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COUNCIL

COUNCIL DECISION

of 16 March 1982

concerning the conclusion of the Agreement between the European Economic Community and the Swiss Confederation on a concerted action project in the field of the detection of the tendency to thrombosis

(82/178/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 80/344/EEC of 18 March 1980 adopting a second research programme in the field of medical and public health research, consisting of four multiannual concerted projects ⁽¹⁾, and in particular Article 6 (1) thereof,

Having regard to the draft Decision submitted by the Commission,

Whereas, pursuant to Article 6 (2) of Decision 80/344/EEC, the Commission has negotiated an Agreement with the Swiss Confederation with a view to associating it with the concerted action project in the field of the detection of the tendency to thrombosis;

Whereas that Agreement should be approved,

Article 1

The Agreement between the European Economic Community and the Swiss Confederation on a concerted action project in the field of the detection of the tendency to thrombosis is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 16 March 1982.

For the Council

The President

P. de KEERSMAEKER

⁽¹⁾ OJ No L 78, 25. 3. 1980, p. 24.

AGREEMENT

between the European Economic Community and the Swiss Confederation on a concerted action project in the field of the detection of the tendency to thrombosis

THE EUROPEAN ECONOMIC COMMUNITY,

of the one part,

and

THE SWISS CONFEDERATION,

of the other part,

WHEREAS a European concerted research action project in the field of the detection of the tendency to thrombosis is likely to contribute effectively to ensuring an optimum level of health in individuals and in society;

WHEREAS, by its Decision of 18 March 1980, the Council of the European Communities adopted a second research programme in the field of medical and public health research consisting of four multiannual concerted projects, one of which relates to the detection of the tendency to thrombosis;

WHEREAS the Member States of the Community and the Swiss Confederation, hereinafter referred to as 'the States', intend, subject to the rules and procedures applicable to their national programmes, to carry out the research described in Annex I and are prepared to integrate such research into a process of coordination which they consider will be of mutual benefit;

WHEREAS the execution of the research covered by the concerted action project will require a financial contribution of approximately 10 million ECU from the States,

HAVE DECIDED to conclude this Agreement and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES

and

THE SWISS CONFEDERATION:

WHO HAVE AGREED AS FOLLOWS:

Article 1

The Community and the Swiss Confederation, hereinafter referred to as 'the Contracting Parties', shall participate for a period extending until 31 May 1984 in a concerted action project in the field of the detection of the tendency to thrombosis.

This project shall consist of coordinating the Community concerted action programme with the corresponding programme of Switzerland. The programmes covered by this Agreement are listed in Annex I.

The States shall remain entirely responsible for the research executed or coordinated by their national institutions or bodies, listed in Annex I.

Article 2

The Commission of the European Communities shall be responsible for the coordination.

It shall be assisted in this task by the project leader.

Article 3

In order to facilitate the execution of the project, the Concerted Action Committee on the detection of the tendency to thrombosis, hereinafter referred to as 'the Committee', set up by the Decision of 18 March 1980, shall be enlarged to include the Swiss Confederation.

The secretariat of the Committee shall be provided by the Commission.

The terms of reference and the composition of the Committee shall be as set out in Annex II.

Article 4

The maximum financial contribution by the Contracting Parties to the coordination costs shall be:

- 616 000 ECU from the Community for a four-year period beginning on 1 June 1980,
- 38 000 ECU from the Swiss Confederation for the period referred to in the first paragraph of Article 1.

The ECU is that defined in the Financial Regulation applicable to the general budget of the European Communities and by the financial provisions adopted pursuant to that Regulation.

The rules governing the financing of the Agreement are set out in Annex III.

Article 5

In accordance with the procedure laid down by the Commission in agreement with the Committee, the States shall exchange regularly all relevant information concerning the execution of the research covered by the concerted action project and shall forward to the Commission all information which may be useful for coordination purposes. They shall also endeavour to provide the Commission with information on research in the field in question planned or carried out by bodies for which they are not responsible. Any information shall be treated as confidential if the State which provides it so requests.

The Commission shall prepare yearly progress reports on the basis of the information supplied and shall forward them to the States.

At the end of the period of the concerted action project, the Commission, in agreement with the Committee, shall forward to the States a general report on the execution and the results of the project obtained, in particular so that the results obtained are made accessible as completely and rapidly as possible to undertakings, institutions and other parties concerned, in particular on the social level. This report shall be published by the Commission six months after it has been forwarded to the States, unless a State objects. In the latter case, the report shall be distributed, at their request, solely to the institutions and undertakings

whose research and production activities justify access to the results of the research covered by the project.

Article 6

1. As soon as possible after signing this Agreement, each of the Contracting Parties shall notify the Secretary-General of the Council of the European Communities of the completion of the procedures necessary under its internal provisions for the implementation of this Agreement.

2. This Agreement shall enter into force on the day on which the second of the Contracting Parties forwards the notification referred to in the first paragraph.

Prior to entry into force of this Agreement and for a maximum period of nine months after it is signed, the Swiss Confederation may take part without voting rights in the work of the Committee.

3. For a period of six months following its entry into force, this Agreement shall be open for accession by other European States which took part in the ministerial conference held in Brussels on 22 and 23 November 1971. The instruments of accession shall be deposited with the General Secretariat of the Council of the European Communities.

A State which accedes to this Agreement shall become a Contracting Party within the meaning of Article 1 on the date on which the instrument of accession is deposited. It shall contribute to the coordination costs under the conditions laid down in Article 4 concerning the Swiss Confederation.

4. The Secretary-General of the Council of the European Communities shall inform each of the Contracting Parties of the lodging of the notifications referred to in paragraph 1, of the date of entry into force of this Agreement and of the deposit of the instruments of accession referred to in paragraph 3.

Article 7

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek and Italian languages, each text being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Contracting Parties.

ANNEX I

PROGRAMMES COVERED BY THE AGREEMENT

A. Project relating to the detection of the tendency to thrombosis

The research will be carried out with the purpose of acquiring scientific and technical knowledge in this field, selected for its importance at Community level.

The research is expected to cover the following topics:

1. detection of activated clotting factors and their reaction products;
2. quantitative analysis of the inhibitors of the clotting system;
3. studies of the active and inhibitory components of the fibrinolytic system;
4. studies of blood platelets;
5. pilot studies in well-defined populations following standardization of materials and methodology.

Belgium, Denmark, Germany, Greece, France, Ireland, Italy, the Netherlands, the United Kingdom and Switzerland will contribute research under the topics mentioned above.

B. Implementation and coordination of the national contributions to the project

The following authorities carrying out medical research in the States will ensure the implementation of the national contributions to the project and their coordination at national level.

<i>Belgium:</i>	(FRSM) Fonds de la recherche scientifique médicale, Bruxelles (FGWO) Fonds voor Geneeskundig Wetenschappelijk Onderzoek, Brussel
<i>Denmark:</i>	Statens Coegevidenskabelige Forskningsråd, København
<i>Germany:</i>	Zentrum für Innere Medizin der Universität Gießen Department für Innere Medizin der Universität Ulm
<i>Greece:</i>	Υπηρεσία Επιστημονικής Έρευνας και Τεχνολογίας, Αθήνα Συμβούλιο Ιατρικών Έρευνών, Αθήνα
<i>France:</i>	(INSERM) Institut national de la santé et de la recherche médicale, Paris
<i>Ireland:</i>	Medical Research Council of Ireland, Dublin
<i>Italy:</i>	(CNR) Consiglio nazionale della ricerca, Roma, and Istituto superiore di sanità, Roma
<i>Netherlands:</i>	Gezondheidsorganisatie TNO and Stichting Medisch Wetenschappelijk Onderzoek FUNGO, Den Haag
<i>United Kingdom:</i>	(MRC) Medical Research Council, London
<i>Switzerland:</i>	Theodor Kocher Institut, Universität Bern

ANNEX II

TERMS OF REFERENCE AND COMPOSITION OF THE COMMITTEE

1. The Committee shall:
 - 1.1. contribute to the optimum execution of the project by giving its opinion on all of its aspects;
 - 1.2. evaluate the results and draw conclusions as regards their application;
 - 1.3. be responsible for the exchange of information referred to in the first paragraph of Article 5;
 - 1.4. keep abreast of national research being done in the fields covered by the project, and more especially of scientific and technical developments likely to affect the execution of the project;
 - 1.5. suggest guidelines to the project leader.
 2. The Committee's reports and opinions shall be forwarded to the Commission and to the States. The Commission shall forward these opinions to CREST.
 3. The Committee shall be composed of persons responsible for coordinating the national contributions to the project leader. Each member may be accompanied by experts.
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*ANNEX III***FINANCING RULES***Article 1*

These provisions lay down the financing rules referred to in Article 4 of the Agreement.

Article 2

At the beginning of each financial year, the Commission shall send to the Swiss Confederation a call for funds corresponding to its share of the annual coordination costs under the Agreement, calculated in proportion to the maximum amounts laid down in Article 4 of the Agreement.

This contribution shall be expressed both in ECU and in the currency of the State concerned, the value of the ECU being that defined in the Financial Regulation applicable to the general budget of the European Communities and determined on the date of the call for funds.

The total contributions shall cover the travel and subsistence costs of the delegates to the Committee, in addition to the coordination costs proper.

The Swiss Confederation shall pay its annual contribution to the coordination costs under the Agreement at the beginning of each year and by 31 March at the latest. Any delay in payment shall give rise to the payment of interest by the Swiss Confederation at a rate equal to the highest discount rate obtaining in the States on the due date. The rate shall be increased by 0.25 of a percentage point for each month of delay. This increased rate shall be applied to the entire period of delay. However, this interest shall be recoverable only if payment is made more than three months after the Commission has sent a call for funds.

Article 3

The funds paid by the Swiss Confederation shall be credited to the project as budget receipts allocated to a heading in the statement of revenue of the budget of the Commission.

Article 4

The provisional timetable for the coordination costs referred to in Article 4 of the Agreement is annexed hereto.

Article 5

The Financial Regulation in force applicable to the general budget of the European Communities shall apply to the management of the appropriations.

Article 6

At the end of each financial year, a statement of appropriations for the project shall be prepared and transmitted to the Swiss Confederation for information.

COUNCIL DECISION

of 16 March 1982

concerning the conclusion of the Protocol extending the Arrangement regarding international trade in textiles

(82/179/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas the Commission has participated, on behalf of the Community, in the negotiations for the renewal of the Arrangement regarding international trade in textiles; whereas these negotiations resulted in the establishment of a Protocol to which were annexed the conclusions adopted on 22 December 1981 by the Textiles Committee established by the Arrangement;

Whereas the Community should accept the extension of the Arrangement on the conditions set out in the aforesaid Protocol and the conclusions annexed thereto,

Article 1

The Protocol extending the Arrangement regarding international trade in textiles, to which are annexed the conclusions adopted by the Textiles Committee on 22 December 1981, is hereby approved on behalf of the Community.

The texts referred to in the first subparagraph are attached to this Decision.

Article 2

The President of the Council is authorized to designate the person empowered to notify acceptance as referred to in point 3 of the Protocol so that it shall be binding on the Community.

Done at Brussels, 16 March 1982.

*For the Council**The President*

P. de KEERSMAEKER

Protocol extending the Arrangement regarding international trade in textiles

THE PARTIES to the Arrangement regarding international trade in textiles (hereinafter referred to as 'the Arrangement' or 'MFA'),

ACTING pursuant to paragraph 5 of Article 10 of the Arrangement, and

REAFFIRMING that the terms of the Arrangement regarding the competence of the Textile Committee and the Textiles Surveillance Body are maintained, and

CONFIRMING the understandings set forth in the conclusions of the Textiles Committee adopted on 22 December 1981, a copy of which is attached herewith,

HEREBY AGREE as follows:

1. The period of validity of the Arrangement set out in Article 16, shall be extended for a period of four years and seven months until 31 July 1986.
2. This Protocol shall be deposited with the Director-General to the Contracting Parties to the GATT. It shall be open for acceptance, by signature or otherwise, by the Parties to the Arrangement, by other governments accepting or acceding to the Arrangement pursuant to the provisions of Article 13 thereof and by the European Economic Community.
3. This Protocol shall enter into force on 1 January 1982 for the countries which have accepted it by that date. It shall enter into force for a country which accepts it on a later date as of the date of such acceptance.

Done at Geneva this twenty-second day of December, one thousand nine hundred and eighty-one, in a single copy in the English, French and Spanish languages, each text being authentic.

Conclusions of the Textiles Committee adopted on 22 December 1981

1. The participants in the Arrangement exchanged views regarding the future of the Arrangement.
2. All participants saw mutual cooperation as the foundation of the Arrangement and as the basis for dealing with problems in a way which would promote the aims and objectives of the MFA. Participants emphasized that the primary aims of the MFA are to ensure the expansion of trade in textile products, particularly for the developing countries, and progressively to achieve the reduction of trade barriers and the liberalization of world trade in textile products while, at the same time, avoiding disruptive effects in individual markets and on individual lines of production in both importing and exporting countries. In this context, it was reiterated that a principal aim in the implementation of the Arrangement is to further the economic and social development of developing countries and to secure a substantial increase in their export earnings from textile products and to provide scope for a greater share for them in world trade in these products.
3. Members of the Textiles Committee recognized that there continued to be a tendency for an unsatisfactory situation to exist in world trade in textile products, and that such a situation, if not satisfactorily dealt with, could work to the detriment of countries participating in international trade in textile products, whether as importers or exporters or both. This situation could adversely affect prospects for international cooperation in the trade field and could have unfortunate repercussions on trade relations in general, and the trade of developing countries in particular.
4. Attention was drawn to the fact that decline in the rate of growth of *per capita* consumption in textiles and in clothing is an element which may be relevant to the recurrence or exacerbation of a situation of market disruption. Attention was also drawn to the fact that domestic markets may be affected by elements such as technological changes and changes in consumer preference. In this connection it was recalled that the appropriate factors for the determination of a situation of market disruption as referred to in the Arrangement are listed in Annex A.
5. It was agreed that any serious problems of textile trade falling within the purview of the Arrangement should be resolved through consultations and negotiations conducted under the relevant provisions thereof.
6. The Committee noted the important rôle of and the goodwill expressed by certain exporting participants now predominant in the exporting of textile products in all three fibres covered by the Arrangement in finding and contributing to mutually acceptable solutions to particular problems relative to particularly large restraint levels arising out of the application of the Arrangement as extended by the Protocol.
7. The participants recalled that safeguard measures could only be invoked if there existed a situation of market disruption — as defined in Annex A — or real risk thereof. Noting that Article 6 envisages that in the application of such measures developing countries, especially new entrants, small suppliers and cotton producers shall be given more favourable terms than other countries, the Committee drew particular attention to paragraph 12 below.
8. With respect to the definition of market disruption contained in Annex A of the Arrangement, participants took due note that difficulties had arisen as to its application in practice, leading to misunderstandings between exporting and importing participants, which have had an adverse impact on the operation of the Arrangement. Consequently, and with a view to overcoming these difficulties, the participants agreed that the discipline of Annex A and the procedures of Articles 3 and 4 of the Arrangement should be fully respected and that requests for action under these Articles shall be accompanied by relevant specific factual information. The participants further agreed that the situation prevailing when such action was requested should be periodically reviewed by the parties concerned, the Textiles Surveillance Body (TSB) being promptly informed of any resulting modifications under the terms of Articles 3 (9) and/or 4 (4).
9. It was recalled that in exceptional cases where there is a recurrence or exacerbation of a situation of market disruption as referred to in Annex A, and paragraphs 2 and 3 of Annex B, a lower positive growth rate for a

particular product from a particular source may be agreed upon between the parties to a bilateral agreement. It was further agreed that where such agreement has taken into account the growing impact of a heavily utilized quota with a very large restraint level for the product in question from a particular source, accounting for a very large share of the market of the importing country for textiles and clothing, the exporting party to the agreement concerned may agree to any mutually acceptable arrangements with regard to flexibility.

10. The view was expressed that real difficulties may be caused in importing countries by sharp and substantial increases in imports as a result of significant differences between larger restraint levels negotiated in accordance with Annex B on the one hand and actual imports on the other. Where such significant difficulties stem from consistently under-utilized larger restraint levels and cause or threaten serious and palpable damage to domestic industry, an exporting participant may agree to mutually satisfactory solutions or arrangements. Such solutions or arrangements shall provide for equitable and quantifiable compensation to the exporting participant to be agreed by both parties concerned.

11. The Committee recognized that countries having small markets, an exceptionally high level of imports and a correspondingly low level of domestic production are particularly exposed to the problems arising from imports causing market disruption as defined in Annex A, and that their problems should be resolved in a spirit of equity and flexibility in order to avoid damage to those countries' minimum viable production of textiles. In the case of those countries, the provisions of Article 1 (2) and Annex B, paragraph 2, should be fully implemented. The exporting participants may, in the case of countries referred to in this paragraph, agree to any mutually acceptable arrangements with regard to paragraph 5 of Annex B; special consideration in this respect would be given to their concerns regarding the avoidance of damage to these countries' minimum viable production of textiles.

12. The participating countries were conscious of the problems posed by restraints on exports of new entrants and small suppliers, as well as on exports of cotton textiles by cotton producing countries. They re-affirmed their commitment to the letter and intent of Article 6 of the Arrangement and to the effective implementation of this Article to the benefit of these countries.

To this end they agreed that:

- (a) restraints on exports from small suppliers and new entrants should normally be avoided. For the purposes of Article 6 (3) shares in imports of textiles and those in clothing may be considered separately;
- (b) restraints on exports from new entrants and small suppliers should, having regard to Article 6 (2), take due account of the future possibilities for the development of trade and the need to permit commercial quantities of imports;
- (c) exports of cotton textiles from cotton producing exporting countries should be given special consideration. Where restraints are applied, more favourable treatment should be given to these countries in terms of quotas, growth rates and flexibility in view of the importance of such trade to these countries, having due regard to the provisions of Annex B;
- (d) the provisions of Annex B relating to exceptional circumstances and cases should be applied sparingly to exports from new entrants, small suppliers and trade in cotton textiles of cotton producing developing countries;
- (e) any restraints envisaged on exports from new entrants, small suppliers and cotton textile producing countries shall take into account the treatment of similar exports from other participants, as well as non-participants in terms of Article 8 (3).

13. The Committee recalled that consideration is to be given to special and differential treatment which should be accorded to trade referred to in Article 6 (6).

14. Participants agreed to cooperate fully in dealing with problems relating to circumvention of the Arrangement in the light of the provisions of Article 8 thereof. It was agreed that the appropriate administrative action referred to in Article 8 (2) should in principle, where evidence is available regarding the country of true origin and the circumstances of circumvention, include adjustment of charges to existing quotas to reflect the country of true origin; any such adjustment together with its timing and scope being

decided in consultation between the countries concerned, with a view to arriving at a mutually satisfactory solution. If such a solution is not reached any participant involved may refer the matter to the TSB in accordance with the provisions of Article 8 (2).

15. In pursuance of the objective of trade liberalization embodied in the Arrangement, the Committee reaffirmed the need to monitor adjustment policies and measures and the process of autonomous adjustment in terms of the provisions of Article 1 (4). To this end, the Committee decided that a subcommittee should be established to carry out activities previously performed by the working group on adjustment measures and to make a periodic review of developments in autonomous adjustment processes and in policies and measures to facilitate adjustment, as well as in production and trade in textiles, on the basis of material and information to be provided by participating countries. The subcommittee would report periodically to the Textiles Committee to enable that Committee to fulfil its obligations under Article 10 (2).

16. Participating countries reaffirmed their commitment to the objectives of the expansion of trade, reduction of barriers to such trade and the progressive liberalization of world trade in textile products while recognizing that these objectives also depend importantly upon matters outside the scope of the Arrangement such as the reduction of tariffs.

17. In the context of the phasing out of restraints under the Arrangement priority attention would be given to sectors of trade, e.g. wool tops, and suppliers for which the Arrangement provides for special and more favourable treatment as referred to in Article 6.

18. The participants reaffirmed the importance of the effective functioning of the two organs of the Arrangement, the Textiles Committee and the TSB, in their respective areas of competence. In this context, the participants emphasized the importance of the

responsibilities of the TSB as set forth in Article 11 of the MFA.

19. The participants also reaffirmed that the role of the TSB is to exercise its functions as set out in Article 11 so as to help ensure the effective and equitable operation of the Arrangement and to further its objectives.

20. The Committee recognized the need for close cooperation among participants for the effective discharge of the TSB's responsibilities.

21. The participants also noted that, should any participant or participants be unable to accept the conclusions or recommendations of the Textiles Surveillance Body, or should, following its recommendations, problems continue to exist between the parties, the procedures set forth in Article 11 (8), (9) and (10) are available.

22. The participants reaffirmed the importance of Article 7 to the effective operation of the Arrangement.

23. It was felt that in order to ensure the proper functioning of the MFA, all participants should refrain from taking measures on textiles covered by the MFA, outside the provisions therein, before exhausting all the relief measures provided in the MFA.

24. Taking into account the evolutionary and cyclical nature of trade in textiles and the importance both to importing and exporting countries of prior resolution of problems in a constructive and equitable manner for the interest of all concerned, and on the basis of the elements mentioned in paragraphs 1 to 23 above, which supersede in their totality those adopted on 14 December 1977, the Textiles Committee considered that the Arrangement in its present form should be extended for a period of four years and seven months, subject to confirmation by signature as from 22 December 1981 of a Protocol for this purpose.

COUNCIL DECISION

of 16 March 1982

authorizing extension or tacit renewal of certain trade agreements concluded between the
Member States and third countries

(82/180/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Council Decision 69/494/EEC of 16 December 1969 on the progressive standardization of agreements concerning commercial relations between Member States and third countries and on the negotiation of Community agreements ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas extension or tacit renewal beyond the end of the transitional period was last authorized in the case of the Agreements and Protocols appearing in the Annex by Decision 81/216/EEC ⁽²⁾;

Whereas the Member States concerned have, with a view to avoiding disruption of their commercial relations with the third countries concerned based on agreement, requested authorization to extend or renew the abovementioned Agreements;

Whereas, however, most of the areas covered by these national agreements are henceforth the subject of Community agreements; whereas, having regard to this situation, authorization should be granted for the maintenance of national agreements only for those areas not covered by Community agreements; whereas, in addition, such authorization should not, therefore, adversely affect the obligation incumbent upon the Member States to avoid and, where appropriate, to eliminate any incompatibility between the said agreements and Community law;

Whereas, moreover, the agreements to be either prolonged or renewed should not, during the period of extension envisaged, constitute an obstacle to the implementation of the common commercial policy;

Whereas the Member States concerned have declared that the extension or tacit renewal of these agreements would neither constitute an obstacle to the opening of

Community negotiations with the third countries concerned and the transfer of the commercial substance thereof to Community agreements nor, during the period under consideration, hinder the adoption of the measures necessary to complete the standardization of the import arrangements applied by the Member States;

Whereas at the conclusion of the consultations provided for in Article 2 of Decision 69/494/EEC it was established, as the aforesaid declarations by the Member States concerned confirm, that the provisions of the agreements to be extended or renewed would not, during the period under consideration, constitute an obstacle to the implementation of the common commercial policy;

Whereas, in these circumstances, the agreements may be either extended or tacitly renewed for a limited period,

HAS ADOPTED THIS DECISION:

Article 1

The Trade Agreements and Protocols concluded between Member States and third countries and appearing in the Annex may be extended or tacitly renewed up to the dates indicated for each of them for those areas not covered by agreements between the Community and the third countries concerned and in so far as their provisions are not contrary to existing common policies.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 March 1982.

For the Council

The President

P. de KEERSMAEKER

⁽¹⁾ OJ No L 326, 29. 12. 1969, p. 39.

⁽²⁾ OJ No L 101, 11. 4. 1981, p. 27.

BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE

Medlemsstat	Tredjeland	Aftalens art og datering		Udløb efter forlængelse eller stiltiende videreførelse
Mitgliedstaat	Drittland	Art und Datum des Abkommens		Ablauf nach Verlängerung oder stillschweigender Verlängerung
Κράτος Μέλος	Τρίτη Χώρα	Φύση και ημερομηνία της συμφωνίας		Ήμερομηνία λήξεως κατόπιν της παρατάσεως ή της σιωπηράς ανανεώσεως
Member State	Third country	Type and date of Agreement		Prolonged or tacitly renewed until
État membre	Pays tiers	Nature et date de l'accord		Échéance après prorogation ou tacite reconduction
Stato membro	Paese terzo	Natura e data dell'accordo		Scadenza dopo la proroga o il tacito rinnovo
Lid-Staat	Derde land	Aard en datum van het akkoord		Vervaldatum na al dan niet stilzwijgende verlenging
BENELUX	Honduras	Handelsakkoord	30. 1. 1959	27. 5. 1983
	Joegoslavië	Handelsakkoord	18. 6. 1958	30. 6. 1983
	Marokko	Handelsakkoord	5. 8. 1958	30. 6. 1983
DANMARK	Indonesien	Handelsaftale	9. 9. 1952	30. 6. 1983
	Madagaskar	Handelsaftale	10. 12. 1965	25. 6. 1983
	Marokko	Handelsaftale	26. 7. 1961	30. 6. 1983
	Senegal	Handelsaftale	11. 4. 1962	10. 7. 1983
	Spanien	Handelsaftale	1. 7. 1960	30. 6. 1983
	Tunesien	Handelsaftale	8. 6. 1960	31. 5. 1983
DEUTSCHLAND	Afghanistan	Handelsabkommen	31. 1. 1958	31. 5. 1983
	Island	Handelsabkommen	20. 5. 1954	30. 6. 1983
	Jugoslawien	Handelsabkommen	11. 6. 1952	30. 6. 1983
		Protokoll	16. 7. 1964	
	Philippinen	Handelsabkommen	28. 2. 1964	12. 8. 1983
	Türkei	Abkommen über Warenverkehr	16. 2. 1952	30. 6. 1983
ΕΛΛΑΣ	Ίράν	Έμπορική Συμφωνία	3. 2. 1976	3. 2. 1983
	Τυνησία	Έμπορική Συμφωνία	2. 3. 1960	2. 3. 1983
	Ίορδανία	Έμπορική Συμφωνία	27. 2. 1977	27. 2. 1983
	Συρία	Έμπορική Συμφωνία	27. 5. 1969	27. 5. 1983
	Μάλτα	Έμπορική Συμφωνία	14. 4. 1976	14. 4. 1983
FRANCE	RAE (république arabe d'Égypte)	Accord commercial	10. 7. 1964	10. 7. 1983
ITALIA	Austria	Accordo commerciale	19. 6. 1949	30. 6. 1983
		Scambio di lettere	14. 11. 1961	
	Colombia	Modus vivendi	19. 6. 1952	19. 6. 1983
	Somalia	Accordo commerciale e di cooperazione economica e tecnica	1. 7. 1960	30. 6. 1983
	Spagna	Accordo commerciale	28. 6. 1960	8. 6. 1983
		Processo verbale	1. 4. 1967	
	Turchia	Accordo commerciale	24. 1. 1952	31. 5. 1983

COMMISSION

COMMISSION RECOMMENDATION

of 3 February 1982

on the application of Article 37 of the Euratom Treaty

(82/181/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 37 and 124 thereof,

Having consulted the group of experts appointed in accordance with Article 31 of the Treaty by the Scientific and Technical Committee,

Considering the experience acquired in the application of the Commission recommendation of 16 November 1960 concerning the application of Article 37 of the Treaty ⁽¹⁾,

Whereas general technical progress in nuclear energy, changes in the nature and quantities of radioactive waste and developments in the approaches to radiation protection indicate a need to give a more precise definition of 'disposal of radioactive waste';

Whereas it cannot be excluded that certain operations from which discharges of radioactive waste are normally negligible, can give rise to significant releases in the event of an accident;

Whereas the European Parliament, in its resolution of 20 November 1980 on the siting of nuclear power stations in frontier zones, has requested that the Commission review the application of Article 37, particularly as regards the timing currently in force;

Whereas plans for the disposal of radioactive wastes from nuclear reactors and nuclear fuel reprocessing

plants necessitate particular attention in the context of Article 37 prior to construction beginning;

Whereas the growing concentrations of waste discharge sources and the superimposition of the effects of such discharges, particularly into an aquatic environment, call for a more exact knowledge of the actual discharges in order to obtain a better appreciation of the overall radiological impact when submissions of general data are examined pursuant to Article 37 and whereas, for this purpose, certain information needs to be communicated periodically by the Member States as to discharges arising under disposal plans previously the subject of an opinion pursuant to Article 37;

Whereas to ensure that the basic safety standards for the health protection of the population are uniformly applied and to appraise disposal plans in a consistent manner, it is necessary to specify the information to be supplied, in particular in the general data,

HEREBY RECOMMENDS:

1. That the 'disposal of radioactive waste' within the meaning of Article 37 of the Treaty should cover any form of disposal, planned or accidental, of radioactive substances from the operations listed in the three categories below.

CATEGORY 1 OPERATIONS

- (1) The operation of nuclear reactors
- (2) The reprocessing of irradiated nuclear fuel

CATEGORY 2 OPERATIONS

- (1) The mining, milling and conversion of uranium and thorium
- (2) U 235 enrichment uranium
- (3) The fabrication of nuclear fuel

⁽¹⁾ OJ No 81, 21. 12. 1960, p. 1893/60.

- (4) The processing and storage ⁽¹⁾ of radioactive waste arising from category 1 and category 2 operations
- (5) The sea dumping of radioactive waste from category 1 and category 2 operations
- (6) The land or sea burial of radioactive waste from category 1 and category 2 operations
- (7) The storage ⁽¹⁾ of irradiated nuclear fuel on sites other than those involving category 1 operations
- (8) The decommissioning of installations involving category 1 operations
- (9) The handling or processing of radioactive substances on an industrial scale.

CATEGORY 3 OPERATIONS

All other operations giving rise to radioactive waste.

2. That 'general data' within the meaning of Article 37 of the Treaty be understood to mean:
 - for category 1 operations the information set out in Annexes 1A and 2,
 - for category 2 operations other than (5) and (6) the information set out in Annex 1A and for category 2, operations (5) and (6), that set out in Annex 1B,
 - for category 3 operations the information set out in paragraph 5 (b).
3. That, for plans involving category 1 and category 2 operations, the relevant parts of the 'general data' listed in Annex 1A or 1B be submitted to the Commission whenever possible one year but not less than six months before the planned date of commencement of disposal of radioactive waste.
4. That, for plans involving category 1 operations, the preliminary 'general data' listed in Annex 2 be submitted to the Commission before permission for construction is granted by the competent authorities.
5. That there be communicated to the Commission:
 - (a) every two years, a statement of the radioactive waste discharges from each installation involving category 1 or category 2 operations;
 - (b) every five years, an estimate of the total radioactive liquid waste discharges from all category 3 operations into any water medium (e.g. hydrographic basin, sea, etc.). This estimate may be based on the discharge data for individual installations or on measurements in the receiving water medium;
 - (c) prior to any dumping of radioactive waste in the sea, a copy of the notification communicated to other international bodies.
6. That, if a Member State considers it appropriate, it may request from the Commission an opinion on any plan for the disposal of radioactive waste on its own territory and not called for by the present recommendation.
7. That the Commission be notified, before authorization is granted, of any modification of a plan for disposal of radioactive waste, which has already been submitted for its opinion, if such modification could cause any appreciable increase in the effect of such disposal on the exposure of the population.
8. That, since submission of a plan for the disposal of radioactive waste is the responsibility of the government of the relevant Member State, that government accept responsibility for all information submitted to the Commission in respect of such a plan.

This recommendation is addressed to the Member States.

It replaces the recommendation of 16 November 1960.

Done at Brussels, 3 February 1982.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ Provided that the operation is not incorporated in a plan submitted under another heading.

ANNEX 1A

'GENERAL DATA'

applicable to category 1 operations and category 2 operations other than (5) and (6)

INTRODUCTION

General presentation of the plan

1. THE SITE AND ITS SURROUNDINGS

1.1. Geographical and topographical situation of the site with

- a map of the region showing the location of the site,
- the location of the plant in relation to other nuclear installations, existing or planned, on the same or other site(s), discharges from which may have implications for discharges from the plant in question,
- the location of the plant with regard to other Member States giving the distances from frontiers and closest conurbations.

1.2. Geology — Seismology

Brief description of

- the main geological features of the region,
- the degree of seismic activity; probable maximum seismic intensity and designated plant seismic response.

1.3. Hydrology

For a plant situated beside a watercourse

Description of the watercourse with

- a general description of its path (major features, main tributaries, estuary, etc.),
- the average waterflow at the site,
- the maximum and minimum waterflows stating frequency and periods of occurrence.

Where the river flows through the territory of one or more other Member States downstream of the site, corresponding information in respect of the State(s).

For a plant situated on the coast

General description of the coastal area with

- heights of the tides,
- direction and force of currents, both local and regional.

In both cases

- flood-risk and protection of the site,
- water-table level and direction of flow.

1.4. Meteorology and climatology

- regional climatology taking account of orographic features (plains, valleys, mountain ranges),
- local climatology with frequency distributions of:
 - wind directions and speeds,

- precipitation intensity and duration,
- for each wind sector, atmospheric dispersion conditions and duration of temperature inversions.

1.5. Natural resources

Brief description of

- soil characteristics and ecological features of the region,
- water utilization in the region for drinking, irrigation, etc.,
- principal food resources; methods and scale of production; crops, stock breeding, fishing, hunting; for discharges into the sea, data on fishing in territorial and extra-territorial waters,
- foodstuffs distribution system and particularly the export to other Member States of agricultural products, fish or game from the regions concerned.

1.6. Other activities in the vicinity of the site

- industrial or military sites, surface and aerial traffic, bulk transport by pipeline,
- possible influence on the plant; protective measures,
- regulations covering industrial or other development.

1.7. Population

- distribution of the populations of interest in other Member States,
- pattern of daily life and eating habits of these populations;

main features; the data required concern the population distribution (density), noting conurbations and any particular characteristics in so far as these are related to the risk of exposure from discharges through the significant exposure pathways.

2. THE PLANT

2.1. Main features of the plant

Brief description of the plant, giving the type, purpose and main features

- for reactors: main features of the reactor, the reactor building, the auxiliary installations, the fuel storage facilities, safety provisions, etc.;
- for other plants or laboratories: main features of processes used; throughput of radioactive and fissile materials, installations which make up the plant, safety provisions, etc.

2.2. Ventilation system

Schematic diagrams and description indicating function in normal operating conditions and in the case of an accident, air flows, relative pressures in the buildings and heights of release; data on filters, their efficiency, methods and frequency of testing.

2.3. Containments

Brief description and main characteristics; methods and frequency of testing for leaktightness.

2.4. Time scale

- commissioning period and date for routine operation of the plant,
- present stage of licensing procedure.

2.5. Decommissioning and dismantling of the plant

Outline of technical and administrative provisions.

3. RELEASE OF AIRBORNE RADIOACTIVE EFFLUENTS IN NORMAL OPERATION**3.1. Authorization procedure in force**

- outline of the general procedure involved,
- discharges assumed for evaluation of the radiological consequences:
 - where the procedure has not been completed: discharges forecast by the operator,
 - where the procedure has been completed: discharges authorized.

3.2. Technical aspects

- origins of these radioactive effluents, their composition and physico-chemical forms,
- purification and holdup of these effluents, methods and paths of release.

3.3. Monitoring of discharges

- sampling, measurement and analysis of discharges,
- principal features of the monitoring equipment,
- alarm levels, intervention actions (manual and automatic).

3.4. Evaluation of transfer to man**3.4.1. models and parameters used to calculate:**

- atmospheric dispersion of the effluents,
- ground deposition and resuspension,
- transfer via food chains,
- exposure levels via the significant exposure pathways.

3.4.2. evaluation of concentrations and exposure levels associated with discharges cited in 3.1 above:

- in the case of continuous release: average annual concentrations of activity in the atmosphere near the ground and surface contamination levels,
- in the case of intermittent release and planned special release: time-integrated concentrations in the atmosphere near the ground and surface contamination levels.

These data are to be provided for the most exposed areas in the vicinity of the plant and for relevant areas in other Member States.

- corresponding exposure levels ⁽¹⁾: dose equivalents to those living in the relevant areas of other Member States taking account of all significant exposure pathways.

⁽¹⁾ The values submitted should reflect the fact that the results can represent little more than orders of magnitude to which it would be inappropriate to ascribe a false precision.

3.5. Radioactive discharges to atmosphere from those installations cited under 1.1

Where appropriate, procedures for coordination with discharges from other installations, where there may be an additive effect for the exposure levels.

4. RELEASE OF LIQUID RADIOACTIVE EFFLUENTS IN NORMAL OPERATION

4.1. Authorization procedure in force

- outline of the general procedure involved,
- discharges assumed for evaluation of the radiological consequences:
 - where the procedure has not been completed: discharges forecast by the operator,
 - where the procedure has been completed: discharges authorized.

4.2. Technical aspects

- origins of these radioactive effluents, their composition and physico-chemical forms,
- treatment of these effluents, storage capacities, methods and paths of release.

4.3. Monitoring of discharges

- sampling, measurement and analysis of discharges,
- principal features of monitoring equipment,
- alarm levels, intervention actions (manual and automatic).

4.4. Evaluation of transfer to man

4.4.1. models and parameters used to calculate:

- aquatic dispersion of the effluents,
- their transfer by sedimentation and ion exchange,
- transfer via food chains,
- exposure levels via the significant exposure pathways.

4.4.2. evaluation of the exposure levels ⁽¹⁾ associated with the discharges cited in 4.1 above: dose equivalents to those living in relevant areas of other Member States, taking account of all significant exposure pathways.

4.5. Radioactive discharges into the same receiving waters by other installations

Where appropriate, procedures for coordination with discharges from other installations, where there may be an additive effect for the exposure levels.

5. DISPOSAL OF SOLID RADIOACTIVE WASTE

5.1. Categories of solid radioactive wastes and estimated amounts

5.2. Processing and packaging

5.3. Intermediate storage; storage capacities and conditions, radiological risks to the environment, precautions taken

⁽¹⁾ The values submitted should reflect that the results can represent little more than orders of magnitude to which it would be inappropriate to ascribe a false precision.

6. UNPLANNED RELEASES OF RADIOACTIVE EFFLUENTS

6.1. Review of accidents of internal and external origin which could result in unplanned releases of radioactive substances

List of the accidents studied in the safety report.

6.2. Reference accident(s) taken into consideration by the competent national authorities for evaluating possible radiological consequences in the case of unplanned releases

Outline of the accident(s) considered and justification of its (their) choice.

6.3. Evaluation of the radiological consequences of the reference accident(s)

6.3.1. Entailing releases to atmosphere

- assumptions used to calculate the releases to atmosphere,
- release paths; time pattern of the releases,
- amounts and physico-chemical forms of those radionuclides released which are significant from the point of view of health,
- models and parameters used to calculate for the releases their atmospheric dispersion, ground deposition, resuspension and transfer via food chains and to evaluate the exposure levels via the significant exposure pathways,
- maximum time-integrated concentrations of radioactivity in the atmosphere near the ground and maximum surface contamination levels (in dry and wet weather) for the most exposed areas in the vicinity of the plant and for relevant areas in other Member States,
- corresponding exposure levels ⁽¹⁾: dose equivalents to those living in relevant areas of other Member States taking account of all significant exposure pathways.

6.3.2. Entailing releases into an aquatic environment

- assumptions used to calculate the liquid releases,
- release paths, time pattern of releases,
- amounts and physico-chemical forms of those radionuclides released which are significant from the point of view of health,
- models and parameters used to calculate for the releases their aquatic dispersion, their transfer by sedimentation and ion exchange, their transfer via food chains and to evaluate the exposure levels via the significant exposure pathways,
- corresponding exposure levels ⁽¹⁾: dose equivalents to those living in the vicinity of the plant and in relevant areas of other Member States taking account of all significant exposure pathways.

6.4. Emergency plans; agreements with other Member States

Brief description of emergency planning zones, emergency reference levels of dose, bilateral or multilateral agreements on transfrontier communications and mutual assistance, rehearsals, reviewing and updating of emergency plans.

⁽¹⁾ The values submitted should reflect that the results can represent little more than orders of magnitude to which it would be inappropriate to ascribe a false precision.

7. ENVIRONMENTAL MONITORING

- external radiation levels,
- radioactivity in air, water, soil and the food chains.

With reference to 3.1 and 4.1 above, monitoring programme as approved by the competent national authorities, organization, sample forms and frequency, type of monitoring instruments used in normal and accidental circumstances; where appropriate, any collaboration arrangements in this respect with neighbouring Member States.

ANNEX 1B

'GENERAL DATA'

applicable to category 2, operations (5) and (6)

(for plans concerning new disposal sites)

1. The site and surroundings

Location, depth, geology, seismology, and

for a sea site: seabed characteristics (including the presence of pipelines and submarine cables) currents and other dispersion mechanisms, relevant biological data, risk of disturbance (e.g. by exploitation of marine resources, by dumping of other wastes etc.)

for a land site: hydrology, use of land and of ground water, repository design including safety features and capacity, long term control of the site.

2. The wastes

Volumes, radionuclides present, activities, prohibited wastes, conditioning and packaging, assumed leak rates and, where appropriate, heat release rates.

3. Environmental effects

Assessment of the radiological consequences to the environment.

4. Operational procedures

Including measures to be taken in the event of incidents.

5. Monitoring

Radiation monitoring programme(s).

ANNEX 2

PRELIMINARY 'GENERAL DATA'**applicable to category 1 operations****1. The site and its surroundings**

- map of the region showing the location of the plant with regard to other nearby nuclear installations and to other Member States,
- main seismic characteristics of the region,
- main characteristics of the waterbodies receiving radioactive effluents,
- main regional and local climatological characteristics,
- industrial or military activities in the vicinity of the plant,
- population distribution in adjacent regions of other Member States concerned.

2. The plant

- brief description of the plant and its main safety features,
- time scale of plant construction.

3. Forecast releases of radioactive effluents

- estimate of annual radioactive discharges and their radiological consequences.

4. Accidental releases of radioactive effluents

- list of accidents considered in the preliminary safety report,
 - preliminary evaluation of the radiological consequences of the reference accident(s).
-

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