ⁽⁶⁾
10.03	Barley	84.03
10.04	Oats	78.96
10.05 B	Maize, other than hybrid maize for sowing	79.96 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	82.00 ⁽⁴⁾
10.07 C	Grain sorghum	88.65 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	139.27
11.01 B	Rye flour	123.63
11.02 A I a)	Durum wheat groats and meal	199.67
11.02 A I b)	Common wheat groats and meal	149.19

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./tonne.

⁽²⁾ Where maize originating in the ACP or OCT is imported into the French overseas departments, the levy is reduced by 6 u.a./tonne as provided for in Regulation (EEC) No 706/76.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.50 u.a./tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 472/78

of 7 March 1978

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 2560/77 ⁽²⁾, and in particular
Article 15 (6) thereof,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
1730/77 ⁽³⁾ and subsequent amending Regulations ;

Whereas, on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in
force, which are to be added to the levies, should be

altered as shown in the tables annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION :

Article 1

The scale of the premiums to be added, pursuant to
Article 15 of Regulation (EEC) No 2727/75, to the
import levies fixed in advance in respect of cereals
and malt is hereby fixed as shown in the tables
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 8 March
1978.

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

Done at Brussels, 7 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 191, 30. 7. 1977, p. 7.

ANNEX

to the Commission Regulation of 7 March 1978 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.a./tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6
10.01 A	Common wheat, and meslin	0	2.71	2.71	3.20
10.01 B	Durum wheat	0	11.77	11.77	12.09
10.02	Rye	0	1.30	1.30	1.30
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	3.79	3.79	4.48

B. Malt

(u.a./tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	4.82	4.82	5.70	5.70
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	3.60	3.60	4.26	4.26
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 473/78
of 6 March 1978
on the delivery of various consignments of butteroil as food aid

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
804/68 of 27 June 1968 on the common organization
of the market in milk and milk products⁽¹⁾, as last
amended by Regulation (EEC) No 2560/77⁽²⁾, and in
particular Article 6 (7) thereof,

Having regard to Council Regulation (EEC) No
1768/77 of 25 July 1977 laying down general rules for
the supply of milk fats under the 1977 food-aid
programme to certain developing countries and to
certain international organizations⁽³⁾, and in particular
Article 7 thereof,

Whereas, under the food-aid programmes adopted by
the Council Regulations specified in the Annex,
certain third countries and beneficiary organizations
have requested the delivery of the quantities of butter-
oil set out therein ;

Whereas, therefore, delivery should be effected in
accordance with the rules laid down in Commission

Regulation (EEC) No 303/77 of 14 February 1977
laying down general rules for the supply of skimmed-
milk powder and butteroil as food aid⁽⁴⁾; whereas in
particular the periods and terms for delivery and the
procedure to be followed by the intervention agencies
to establish the costs arising therefrom should be laid
down ;

Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Manage-
ment Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION :

Article 1

In accordance with the provisions of Regulation (EEC)
No 303/77, the intervention agencies set out in the
Annex shall deliver butteroil as food aid on the
special terms set out therein.

Article 2

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

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

Done at Brussels, 6 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 192, 30. 7. 1977, p. 5.

⁽⁴⁾ OJ No L 43, 15. 2. 1977, p. 1.

ANNEX (1)

Consignment	A	B	C	D
1. Application of Council Regulations : (a) legal basis (b) affectation	(EEC) No 1768/77 (1977 programme) (EEC) No 1769/77			
2. Beneficiary	} Republic of Guinea	}	Islamic Republic of Mauritania	
3. Country of destination				
4. Total quantity of the consignment	200 tonnes	500 tonnes	500 tonnes	200 tonnes
5. Intervention agency responsible for delivery	French		German	
6. Origin of the butteroil	To manufacture from intervention butter ⁽²⁾			
7. Special characteristics and/or packaging ⁽³⁾	In 5 kg boxes, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees			
8. Markings on the packaging	'Butteroil / Don de la Communauté économique européenne / À la république de Guinée'	'Butteroil / Don de la Communauté économique européenne à la république islamique de Mauritanie'		
9. Delivery period	After 25 April and before 5 May 1978	Loading at the latest 10 May 1978		
10. Stage and place of delivery	Port of loading Le Havre	Port of unloading Nouakchott (deposited on the quay or on lighters)		
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	—	Le ministre du développement rural, Nouakchott		
12. Procedure to be applied to determine the costs of supply	Tender			
13. Expiry of the time limit for submission of tenders	12 noon on 28 March 1978			

Consignment	E	F	G
1. Application of Council Regulations : (a) legal basis (b) affectation	(EEC) No 1768/77 (1977 programme) (EEC) No 1769/77		
2. Beneficiary	UNHCR	}	Republic of Guinea Bissau
3. Country of destination	Angola		
4. Total quantity of the consignment	500 tonnes	500 tonnes	200 tonnes
5. Intervention agency responsible for delivery	Danish		Belgian
6. Origin of the butteroil	To manufacture from intervention butter ⁽²⁾		
7. Special characteristics and/or packaging ⁽³⁾	In 5 kg boxes, coated internally with food-can varnish or having undergone treatment giving equivalent guarantees		
8. Markings on the packaging	'Butteroil / Don de la Communauté économique européenne / Action UNHCR en Angola / A distribuer gratuitement'		'Butteroil / Don de la Communauté économique européenne à la république de Guinée Bissau'
9. Delivery period	Loading at the latest 10 May 1978		Loading at the latest 30 March 1978
10. Stage and place of delivery	Port of unloading Lobito (deposited on the quay or on lighters)		Port of unloading Bissau (ship's hold)
11. Representative of the beneficiary responsible for reception ⁽⁴⁾	Délégué HCR en Angola Case postale 1342, Luanda ⁽⁵⁾		Commissariat d'État du Commerce et de l'Artisanat, B.P. 85, Bissau
12. Procedure to be applied to determine the costs of supply	Tender		Mutual agreement
13. Expiry of the time limit for submission of tenders	12 noon on 28 March 1978		—

Notes

- (1) This Annex, together with the notice published in *Official Journal of the European Communities* No C 95 of 19 April 1977, page 7, takes the place of an invitation to tender from the intervention agencies concerned in cases where, under point 12, there must be a tendering procedure.
- (2) In cases where the goods come from intervention stocks, an additional notice stating the warehouses where the product is stored will be published in the *Official Journal of the European Communities*, 'C' edition.
- (3) Other than those set out in Annex II to Regulation (EEC) No 303/77.
- (4) Only in the case of delivery 'to the port of unloading' and 'free at destination'; see Article 5 and the last indent of Article 13 (1) of Regulation (EEC) No 303/77.
- (5) A copy of the dispatch documents should be sent to the following address: UNHCR, Palais des Nations, CH-1211 Geneva 10.

COMMISSION REGULATION (EEC) No 474/78

of 7 March 1978

correcting Regulation (EEC) No 938/77 fixing the monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margin of fluctuation for the currencies of certain Member States⁽¹⁾, as last amended by Regulation (EEC) No 557/76⁽²⁾, and in particular Article 3 thereof,

Whereas the monetary compensatory amounts provided for in Regulation (EEC) No 974/71 were fixed by Commission Regulation (EEC) No 938/77 of 29 April 1977⁽³⁾, as amended with effect from 20 February 1978 by Regulation (EEC) No 328/78⁽⁴⁾;

Whereas a check has revealed an error in the Annex to that Regulation; whereas the Regulation in question must therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I, Part 8, column 'United Kingdom' to Regulation (EEC) No 938/77, as amended with effect from 20 February 1978 by Regulation (EEC) No 328/78, the amount '14,496' under subheading 21.07 G III e) is replaced by the amount '13,496'.

Article 2

This Regulation shall enter into force on 8 March 1978. Where any party concerned so requests, it shall be applied with effect from 20 February 1978.

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

Done at Brussels, 7 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 67, 15. 3. 1976, p. 1.

⁽³⁾ OJ No L 110, 30. 4. 1977, p. 6.

⁽⁴⁾ OJ No L 48, 20. 2. 1978, p. 1.

COMMISSION REGULATION (EEC) No 475/78

of 7 March 1978

amending Regulation (EEC) No 937/77 following the fixing of a new exchange rate to be applied in France in agriculture

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 878/77 of 26 April 1977 on the exchange rates to be applied in agriculture⁽¹⁾, as last amended by Regulation (EEC) No 470/78⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 937/77 of 29 April 1977 laying down detailed rules for the application of Council Regulation (EEC) No 878/77 on the exchange rates to be applied in agriculture⁽³⁾, as last amended by Regulation (EEC) No 215/78⁽⁴⁾, provided that the provisions of the last subparagraph of Article 4 (1) of Council Regulation (EEC) No 1134/68 of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy⁽⁵⁾, shall apply to the products and the Member States concerned with effect from the dates set out in Article 2 (2) to (6) and in Article 3 of Regulation (EEC) No 878/77;

Whereas Regulation (EEC) No 470/78 amended Article 2 of Regulation (EEC) No 878/77 to take account of the new representative rate fixed for the French franc with effect from 8 March 1978; whereas, therefore, an addition needs to be made to Regulation (EEC) No 937/77;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 item 3 of Regulation (EEC) No 937/77 is hereby amended to read as follows:

- '3. The last subparagraph of Article 4 (1) of Regulation (EEC) No 1134/68 shall apply to the products and Member States concerned with effect from the dates set out in Article 2 (2) to (7) and in Article 3 of Regulation (EEC) No 878/77.'

Article 2

The following subparagraph is hereby added to Article 1 item 4 of Regulation (EEC) No 937/77:

- 'In the case of the representative rate for the French franc to take effect from 8 March 1978, the said provisions shall apply only to licences or certificates or other documents certifying the advance fixings issued, within the meaning of Article 9 (1) of Regulation (EEC) No 193/75, before 7 March 1978.'

Article 3

This Regulation shall enter into force on 8 March 1978.

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

Done at Brussels, 7 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 106, 29. 4. 1977, p. 27.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 110, 30. 4. 1977, p. 1.

⁽⁴⁾ OJ No L 31, 2. 2. 1978, p. 13.

⁽⁵⁾ OJ No L 188, 1. 8. 1968, p. 1.

COMMISSION REGULATION (EEC) No 476/78

of 7 March 1978

altering the components used to calculate the differential amounts for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2560/77⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽³⁾, as last amended by Regulation (EEC) No 3477/73⁽⁴⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 2300/73 of 23 August 1973⁽⁵⁾, as last amended by Regulation (EEC) No 1234/77⁽⁶⁾, laid down detailed rules of application for Regulation (EEC) No 1569/72;

whereas the components used to calculate the differential amounts were fixed by Regulation (EEC) No 1423/77⁽⁷⁾, as last amended by Regulation (EEC) No 452/78⁽⁸⁾;

Whereas account should be taken of the application of the new representative rate for the French franc on 8 March 1978,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EEC) No 1423/77 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 March 1978.

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

Done at Brussels, 7 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 143, 10. 6. 1977, p. 9.

⁽⁷⁾ OJ No L 160, 30. 6. 1977, p. 33.

⁽⁸⁾ OJ No L 62, 4. 3. 1978, p. 5.

ANNEX

to the Commission Regulation of 7 March 1978 altering the components used to calculate the differential amounts for colza and rape seed

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
1. Colza and rape seed, processed for oil production in Germany or exported from that country :	+ 0.0750	— 0.0750	+	—
— harvested in Germany			—	—
— harvested in the BLEU or in the Netherlands			—	0.0619
— harvested in France			—	0.2478
— harvested in Denmark			—	0.0750
— harvested in Ireland			—	0.1369
— harvested in the United Kingdom			—	0.3155
— harvested in Italy			—	0.2748
2. Colza and rape seed, processed for oil production in the BLEU and in the Netherlands or re-exported from that country :	+ 0.0140	— 0.0140	+	—
-- harvested in Germany			0.0659	—
— harvested in the BLEU or in the Netherlands			—	—
— harvested in France			—	0.1981
— harvested in Denmark			—	0.0140
— harvested in Ireland			—	0.0800
— harvested in the United Kingdom			—	0.2704
— harvested in Italy			—	0.2270
3. Colza and rape seed, processed for oil production in Denmark or exported from that country :	Nil	Nil	+	—
— harvested in Germany			0.0811	—
— harvested in the BLEU or in the Netherlands			0.0142	—
— harvested in France			—	0.1868
— harvested in Denmark			—	—
— harvested in Ireland			—	0.0669
— harvested in the United Kingdom			—	0.2600
-- harvested in Italy			—	0.2160
4. Colza and rape seed, processed for oil production in France or exported from that country :	— 0.2296	+ 0.2296	+	—
-- harvested in Germany			0.3293	—
-- harvested in the BLEU or in the Netherlands			0.2471	—
-- harvested in France			—	—
— harvested in Denmark			0.2296	—
— harvested in Ireland			0.1473	—
— harvested in the United Kingdom			—	0.0901
— harvested in Italy			—	0.0360

	Target price corrective (coefficient to be applied)	Subsidy or refund corrective (coefficient to be applied)	Differential component (coefficient to be applied to the target price)	
5. Colza and rape seed, processed for oil production in the United Kingdom or exported from that country :	— 0.3514 (a) — 0.2500 (b)	+ 0.3514 (a) + 0.2500 (b)	+	—
— harvested in Germany			0.4610	—
— harvested in the BLEU or in the Netherlands			0.3706	—
— harvested in France			0.0990	—
— harvested in Denmark			0.3514	—
— harvested in Ireland			0.2609	—
— harvested in the United Kingdom			—	—
— harvested in Italy			0.0595	—
6. Colza and rape seed, processed for oil production in Ireland or exported from that country :	— 0.0718	+ 0.0718	+	—
— harvested in Germany			0.1586	—
— harvested in the BLEU or in the Netherlands			0.0870	—
— harvested in France			—	0.1284
— harvested in Denmark			0.0718	—
— harvested in Ireland			—	—
— harvested in the United Kingdom			—	0.2069
— harvested in Italy			—	0.1598
7. Colza and rape seed, processed for oil production in Italy or exported from that country :	— 0.2755 (a) — 0.1987 (b)	+ 0.2755 (a) + 0.1987 (b)	+	—
— harvested in Germany			0.3790	—
— harvested in the BLEU or in the Netherlands			0.2937	—
— harvested in France			0.0373	—
— harvested in Denmark			0.2755	—
— harvested in Ireland			0.1901	—
— harvested in the United Kingdom			—	0.0561
— harvested in Italy			—	—

(a) For a subsidy or an export refund prefixed from the date on which this Regulation enters into force and for putting under control or for export up to 30 June 1978.

(b) For a subsidy or an export refund prefixed from the date on which this Regulation enters into force and for putting under control or for export from 1 July 1978.

COMMISSION REGULATION (EEC) No 477/78

of 7 March 1978

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3330/74 of 19 December 1974 on the common organ-
ization of the market in sugar⁽¹⁾, as last amended by
Regulation (EEC) No 2560/77⁽²⁾, and in particular
Article 15 (7) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1436/77⁽³⁾,
as last amended by Regulation (EEC) No 468/78⁽⁴⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1436/77
to the information at present available to the Commis-

sion that the levies at present in force should be
altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The levies referred to in Article 15 (1) of Regulation
(EEC) No 3330/74 are, in respect of white sugar and
standard quality raw sugar, hereby fixed as shown in
the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 March
1978.

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

Done at Brussels, 7 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

(¹) OJ No L 359, 31. 12. 1974, p. 1.

(²) OJ No L 303, 28. 11. 1977, p. 1.

(³) OJ No L 161, 1. 7. 1977, p. 9.

(⁴) OJ No L 64, 7. 3. 1978, p. 17.

ANNEX

to the Commission Regulation of 7 March 1978 fixing the import levies on white sugar
and raw sugar

(u.a. / 100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar ; flavoured or coloured sugar	25.43
	B. Raw sugar	21.26 (¹)

(¹) Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with
the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 478/78

of 7 March 1978

on the calculation of monetary compensatory amounts and of differential amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 1707/73⁽²⁾,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States⁽³⁾, as last amended by Regulation (EEC) No 557/76⁽⁴⁾, and in particular Article 6 thereof,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed⁽⁵⁾, as last amended by Regulation (EEC) No 3477/73⁽⁶⁾, and in particular Articles 2 (2) and 7 thereof,

Whereas the reference period laid down in Article 2 of Commission Regulation (EEC) No 1380/75 of 29 May 1975 laying down detailed rules for the application of monetary compensatory amounts⁽⁷⁾, as last amended by Regulation (EEC) No 2505/77⁽⁸⁾, and in Article 3 of Commission Regulation (EEC) No 2300/73 of 23 August 1973 on detailed rules for applying the differential amounts for colza and rape seed⁽⁹⁾, as last amended by Regulation (EEC) No 632/75⁽¹⁰⁾, extends from the Wednesday of one week to the Tuesday of the following week; whereas,

following the general trend in exchange markets, the movement of floating currencies in the Community is characterized by exceptional fluctuations; whereas under these circumstances, and with a view to stabilizing the monetary compensatory amounts somewhat, provision should be made as an exceptional measure for a reference period longer than that provided for in the abovementioned provisions;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 2 of Regulation (EEC) No 1380/75 and from Article 3 of Regulation (EEC) No 2300/73, the reference period to be taken into consideration for the fixing of the monetary compensatory amounts and of the components used to calculate the differential amounts during March 1978 shall extend over a period of three weeks beginning on a Wednesday and ending on a Tuesday before the fixing.

Article 2

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

It shall apply for the first time for the amounts valid from 13 March 1978.

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

Done at Brussels, 7 March 1978.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 175, 29. 6. 1973, p. 5.

⁽³⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁴⁾ OJ No L 67, 15. 3. 1976, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 357, 28. 12. 1973, p. 6.

⁽⁷⁾ OJ No L 139, 30. 5. 1975, p. 37.

⁽⁸⁾ OJ No L 291, 15. 11. 1977, p. 15.

⁽⁹⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽¹⁰⁾ OJ No L 66, 13. 3. 1975, p. 11.

II

(Acts whose publication is not obligatory)

COMMISSION

Amendment to the Agreement of 6 October 1959 ⁽¹⁾, in the form of an exchange of letters, between the European Atomic Energy Community (Euratom) and the Government of Canada for cooperation in the peaceful uses of atomic energy

(78/217/Euratom)

⁽¹⁾ OJ No 60, 24. 11. 1959, p. 1165/59.

COMMISSION
OF THE
EUROPEAN COMMUNITIES

Brussels, 16 January 1978

Mr Chargé d'Affaires,

I have the honour to acknowledge receipt of your letter dated 16 January 1978, stating the following :

'Mr Commissioner,

As the Commission has been informed, the Canadian Government has decided to require more stringent safeguards in respect of sales abroad of Canadian material, equipment and information.

This decision implies an updating of the existing Agreement between the Government of Canada and the European Atomic Energy Community (Euratom) for cooperation in the Peaceful Uses of Atomic Energy of 6 October 1959 (hereinafter referred to as the Canada/Euratom Agreement of 1959) particularly in so far as it relates to safeguards.

The Canadian Government considers it necessary to come to an interim agreement through the present exchange of letters until the entire Canada/Euratom Agreement of 1959 has been updated, to provide for the requirement of the new Canadian safeguards policy by amending the relevant provisions of the Canada/Euratom Agreement of 1959.

Accordingly, I propose that the Canada/Euratom Agreement of 1959 be amended to include the following provisions relating to safeguards :

- (a) For the purposes of the Canada/Euratom Agreement of 1959, the phrase "machinery and plant" in paragraph (d) of Article XIV of the Canada/Euratom Agreement of 1959 shall be deemed to include all items listed in Annex A to this letter.
- (b) Equipment which a Member State has designed to the Commission as equipment designed, constructed or operated on the basis of or by the use of information obtained from Canada and which is within the jurisdiction of that Member State at the time of designation, shall be considered as equipment subject to the Canada/Euratom Agreement of 1959, as amended.

Equipment which Canada has designated, as equipment designed, constructed or operated on the basis of or by the use of information obtained from that Member State shall be considered as equipment subject to the Canada/Euratom Agreement of 1959, as amended.

- (c) Material which is subject to the terms of the Canada/Euratom Agreement of 1959 shall not be used for the manufacture of any nuclear weapon or for other military uses of nuclear energy or for the manufacture of any other nuclear explosive device. The foregoing undertaking shall be verified within Canada by the IAEA pursuant to an agreement between Canada and the IAEA and within the Community by the Community and by the IAEA pursuant to the Treaty establishing the European Atomic Energy Community and the agreements concluded between the Community, its Member States and the IAEA or if at any time such verification procedures are not in effect, there shall be agreement between the Contracting Parties for the application of a safeguards system which conforms with IAEA safeguards principles and procedures.

Mr P. D. Lee
Chargé d'Affaires a.i.
Mission of Canada
to the European Communities
Rue de Loosum, 6 (fifth floor)
1000 Brussels

- (d) Equipment or material transferred between Canada and the Community after the coming into force of this Agreement, shall be subject to the Canada/Euratom Agreement of 1959 only if the supplying Contracting Party has so informed the other Contracting Party in writing prior to the transfer. In the case of transfer of equipment from the Community to Canada, notifications may also be given by a Member State.
- (e) Material referred to in paragraph (c) shall be enriched beyond 20 % or reprocessed and plutonium or uranium enriched beyond 20 % shall be stored only according to conditions agreed upon in writing between the parties. (See Annex C — Interim Arrangement concerning enrichment, reprocessing and subsequent storage of nuclear material within the Community and Canada.)
- (f) In no event shall a Contracting Party use the provisions of the present Agreement for the purpose of securing commercial advantages or for the purpose of interfering with the commercial relations of the other Contracting Party.
- (g) The Community shall inform Member States of the levels of physical protection set out in Annex B to this letter which should be applied as minima to the material referred to in paragraph (c) above. Canada will apply such levels of physical protection as minima to material referred to in paragraph (c).
- (h) Any dispute arising out of the interpretation or application of the present Agreement which is not settled by negotiation or as may otherwise be agreed by the Contracting Parties concerned shall, on the request of either Contracting Party, be submitted to an arbitral tribunal which shall be composed of three arbitrators. Each Contracting Party shall designate one arbitrator and the two arbitrators so designated shall elect a third, who shall be the chairman. If within 30 days of the request for arbitration either Contracting Party has not designated an arbitrator, either Contracting Party to the dispute may request the Secretary General of the OECD to appoint an arbitrator. The same procedure shall apply if, within 30 days of the designation or appointment of the second arbitrator, the third arbitrator has not been elected. A majority of the members of the arbitral tribunal shall constitute a quorum, and all decisions shall be made by majority vote of all members of the arbitral tribunal. The arbitral procedure shall be fixed by the tribunal. The decisions of the tribunal, including all rulings concerning its constitution, procedure, jurisdiction and the division of the expenses of arbitration between the Contracting Parties shall be binding on both Contracting Parties and shall be implemented by them, in accordance with their respective constitutional procedures. The remuneration of the arbitrators shall be determined on the same basis as that for *ad hoc* judges of the International Court of Justice.
- (i) The provisions of paragraphs (a) to (h) above, inclusive, as well as Articles III, IX and XIV of the Canada/Euratom Agreement of 1959 (as those Articles are amended by the proposals in this letter) shall in all circumstances remain in force so long as any equipment or material referred to in this letter or in the Canada/Euratom Agreement of 1959 remains in existence or it is otherwise agreed.

If the foregoing is acceptable to the European Atomic Energy Community I have the honour to propose that this letter which is authentic in both English and French, together with Your Excellency's reply to that effect shall constitute an amendment to the Canada/Euratom Agreement of 1959 which shall enter into force on the date of Your Excellency's reply and which shall continue in force so long as any equipment, material or facilities referred to in this letter or in the Canada/Euratom Agreement of 1959 remain in existence or it is otherwise agreed.

Please accept, Mr Commissioner, the assurance of my highest consideration.

ANNEX A

1. *Nuclear reactors* capable of operation so as to maintain a controlled self-sustaining fission chain reaction, excluding zero energy reactors, the latter being defined as reactors with a designed maximum rate of production of plutonium not exceeding 100 grams per year.

A nuclear reactor basically includes the items within or attached directly to the reactor vessel, the equipment which controls the level of power in the core, and the components which normally contain or come in direct contact with or control the primary coolant of the reactor core.

It is not intended to exclude reactors which could reasonably be capable of modification to produce significantly more than 100 grams of plutonium per year. Reactors designed for sustained operation at significant power levels, regardless of their capacity for plutonium production, are not considered as 'zero energy reactors'.

2. *Reactor pressure vessels*: metal vessels, as complete units or as major shop-fabricated parts therefor, which are especially designed or prepared to contain the core of a nuclear reactor as defined in paragraph 1 above and are capable of withstanding the operating pressure of the primary coolant.

A top plate for a reactor pressure vessel is a major shop-fabricated part of a pressure vessel.

3. *Reactor internals*: (e.g. support columns and plates for the core and other vessel internals, control rod guide tubes, thermal shields, baffles, core grid plates, diffuser plates, etc.).

4. *Reactor fuel charging and discharging machines*: manipulative equipment especially designed or prepared for inserting or removing fuel in nuclear reactors as defined in paragraph 1 above capable of on-load operation or employing technically sophisticated positioning or alignment features to allow complex off-load fuelling operations such as those in which direct viewing of or access to the fuel is not normally available.

5. *Reactor control rods*: rods especially designed or prepared for the control of the reaction rate in a nuclear reactor as defined in paragraph 1 above.

This item includes, in addition to the neutron absorbing part, the support or suspension structures therefor if supplied separately.

6. *Reactor pressure tubes*: tubes which are especially designed or prepared to contain fuel elements and the primary coolant in a reactor as defined in paragraph 1 above at an operating pressure in excess of 50 atmospheres.

7. *Zirconium tubes*: Zirconium metal and alloys in the form of tubes or assemblies of tubes, and in quantities exceeding 500 kg per year especially designed or prepared for use in a reactor as defined in paragraph 1 above, and in which the relationship of hafnium to zirconium is less than 1 : 500 parts by weight.

8. *Plants for the reprocessing of irradiated fuel elements*, and equipment especially designed or prepared therefor.

A plant for the reprocessing of irradiated fuel elements includes the equipment and components which normally come in direct contact with and directly control the irradiated fuel and the major nuclear material in fission product processing streams. In the present state of technology only two items of equipment are considered to fall within the meaning of the phrase 'and equipment especially designed or prepared therefor'. These items are :

- (a) irradiated fuel element chopping machines : remotely operated equipment especially designed or prepared to use in a reprocessing plant as identified above and intended to cut, chop or shear irradiated nuclear fuel assemblies, bundles or rods ; and
- (b) critically safe tanks (e.g. small diameter, annular or slab tanks) especially designed or prepared to use in a reprocessing plant as identified above, intended for dissolution of irradiated nuclear fuel and which are capable of withstanding hot, highly corrosive liquid, and which can be remotely loaded and maintained.

9. *Plants for the fabrication of fuel elements:*

A plant for the fabrication of fuel elements includes the equipment:

- (a) which normally comes in direct contact with or directly processes or controls, the production flow of nuclear material; or
- (b) which seals the nuclear material within the cladding.

The whole set of items for the foregoing operations, as well as individual items intended for any of the foregoing operations, and for other fuel fabrication operations, such as checking the integrity of the cladding or the seal, and the finish treatment to the sealed fuel.

10. *Equipment, other than analytical instruments, especially designed or prepared for the separation of isotopes of uranium:*

Equipment, other than analytical instruments, especially designed or prepared for the separation of isotopes of uranium includes each of the major items of equipment especially designed or prepared for the separation process. Such items include:

- gaseous diffusion barrier,
- gaseous diffusion housings,
- gas centrifuge assemblies, corrosion resistant to UF_6 ,
- large UF_6 corrosion resistant axial or centrifugal compressors,
- special compressor seals for such compressors.

11. *Plants for the production of heavy water:*

A plant for the production of heavy water includes the plant and equipment specially designed for enrichment of deuterium or its compounds, as well as any significant fraction of the items essential to the operation of the plant.

ANNEX B

LEVELS OF PHYSICAL PROTECTION

The levels of physical protection to be ensured by the appropriate governmental authorities in the use, storage and transportation of the materials of the attached table shall as a minimum include protection characteristics as follows :

Category III

Use and storage within an area to which access is controlled.

Transportation under special precautions including prior arrangements between sender, recipient and carrier, and prior agreement between States in cases of international transport specifying time, place and procedures for transferring transport responsibility.

Category II

Use and storage within a protected area to which access is controlled, i.e. an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control, or any area with an equivalent level of physical protection.

Transportation under special precautions including prior arrangement between sender, recipient and carrier, and prior agreement between States in cases of international transport specifying time, place and procedures for transferring transport responsibility.

Category I

Materials in this category shall be protected with highly reliable systems against unauthorized use as follows :

Use and storage within a highly protected area, i.e. a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined and under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their objective the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

Transportation under special precautions as identified above for transportation of Category II and III materials and, in addition, under constant surveillance of escorts and under conditions which assure close communication with appropriate response forces.

Categorization of nuclear material

Material	Form	Category		
		I	II	III
1. Plutonium (a)	Unirradiated (b)	2 kg or more	Less than 2 kg but more than 500 g	500 g or less (c)
2. Uranium-235	Unirradiated (b)	5 kg or more — —	Less than 5 kg but more than 1 kg 10 kg or more	1 kg or less Less than 10 kg (c) 10 kg or more
	— uranium enriched to 20 % U-235 or more			
	— uranium enriched to 10 % U-235 but less than 20 %			
3. Uranium-233	Unirradiated (b)	2 kg or more	Less than 2 kg but more than 500 g	500 g or less
	— uranium enriched above natural, but less than 10 % U-235 (d)			
4. Irradiated fuel			Depleted or natural uranium, thorium or low enriched fuel (less than 10 % fissile content) (e) (f)	

(a) As identified in the Statute of the IAEA.

(b) Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 100 rad/hour at one metre unshielded.

(c) Less than a radiologically significant quantity should be exempted.

(d) Natural uranium, depleted uranium and thorium and quantities of uranium enriched to less than 10 % not falling in Category III should be

protected in accordance with prudent management practice.

(e) Although this level of protection is recommended, it would be open to States upon evaluation of the specific circumstances, to assign a different degree of physical protection.

(f) Other fuel which by virtue of its original fissile material content is classified as Category I or II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 100 rad/hour at one metre unshielded.

ANNEX C

INTERIM ARRANGEMENT CONCERNING ENRICHMENT, REPROCESSING AND SUBSEQUENT STORAGE OF NUCLEAR MATERIAL WITHIN THE COMMUNITY AND CANADA

1. Both parties recognize that while increasing reliance is placed on nuclear energy for peaceful purposes to satisfy world energy requirements, its use requires that every precaution should be taken with respect to the generation and dissemination of material that can be used for nuclear weapons. The parties agree to cooperate both bilaterally and internationally to identify arrangements which will advance this objective.

Both parties agree that their objective is to meet their energy needs while avoiding the danger of the spread of such material and respecting the choices and decisions of each party in the peaceful nuclear field.

The parties note with satisfaction that the organizing Conference on International Fuel Cycle Evaluation (INFCE), in which Canada, the Commission of the European Communities and Member States of Euratom took part, agreed to carry out a study which is expected to extend over the next two years. INFCE will explore the best means of advancing the objectives of making nuclear energy for peaceful purposes widely available to meet the world's energy requirements while at the same time minimizing the danger of the proliferation of nuclear weapons.

The participants in the study are pledged to cooperate constructively in the study which will examine all aspects of the nuclear cycle.

Among the matters to be examined by working groups of INFCE are reprocessing and enrichment and storage of plutonium and uranium enriched beyond 20 %.

Against this background, the parties agree on the following interim arrangement which shall apply to reprocessing and to enrichment beyond 20 % U-235; and the storage of plutonium and uranium enriched beyond 20 %.

2. With respect to material which has been transferred between 20 December 1974 and the end of the interim period, Euratom will notify the Government of Canada in advance of its intention to undertake any such reprocessing, enrichment or storage. This notification will include the quantities of material to be enriched, reprocessed or stored, the facility in which such operations will take place, and the intended disposition and use of the special fissionable material. The purpose of such advance notification is to permit joint consultation to take place between the parties concerning the adequacy of safeguards for the operation contemplated and avoidance of the risks of nuclear proliferation. Consultations shall enable each party to appreciate to the fullest extent possible the nature and purposes of the operation involved.

These consultations shall be without prejudice to the commercial or industrial policy of either party. An early meeting will be held to work out appropriate modalities for notification and consultations.

3. It is understood between the parties that during the period of the interim arrangement supplies of Canadian uranium to be exported to Euratom would be broadly limited to the current needs of Euratom, the term 'current needs' to take account also of enrichment contract commitments entered into by the member countries of Euratom.

The contracting parties shall consult at the request of either concerning the application of this part of this interim arrangement, in accordance with Article XIII of the 1959 Agreement.

4. Subject to the foregoing it is agreed that Canadian-origin uranium transferred to Euratom subsequent to 20 December 1974 or any Canadian-origin uranium being exported to Euratom during the period of the interim arrangement may be reprocessed or enriched beyond 20 % U-235, if the need arises in plants now operating or foreseen to be operating in Euratom. The same applies to plutonium and uranium enriched beyond 20 % U-235 stored in Euratom. In respect of Canadian-origin uranium transferred to Euratom prior to 20 December 1974, it is open to either Party to request consultation as provided in Articles IX (3) and XIII, of the 1959 Agreement.

5. As soon as possible after 31 December 1979 or the termination of the INFCE study, whichever is earlier, the parties will commence negotiations with a view to replacing this arrangement by other arrangements which will take into account *inter alia* any results of the INFCE studies in relation to the operations in question. If no such arrangements have been agreed upon by the end of 1980, the parties may jointly agree to extend the present interim arrangement.

I have the honour to confirm that these proposals are acceptable to the European Atomic Energy Community.

Please accept, Mr Chargé d'Affaires, the assurance of my highest consideration.

COMMISSION
OF THE
EUROPEAN COMMUNITIES

Brussels, 16 January 1978

Mr Chargé d'Affaires,

I refer to the exchange of letters between us of 16 January 1978 regarding nuclear safeguards, and have the honour to state further as follows, for the information of the Canadian authorities :

During the Council consideration of the abovementioned exchange, it was agreed that the following represented our understanding of the procedure provided for in (c).

1. Supply of Canadian material to persons in the territory of the seven non-nuclear weapon States parties to the Euratom/IAEA verification Agreement, and transfer of such material within these States :

This event would raise no problem, the verification agreement having entered into force on 21 February 1977.

2. Supply of Canadian material to the United Kingdom or transfer of Canadian material into the United Kingdom :

Although the trilateral UK/Euratom/IAEA Agreement has not yet entered into force, no interim agreements providing IAEA verification of such material in the United Kingdom will be required by Canada for a reasonable period of time, which should not exceed 18 months starting from 23 December 1976.

3. Supply of Canadian material to France or transfer of Canadian material into France :

Canadian material for end-use in France shall be submitted to IAEA verification as from the entry into force of the trilateral France/Euratom/IAEA Agreement currently under negotiation.

The Council took note of statement by the French representative that material subject to the Canada/Euratom Agreement of 1959, as amended, would not be employed for end use in France before the entry into force of this trilateral Agreement.

The Council also took note that the Canadian Government, given the application of Euratom safeguards and their verification under the trilateral France/Euratom/IAEA Agreement currently under negotiation, agrees that Canadian material may be directly supplied from Canada to France or be transferred into France in order to be enriched or reprocessed in France provided that it would leave France after the normal period required for those operations.

Please accept, Mr Chargé d'Affaires, the assurance of my highest consideration.

Mr P. D. Lee
Chargé d'Affaires a.i.
Mission of Canada
to the European Communities
Rue de Loos, 6 (fifth floor)
1000 Brussels

MISSION OF CANADA
TO THE
EUROPEAN COMMUNITIES

Brussels, 16 January 1978

Mr Commissioner,

I wish to acknowledge receipt of your letter of 16 January 1978, which reads as follows and of which the contents have been noted by the Canadian authorities and upon which Canada shall reply when authorizing transfers to Euratom :

'Mr ,Chargé d'Affaires,

I refer to the exchange of letters between us of 16 January 1978 regarding nuclear safeguards, and have the honour to state further as follows, for the information of the Canadian authorities :

During the Council consideration of the abovementioned exchange, it was agreed that the following represented our understanding of the procedure provided for in (c) :

1. Supply of Canadian material to persons in the territory of the seven non-nuclear weapon States parties to the Euratom/IAEA verification Agreement, and transfer of such material within these States :

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Canadian material for end-use in France shall be submitted to IAEA verification as from the entry into force of the trilateral France/Euratom/IAEA Agreement currently under negotiation.

The Council took note of statement by the French representative that material subject to the Canada/Euratom Agreement of 1959, as amended, would not be employed for end use in France before the entry into force of this trilateral Agreement.

The Council also took note that the Canadian Government, given the application of Euratom safeguards and their verification under the trilateral France/Euratom/IAEA Agreement currently under negotiation, agrees that Canadian material may be directly from Canada to France or be transferred into France in order to be enriched or reprocessed in France provided that it would leave France after the normal period required for those operations.

Mr Guido Brunner
Commissioner
Commission of the European Communities
Rue de la Loi, 200
1049 Brussels

Please accept, Mr Chargé d'Affaires, the assurance of my highest consideration.'

I have been instructed to confirm the understanding reached during the negotiations that any transfer within the Community of material subject to the Agreement which does not take place in accordance with paragraph (c) of the exchange of letters will constitute a breach of the Agreement on the Euratom side. Under such circumstances, the Canadian authorities would of course be required to review their obligations under the Agreement.

Please accept, Mr Commissioner, the assurance of my highest consideration.

P. D. LEE
Chargé d'Affaires a.i.

COMMISSION
OF THE
EUROPEAN COMMUNITIES

Brussels, 16 January 1978

Mr Chargé d'Affaires,

I refer to the exchange of letters between us of 16 January 1978 regarding nuclear safeguards, and have the honour to state further as follows, for the information of the Canadian authorities :

During the Council consideration of the abovementioned exchange of letters, the Council took note of the 'Declaration on transfer of technology' made by the nine Member States and the Community and approved it in so far as it concerns the Community. The text of this declaration is annexed to the present letter (Annex I).

The Council further agreed to the following declarations :

- 'Both sides agreed to ask the Joint Technical Working Group to look into the question of information on reprocessing of Canadian material transferred to Euratom prior to 20 December 1974.'
- 'Neither party will invoke any rights under an agreement entered into with a third State to impair any rights or obligations under this agreement as amended.'

The technical note on the *pro rata* principle and the interpretation with respect to double labelling, agreed upon during the negotiations, was also approved by the Council and inserted in the minutes of the meeting. The text of this technical note is annexed to the present letter (Annex II).

Lastly, the Council took note of the 'Note on physical protection' to be sent by the Member States to the Canadian Ambassadors. The text of this note is annexed to this letter (Annex III).

Please accept, Mr Chargé d'Affaires, the assurance of my highest consideration.

Mr P. D. Lee
Chargé d'Affaires a.i.
Mission of Canada
to the European Communities
Rue de Loos, 6 (fifth floor)
1000 Brussels

*ANNEX I***DECLARATION ON TRANSFER OF TECHNOLOGY**

'The Member States and the Community are prepared to confirm to the Canadian Government that they recognize the legitimacy of transferring sensitive technology within the meaning of the London Guidelines on the conditions laid down therein. They note that Canada also intends to make transfers of CANDU technology (heavy water moderated pressure tube reactor technology and fuel element fabrication technology, D₂O technology) and other technology specific to its fuel cycle to any Member State subject to certain conditions.

They consider that it is or will be for the Member States wishing to import such technology to conclude agreements with Canada comprising the commitments required by the Canadian Government in connection with these transfers.

However, these States must be entitled to transfer this technology to another Member State on condition that the second recipient Member State has provided the Canadian Government with the same commitments as those provided by the first Member State.

Accordingly, the Community and the Member States confirm that there is no obstacle to the conclusion of such agreements between Canada and any Member State of the Community wishing to conclude them, provided that these agreements are entirely consistent with the Treaty establishing the European Atomic Energy Community.'

*ANNEX II***TECHNICAL NOTE****1. 'Pro rata' principle**

Where Canadian material is produced, processed or used together with material of other origin, materials produced as well as losses during the operation will be attributed to materials subject to the Canada/Euratom Agreement in proportion to the percentage of materials subject to that agreement initially included in the mixture. The words 'produced, processed or used' cover conversion, fabrication, enrichment, reprocessing and irradiation.

2. Interpretation with respect to double labelling

In many cases, material which originates in one of the Contracting Parties to the 1959 Agreement between the Government of Canada and the European Atomic Energy Community (Euratom) for Cooperation in the Peaceful Uses of Atomic Energy, as amended, is sent to a third State for processing, including conversion, enrichment and fabrication, before delivery to the receiving Contracting Party. Such processed material is obtained by the receiving Contracting Party pursuant to the 1959 Agreement and is therefore subject to the provisions of that Agreement, as amended.

It is recognized that there is legitimate concern regarding the accumulation of safeguard provisions over nuclear material and the resulting administrative problems. These difficulties are being considered in international fora and suppliers and recipients should continue to seek mutually satisfactory solutions, both bilaterally and multilaterally.

ANNEX III

NOTE ON PHYSICAL PROTECTION

From Euratom Member State Foreign Minister to Canadian Ambassadors.

Your Excellency,

I have the honour to refer to the Agreement between the Government of Canada and the European Atomic Energy Community (Euratom) for Cooperation in the Peaceful Uses of Atomic Energy of 6 October 1959, as amended (hereinafter referring to as the Agreement).

In addition to the obligations to Canada entered into under the Agreement, I have the honour to inform you that my Government confirms that the items referred to in the Agreement which are within the territory, jurisdiction or control of my Government shall be subject to the levels of physical protection described in the Agreement.

Please accept, Your Excellency, the assurance of my highest consideration.

COMMISSION
OF THE
EUROPEAN COMMUNITIES

Brussels, 16 January 1978

Mr Chargé d'Affaires,

I refer to the Agreement between us of 16 January 1978 and have the honour to state that during the Council consideration of that Agreement the following interpretation was given by the Council concerning the effect of the Agreement in relation to the period after the interim period:

'In approving the exchange of letters between Canada and Euratom, the Council recognizes that the conditions under which:

- material covered by the Canada/Euratom Agreement shall be enriched beyond 20 % or reprocessed,
- and those under which uranium enriched beyond 20 % and plutonium shall be stored,

have been covered by an Agreement for an interim period.

For materials supplied after the end of the interim period, an agreement on the regime governing these sensitive operations remains to be concluded. The Council, therefore, recognizes that, for these materials, the parties have not accepted any obligation, either as to the supply of the materials or as to the fact that the regime to be negotiated, and which would govern the sensitive operations, would include any conditions, nor *a fortiori* as to the nature of any such conditions.'

I would be obliged if you would confirm that this interpretation is shared by the Canadian authorities.

Please accept, Mr Chargé d'Affaires, the assurance of my highest consideration.

Mr P. D. Lee
Chargé d'Affaires a.i.
Mission of Canada
to the European Communities
Rue de Loos, 6 (fifth floor)
1000 Brussels

MISSION OF CANADA
TO THE
EUROPEAN COMMUNITIES

Brussels, 16 January 1978

Mr Commissioner,

I have the honour to acknowledge receipt of your letter dated 16 January 1978, stating the following :

'Mr Chargé d'Affaires,

I refer to the Agreement between us of 16 January 1978 and have the honour to state that during the Council consideration of that Agreement the following interpretation was given by the Council concerning the effect of the Agreement in relation to the period after the interim period :

"In approving the exchange of letters between Canada and Euratom, the Council recognizes that the conditions under which :

- material covered by the Canada/Euratom Agreement shall be enriched beyond 20 % or reprocessed,
 - and those under which uranium enriched beyond 20 % and plutonium shall be stored,
- have been covered by an Agreement for an interim period.

For materials supplied after the end of the interim period, an agreement on the regime governing these sensitive operations remains to be concluded. The Council, therefore, recognizes that, for these materials, the parties have not accepted any obligation, either as to the supply of the materials or as to the fact that the regime to be negotiated, and which would govern the sensitive operations, would include any conditions, nor *a fortiori* as to the nature of any such conditions."

I would be obliged if you would confirm that this interpretation is shared by the Canadian authorities.

Please accept, Mr Chargé d'Affaires, the assurance of my highest consideration.'

I have the honour to confirm that this interpretation is shared by the Canadian authorities.

Please accept, Mr Commissioner, the assurance of my highest consideration.

P. D. LEE
Chargé d'Affaires a.i.