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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2158/1999
of 11 October 1999
concerning a ban on the supply to Indonesia of equipment which might be used for internal
repression or terrorism**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Common Position 1999/624/CFSP of 16 September 1999, concerning restrictive measures against the Republic of Indonesia ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) Common Position 1999/624/CFSP, in view of the current situation in East Timor where serious violations of human rights and international humanitarian law are taking place, provides for a ban on the supply to Indonesia of equipment which might be used for internal repression or terrorism;
- (2) That measure falls within the scope of the Treaty establishing the European Community;
- (3) Therefore, and with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of that measure as far as the territory of the Community is concerned; such territory is deemed to encompass, for the purposes of this Regulation, all the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;
- (4) A procedure should be provided to amend, if necessary, the list of equipment which might be used for internal repression or terrorism;
- (5) There is a need for the Commission and the Member States to inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation, without prejudice to existing obligations with regard to certain items concerned;
- (6) In view of the possibly limited duration of the Regulation, it should be provided that sanctions can be

imposed immediately where the provisions of the Regulation are infringed,

HAS ADOPTED THIS REGULATION:

Article 1

1. It shall be prohibited, knowingly and intentionally, to:
 - (a) sell, supply, export or ship, directly or indirectly, equipment listed in Annex I, parts A and B, whether or not originating in the Community, to any person or body in the Republic of Indonesia or to any person or body for the purpose of any business carried on in, or operated from, the territory of the Republic of Indonesia;
 - (b) participate in related activities the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to in subparagraph (a).
2. The competent authorities of the Member States, listed in Annex II, may authorise the transactions or activities referred to in paragraph 1, in respect of the items listed in part B of Annex I, when they have obtained conclusive evidence that the end-use of these items is not for internal repression or terrorism.

Article 2

The Council shall adopt by qualified majority amendments to the list set out in Annex I on the basis of a proposal from the Commission.

The Annex shall not include items specially designed or modified for military use already subject to the arms embargo established on the basis of Article 1 of Common Position 1999/624/CFSP.

Article 3

Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

⁽¹⁾ OJ L 245, 17.9.1999, p. 53.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the Member States in accordance with Article 4 of Council Regulation (EC) No 926/98 of 27 April 1998 concerning the reduction of certain economic relations with the Federal Republic of Yugoslavia ⁽¹⁾.

Article 4

The Commission and the Member States shall, insofar as they are not otherwise already obliged to do so, inform each other of the measures taken under this Regulation and supply each other with other relevant information at their disposal, such as breaches and enforcement problems, judgments handed down by national courts or decisions of international fora and authorisations granted under Article 1(2).

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

Done at Luxembourg, 11 October 1999.

Article 5

This Regulation shall apply:

- within the territory of the Community including its air space,
- on board any aircraft or any vessel under the jurisdiction of a Member State,
- to any person elsewhere who is a national of a Member State, and
- to any body which is incorporated or constituted under the law of a Member State.

Article 6

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

It shall apply until 17 January 2000.

For the Council

The President

T. HALONEN

⁽¹⁾ OJ L 130, 1.5.1998, p. 1.

ANNEX I

EQUIPMENT FOR INTERNAL REPRESSION OR TERRORISM, ENVISAGED BY ARTICLE 1

(The following list does not include items which have been specially designed or modified for military use and are covered by the arms embargo established on the basis of Common Position 1999/624/CFSP)

PART A

Helmets providing ballistic protection, anti-riot helmets, anti-riot shields and ballistic shields and specially designed components therefor.

Specially designed fingerprint equipment.

Power controlled searchlights.

Construction equipment provided with ballistic protection.

Hunting knives.

Specially designed production equipment to make shotguns.

Ammunition hand-loading equipment.

Communications intercept devices.

Solid-state optical detectors.

Image-intensifier tubes.

Telescopie weapon sights.

Smooth bore weapons and related ammunition, other than those specially designed for military use, and specially designed components therefor;

except:

1. signal pistols;
2. air or cartridge powered guns designed as industrial tools or humane animal stunners.

Simulators for training in the use of firearms and specially designed or modified components and accessories therefor.

Bombs and grenades, other than those specially designed for military use, and specially designed components therefor.

Body armour, other than those manufactured to military standards or specifications, and specially designed components therefor.

All-wheel-drive utility vehicles capable of off road use that have been manufactured or fitted with ballistic protection, and profiled armour for such vehicles.

Water cannon and specially designed for modified components therefor.

Vehicles equipped with water cannon.

Vehicles specially designed or modified to be electrified to repel boarders and components therefor specially designed or modified for that purpose.

Acoustic devices represented by the manufacturer or supplier as suitable for riot-control purposes, and specially designed components therefor.

Leg-irons, gangchains, shackles and electric-shock belts, specially designed for restraining human beings;

except:

handcuffs for which the maximum overall dimension including chain does not exceed 240 mm when locked.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an incapacitating substance (such as tear gas or pepper sprays), and specially designed components therefor.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (including electric-shock batons, electric shock shields, stun guns and electric shock dart guns (tasers)) and components therefor specially designed or modified for that purpose.

Electronic equipment capable of detecting concealed explosives and specially designed components therefor;

except:

TV or X-ray inspection equipment.

Electronic jamming equipment specially designed to prevent the detonation by radio remote control of improvised devices and specially designed components therefor.

Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor;

except:

those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g., car air bag inflators, electric-surge arresters of fire sprinkler actuators).

Equipment and devices designed for explosive ordnance disposal;

except:

1. bomb blankets;
2. containers designed for holding objects known to be, or suspected of being improvised explosive devices.

Night vision and thermal imaging equipment and image intensifier tubes or solid state sensors therefor.

Software specially designed and technology required for all listed items.

PART B

Linear cutting explosive charges.

Explosives and related substances as follows:

- amatol,
- nitrocellulose (containing more than 12,5 % nitrogen),
- nitroglycol,
- pentaerythritol tetranitrate (PETN),
- picryl chloride,
- trinitrophenylmethylnitramine (tetryl),
- 2, 4, 6-trinitrotoluene (TNT).

Software specially designed and technology required for all listed items.

ANNEX II

LIST OF AUTHORITIES REFERRED TO IN ARTICLE 1(2)

BELGIUM

Ministerie van Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking
Directie-generaal van de Buitenlandse Economische en Bilaterale Betrekkingen
Dienst Centraal en Oost-Europa (B 13)
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Ministère des affaires étrangères, du commerce extérieur et de la coopération au développement
Direction générale des relations économiques et bilatérales extérieures
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Γενική Γραμματεία Διεθνών Οικονομικών Σχέσεων
Διεύθυνση Διαδικασιών Εξωτερικού Εμπορίου
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(Ministry of National Economy
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Ministerio de Economía y Hacienda
Secretaría General de Comercio Exterior
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Direction générale des douanes et des droits indirects
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COMMISSION REGULATION (EC) No 2159/1999
of 12 October 1999
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 October 1999.

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

Done at Brussels, 12 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 12 October 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	109,0
	060	108,4
	204	80,0
	999	99,1
0707 00 05	052	90,2
	628	130,8
	999	110,5
0709 90 70	052	67,7
	999	67,7
0805 30 10	052	62,8
	388	72,6
	524	54,4
	528	67,5
	999	64,3
0806 10 10	052	99,8
	064	91,9
	400	209,9
	999	133,9
0808 10 20, 0808 10 50, 0808 10 90	060	39,3
	388	63,8
	400	56,9
	480	48,9
	800	177,4
	804	52,1
	999	73,1
0808 20 50	052	95,2
	064	59,4
	388	177,3
	999	110,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 2160/1999
of 12 October 1999
on the issuing of import licences for bananas under the tariff quotas and for traditional ACP
bananas for the fourth quarter of 1999 (second period)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community ⁽³⁾, as amended by Regulation (EC) No 756/1999 ⁽⁴⁾, and in particular Article 18(2) thereof,

Whereas:

- (1) Article 2 of and the Annex to Commission Regulation (EC) No 1998/1999 ⁽⁵⁾ fix the quantities available for the fourth quarter of 1999 under the second period for the submission of applications provided for in Article 18 of Regulation (EC) No 2362/98.

- (2) In accordance with Article 18(2) of Regulation (EC) No 2362/98 the quantities for which licences may be issued for the origins concerned should be determined forthwith on the basis of applications submitted during the second period.

- (3) This Regulation should apply immediately to permit licences to be issued as quickly as possible,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be issued under the arrangements for the importation of bananas, tariff quota arrangements and arrangements for traditional ACP bananas for the fourth quarter of 1999 (second period) in respect of new applications as provided for in Article 18 of Regulation (EC) No 2362/98 for the quantity indicated in the licence application.

Article 2

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, 12 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 293, 31.10.1998, p. 32.

⁽⁴⁾ OJ L 98, 13.4.1999, p. 10.

⁽⁵⁾ OJ L 247, 18.9.1999, p. 10.

**COMMISSION REGULATION (EC) No 2161/1999
of 12 October 1999**

imposing further testing requirements on the importers or manufacturers of a certain priority substance as foreseen under Council Regulation (EEC) No 793/93 on the evaluation and control of the risks of existing substances

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances ⁽¹⁾ and in particular Article 10(2) thereof,

- (1) Whereas Article 10 of Regulation (EEC) No 793/93 foresees that the Member State 'Rapporteur' for a given substance shall be responsible for evaluating the information submitted by the manufacturer(s) or importer(s) and for identifying, after consultation of the producers or importers concerned whether for the purposes of the risk evaluation it is necessary to require the above manufacturers or importers to submit further information or to carry out further testing;
- (2) Whereas the Commission has been informed by one Member State Rapporteur of the need to impose on the importers or manufacturers of a certain priority substance undergoing risk evaluation activities a request for further testing within certain time limits;
- (3) Whereas Article 12 of Regulation (EEC) No 793/93 foresees that in the case of a substance produced or imported as such or in a preparation by several manufacturers/importers, the further testing may be performed by one manufacturer/importer acting on

behalf of the other manufacturers/importers concerned who shall make reference to the tests carried out and shall make a fair and equitable contribution to the cost;

- (4) Whereas the provisions of this Regulation are in accordance with the opinion of the Committee established pursuant to Article 15 of Regulation (EEC) No 793/93,

HAS ADOPTED THIS REGULATION:

Article 1

1. The manufacturer(s) and importer(s), referred to in Article 10(1) of Regulation (EEC) No 793/93, of the substance listed in the Annex to the present Regulation, shall perform the test there indicated and shall deliver the relevant results to the Member State Rapporteur.

2. These results shall be delivered within the time limits also indicated in the Annex (calculated from the date of entry into force of this Regulation).

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, 12 October 1999.

For the Commission
Margot WALLSTRÖM
Member of the Commission

⁽¹⁾ OJ L 84, 5.4.1993, p. 1.

ANNEX

	Einecs No	CAS No	Substance name	Rapporteur	Testing requirements	Months
1	263-125-1	61790-33-8	Amines, tallow alkyl ⁽¹⁾	D	OECD TG 421 ⁽²⁾	6

⁽¹⁾ Substance listed in the Annex to Commission Regulation (EC) No 2268/95 (OJ L 231, 28.9.1995, p. 18)

⁽²⁾ OECD's *Guideline for the testing of chemicals — Section 4 health effects* TG No 421: 'Reproduction/developmental toxicity screening test' (Original guideline adopted 27 July 1995)

COMMISSION REGULATION (EC) No 2162/1999**of 12 October 1999****amending Regulation (EC) No 2848/98 in the raw tobacco sector and laying down transitional provisions on use of the specific aid and on the relation between the variable part of the premium and the premium for Group VII (Katerini) in Italy for the 1999, 2000 and 2001 harvests**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EC) No 660/1999 ⁽²⁾, and in particular Articles 7, 14a and 27 thereof,

Whereas:

- (1) Article 3 of Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector ⁽³⁾, as last amended by Regulation (EC) No 1373/1999 ⁽⁴⁾, lays down the requirements which producer groups must satisfy to be recognised. In order better to compare the quality of tobacco produced by each producer group and to ensure that its members are given technical assistance, producer groups should be allowed to restrict their activity to recognised production areas.
- (2) In order to ensure that the variable part of the premium functions correctly and that effective checks are carried out, it should be laid down that the purchase price to be used for calculating the variable part of the premium must be that established on delivery, that tobacco must be replanted before 15 June for each harvest and that failure to comply with that provision should be penalised.
- (3) The first subparagraph of Article 19(5) of Regulation (EC) No 2848/98 provides for payment to the producer of an advance on the premium equal to 50 % of the premium payable. In order to simplify the administrative procedures in the Member States, the maximum amount of the advance should be equal to the fixed part of the premium.
- (4) The second subparagraph of Article 19(5) of Regulation (EC) No 2848/98 provides that the advance may be paid from 16 October of the year of harvest and must be

paid within 30 days of submission of the application, save where it is submitted before 16 September, in which case that period is increased to 60 days. Since in certain Member States the harvest begins on 1 August, the payment period should be increased to 77 days.

- (5) Article 31(1) of Regulation (EC) No 2848/98 provides that where a tobacco-producing holding is transferred to a third party for any reason whatsoever, the new incumbent is entitled to the production quota statement from the date of transfer for the entire reference period. In order to improve the efficiency of inspection procedures and to prevent evasion of the rules, in the case of transfers not due to death, Member States should be allowed to fix a date by which the new incumbent must obtain entitlement to the production quota statement for the current harvest year.
- (6) The cultivation contract is concluded between a first processor, on the one hand, and a producer group or individual producer who does not belong to a group, on the other, as provided for in Article 9(1) of Regulation (EC) No 2848/98 and the contract includes details, *inter alia*, of the exact location where the tobacco is produced and the area of the parcel concerned. The fifth indent of Article 40(2) of that Regulation lays down that groups may use the specific aid to ensure that they comply with Community rules. Penalties should therefore be applied to individual producers where the parcel on which the tobacco is grown is different to that indicated in the cultivation contract and the penalties strengthened by imposing them not only on individual growers but also on the producer groups to which they belong.
- (7) At least half of the amount of the specific aid must be used by producer groups for the expenditure referred to in the first, second and third indents of Article 40(2) of Regulation (EC) No 2848/98, as provided for in paragraph 3 of that Article. In view of the amended conditions for the recognition of producer groups due to take effect from the 1999 harvest, provision should be made for a two-year transitional period during which use of the specific aid is more flexible so as to enable producer groups to reorganise with a view to enhancing the value of products supplied by their members and ensuring that the group complies with Community rules.

⁽¹⁾ OJ L 215, 30.7.1992, p. 70.

⁽²⁾ OJ L 83, 27.3.1999, p. 10.

⁽³⁾ OJ L 358, 31.12.1998, p. 17.

⁽⁴⁾ OJ L 162, 26.6.1999, p. 47.

- (8) Council Regulation (EC) No 660/1999 fixes a guarantee threshold for group VII (Katerini and similar varieties) in Italy. The relation between the variable part and the premium should be fixed for that group of varieties in Italy, using the same relation as adopted for the group in Greece.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Tobacco,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2848/98 is amended as follows:

1. The following text is added to Article 3(1)(g):

'However, producer groups may restrict their activities to certain production areas. However, in such cases, individual producers growing tobacco both inside and outside the production areas concerned may become members of that producer group for their entire production provided most of their crop is harvested within the production areas covered by the group'.

2. The following point (l) is added to Article 9(3):

'(l) an undertaking by the producer to replant the tobacco on the parcel concerned by 15 June of the harvest year: However, if replanting is delayed, the producer group or individual producer not belonging to a producer group must inform the processor and the competent authority of the Member State thereof by registered letter before that date, giving the reason for the delay and giving details of any change of parcel'.

3. The following paragraph 6 is added to Article 18:

'6. The purchase price to be used for calculating the variable part of the premium must be that established for each lot on delivery'.

4. Article 19(5) is replaced by the following:

'5. The advance, which may not exceed the fixed part of the premium payable, shall be paid subject to the lodging of a security equal to the advance plus 15 %.

The advance shall be paid from 16 October of the year of harvest and must be paid within 30 days of submission of the application referred to in paragraph 2 and of proof that the security has been lodged, except where the application is submitted before 16 September, in which case the period shall be increased to 77 days'.

5. Article 31(1) is replaced by the following:

'1. Where a tobacco producing holding is transferred to a third party for any reason whatsoever, the new incumbent shall be entitled to the production quota statement from the

date of registration with the competent authority. Member States shall fix a time limit or a deadline for the registration of transfers with the competent authority. Except in the case of a transfer following the death of the incumbent, where the transfer is submitted to the competent authority for registration after the time limit fixed by the Member State, entitlement to the production quota statement shall take effect from the following harvest'.

6. Article 40(3) is replaced by the following:

'3. The expenditure referred to in the first, second and third indents of paragraph 2 must be at least 30 % of the total specific aid for the 1999 harvest, 40 % for the 2000 harvest and 50 % for subsequent harvests'.

7. In Article 50, paragraphs 1 and 2 are replaced by the following and the following paragraphs 2a and 2b are added:

'1. If checks reveal that the tobacco was not replanted on the parcel indicated in the cultivation contract until after 15 June of the year of harvest, the individual producer shall lose:

- (a) 50 % of the premium for the current harvest, if replanting was carried out by 30 June,
- (b) all entitlement to the premium for the current harvest, if replanting was, carried out after 30 June but by 30 July.

Where individual producers fail to grow tobacco or where replanting takes place after 30 July of the current harvest year, they shall lose all entitlement to the premium for the current harvest and to a production quota for the following harvest.

2. Where the area actually cultivated falls short of the area declared by more than 10 %, the premium to be paid to the producer in question for the current harvest and the quota for the subsequent harvest shall be reduced by twice the discrepancy found.

2a. Except where paragraph 2 applies, where the parcel on which the tobacco is grown is different from the parcel indicated in the registered cultivation contract, the premium to be paid to the producer concerned for the current harvest shall be reduced by 5 %.

2b. Where the penalties referred to in paragraphs 1, 2 and 2b are applied to an individual producer who is a member of a producer group, the specific aid to the producer group to which that producer belongs shall be reduced by an amount equal to half the reduction applied to the producer. Where such penalties are applied for more than two consecutive years, they shall be doubled from the third year'.

8. In Annex V, point B is replaced by the point B given in the Annex to this Regulation.

Article 2

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

Article 1 shall apply from the 1999 harvest, except for paragraphs 1, 2, 3, 5 and 7 which shall apply from the 2000 harvest.

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

Done at Brussels, 12 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

(B) Relation between the variable part and the premium

1999

	I (Flue-cured)	II (Light air-cured)	III (Dark air-cured)	IV (Fire-cured)	V (Sun-cured)	Other		
						VI Basma	VII Katerini	VIII K. Koulak
Italy	20 %	20 %	20 %	20 %	25 %		15 %	
Greece	20 %	20 %			25 %	15 %	15 %	15 %
Spain	20 %	20 %	20 %	20 %				
Portugal	20 %	20 %						
France	20 %	20 %	20 %					
Germany	20 %	20 %	20 %					
Belgium		20 %	20 %					
Austria	20 %	20 %	20 %					

2000

	I (Flue-cured)	II (Light air-cured)	III (Dark air-cured)	IV (Fire-cured)	V (Sun-cured)	Other		
						VI Basma	VII Katerini	VIII K. Koulak
Italy	25 %	25 %	25 %	25 %	35 %		20 %	
Greece	25 %	25 %			35 %	20 %	20 %	20 %
Spain	25 %	25 %	25 %	25 %				
Portugal	25 %	25 %						
France	25 %	25 %	25 %					
Germany	25 %	25 %	25 %					
Belgium		25 %	25 %					
Austria	25 %	25 %	25 %					

2001 and subsequent harvests

	I (Flue-cured)	II (Light air-cured)	III (Dark air-cured)	IV (Fire-cured)	V (Sun-cured)	Other		
						VI Basma	VII Katerini	VIII K. Koulak
Italy	35 %	35 %	40 %	32 %	45 %		30 %	
Greece	35 %	35 %			45 %	30 %	30 %	30 %'
Spain	35 %	35 %	40 %	32 %				
Portugal	35 %	35 %						
France	35 %	35 %	40 %					
Germany	35 %	35 %	40 %					
Belgium		35 %	40 %					
Austria	35 %	35 %	40 %					

**COMMISSION REGULATION (EC) No 2163/1999
of 12 October 1999**

determining, for the 1999 marketing year, the estimated loss of income and the estimated level of the premium payable per ewe and per female goat and fixing the second advance payment for this premium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2467/98 of 3 November 1998 on the common organisation of the market in sheep meat and goat meat ⁽¹⁾, and in particular Article 5(6) thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽²⁾, as last amended by Regulation (EC) No 1257/1999 ⁽³⁾, and in particular Article 13 thereof,

Whereas:

- (1) Article 5(1) and (5) of Regulation (EC) No 2467/98 provides for the grant of a premium to compensate for any loss of income sustained by producers of sheep meat and, in certain areas, of goat meat. Those areas are defined in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Commission Regulation (EEC) No 1065/86 of 11 April 1986 determining the mountain areas in which the premium for goat meat is granted ⁽⁴⁾, as amended by Regulation (EEC) No 3519/86 ⁽⁵⁾.
- (2) Pursuant to Article 5(6) of Regulation (EC) No 2467/98 and to enable an advance payment to be made to sheep meat and goat meat producers, the foreseeable loss of income should be estimated in the light of the foreseeable trend in market prices.
- (3) Pursuant to Article 5(2) of Regulation (EC) No 2467/98, the amount of the premium per ewe for producers of heavy lambs is obtained by multiplying the loss of income referred to in the second subparagraph of paragraph 1 of that Article by a coefficient expressing the annual average production of heavy lamb meat per ewe producing these lambs expressed per 100 kg of carcass weight. The coefficient for 1999 has not yet been fixed in view of the lack of full Community statistics. Pending the fixing of that coefficient, a provisional coefficient should be used. Article 5(3) of that Regulation also fixes the amount per ewe for producers of light lambs and per female of the caprine species at 80 % of the premium per ewe for producers of heavy lambs.
- (4) Pursuant to Article 13 of Regulation (EC) No 2467/98, the premium must be reduced by the impact on the basic price of the coefficient provided for in paragraph 2

of that Article. That coefficient is fixed by Article 13(4) at 7 %.

- (5) In accordance with Article 5(6) of Regulation (EC) No 2467/98, the half-yearly advance payment is fixed at 30 % of the expected premium. In accordance with Article 4(3) of Commission Regulation (EEC) No 2700/93 ⁽⁶⁾, as last amended by Regulation (EC) No 1410/1999 ⁽⁷⁾, the advance payment is to be paid only if it is equal to or greater than EUR 1.
- (6) Regulation (EEC) No 1601/92 provides for the application of specific measures relating to agricultural production in the Canary Islands. Those measures entail the grant of a supplement to the ewe premium to producers of light lambs and she-goats on the same conditions as those governing the grant of the premium referred to in Article 5 of Regulation (EC) No 2467/98. Those conditions provide that Spain is authorised to pay an advance on the said supplementary premium.
- (7) For budgetary reasons, the second advance to the premium may not be paid before 16 October 1999.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

Article 1

The difference, which is hereby estimated between the basic price, reduced by the impact of the coefficient laid down in Article 13(2) of Regulation (EC) No 2467/98, and the foreseeable market price for 1999, is EUR 143,785 per 100 kg.

Article 2

1. The estimated amount of the premium payable per ewe is as follows:

- producers of heavy lambs: EUR 22,545,
- producers of light lambs: EUR 18,036.

2. Pursuant to Article 5(6) of Regulation (EC) No 2467/98, the second advance that the Member States are authorised to pay to producers shall be as follows:

- producers of heavy lambs: EUR 6,764 per ewe,
- producers of light lambs: EUR 5,411 per ewe.

⁽¹⁾ OJ L 312, 20.11.1998, p. 1.

⁽²⁾ OJ L 173, 27.6.1992, p. 13.

⁽³⁾ OJ L 160, 26.6.1999, p. 80.

⁽⁴⁾ OJ L 97, 12.4.1986, p. 25.

⁽⁵⁾ OJ L 325, 20.11.1986, p. 17.

⁽⁶⁾ OJ L 245, 1.10.1993, p. 99.

⁽⁷⁾ OJ L 164, 30.6.1999, p. 53.

Article 3

1. The estimated amount of the premium payable per female of the caprine species in the areas designated in Annex I to Regulation (EC) No 2467/98 and in Article 1 of Regulation (EEC) No 1065/86 is EUR 18,036.

2. Pursuant to Article 5(6) of Regulation (EC) No 2467/98, the second advance which the Member States are authorised to pay to goat meat producers located in the areas designated in paragraph 1 shall be EUR 5,411 per female of the caprine species.

Article 4

Pursuant to Article 13(3) of Regulation (EEC) No 1601/92, the second advance on the supplementary premium for the 1999 marketing year for producers of light lambs and she-goats in

the Canary Islands within the limits provided for in Article 1(1) of Council Regulation (EEC) No 3493/90 ⁽¹⁾ shall be as follows:

- EUR 1,353 per ewe in the case of producers referred to in Article 5(3) of Regulation (EC) 2467/98,
- EUR 1,353 per she-goat in the case of producers referred to in Article 5(5) of Regulation (EC) 2467/98.

Article 5

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

It shall apply from 16 October 1999.

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

Done at Brussels, 12 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 4.12.1990, p. 7.

COMMISSION REGULATION (EC) No 2164/1999**of 12 October 1999****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Commission Regulation (EC) No 2916/95, and in particular Article 3(4) thereof,

- (1) Whereas Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 1958/1999 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin;

- (2) Whereas it results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin; whereas, therefore, representative prices should be published;

- (3) Whereas it is necessary to apply this amendment as soon as possible, given the situation on the market;

- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 13 October 1999.

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

Done at Brussels, 12 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 49.

⁽²⁾ OJ L 189, 30.7.1996, p. 99.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 305, 19.12.1995, p. 49.

⁽⁵⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁶⁾ OJ L 145, 29.6.1995, p. 47.

⁽⁷⁾ OJ L 243, 15.9.1999, p. 3.

ANNEX

'ANNEX I

CN code	Description	Representative price EUR/100 kg	Security referred to in Article 3(3) EUR/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowls of the species <i>gallus domesticus</i> , frozen	183,8	38	01
		188,9	36	02
		281,5	6	03
		281,5	6	04
1602 32 11	Preparations uncooked of Fowls of the species <i>gallus domesticus</i>	198,6	26	01
		196,0	27	02

(¹) Origin of imports:

01 Brazil

02 Thailand

03 Chile

04 Argentina.'

COMMISSION REGULATION (EC) No 2165/1999
of 12 October 1999
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1303/1999 ⁽²⁾, and in particular Article 5(5) thereof,

- (1) Whereas Commission Regulation (EC) No 1926/1999 ⁽³⁾, fixes the indicative quantities for system B export licences other than those sought in the context of food aid;
- (2) Whereas, in the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for hazelnuts in shell will shortly be exceeded; whereas this overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

- (3) Whereas, to avoid this situation, applications for system B licences for hazelnuts in shell exported after 12 October 1999 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for hazelnuts in shell submitted pursuant to Article 1 of Regulation (EC) No 1926/1999, export declarations for which are accepted after 12 October 1999 and before 16 November 1999, are hereby rejected.

Article 2

This Regulation shall enter into force on 13 October 1999.

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

Done at Brussels, 12 October 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 155, 22.6.1999, p. 29.

⁽³⁾ OJ L 238, 9.9.1999, p. 20.

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/1999 OF THE EU-LATVIA ASSOCIATION COUNCIL

of 23 July 1999

adopting the terms and conditions for the participation of Latvia in Community programmes in the field of research, technological development and demonstration (1998 to 2002) and in programmes for research and training activities (1998 to 2002)

(1999/666/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Latvia of the other part (hereinafter referred to as 'the Europe Agreement'),

- (1) Whereas, according to Article 109 and Annex XVII of the Europe Agreement, Latvia is to participate in Community framework programmes, specific programmes, projects or other Community actions, in particular in the field of research;
- (2) Whereas the European Council, at its meeting in Luxembourg on 12 and 13 December 1997, called in its conclusions for the opening of certain Community programmes (such as in the field of research) to the candidate countries, as a way of familiarising themselves with the policies and working methods of the Union, each candidate country being expected to make a steadily increasing financial contribution of its own (PHARE will, if necessary, be able to part-finance the applicant states' national contributions);
- (3) Whereas the aforementioned conclusions also call for the participation of the candidate countries, as observers and for the points which concern them, in the committees assisting the Commission in the implementation of the programmes to which they contribute financially;
- (4) Whereas, by Decision No 182/1999/EC, the European Parliament and the Council of the European Union adopted a framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002) ⁽¹⁾, hereinafter called 'the fifth framework programme';
- (5) Whereas, by Decision 1999/64/Euratom, the Council of the European Union adopted a framework programme of the European Atomic Energy Community for research

and training activities (1998 to 2002) ⁽²⁾, hereinafter called 'the fifth Euratom framework programme';

- (6) Whereas, according to Article 109 of the Europe Agreement, the terms and conditions for the participation of Latvia in the activities referred to in Annex XVII to the said Agreement are to be decided by the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Latvia may participate in the specific programmes of the fifth framework programme and in the specific programmes of the fifth Euratom framework programme according to the terms and conditions, principles and rules set out in Annexes I, II and III respectively, which shall form an integral part of this Decision.

Article 2

This Decision shall apply for the duration of the fifth framework programme and of the fifth Euratom framework programme.

Article 3

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

Done at Brussels, 23 July 1999.

For the Association Council

The President

I. BERZINŠ

⁽¹⁾ OJ L 26, 1.2.1999, p. 1.

⁽²⁾ OJ L 26, 1.2.1999, p. 34.

ANNEX I

TERMS AND CONDITIONS FOR THE PARTICIPATION OF LATVIA IN THE SPECIFIC PROGRAMMES OF THE FIFTH FRAMEWORK PROGRAMME AND OF THE FIFTH EURATOM FRAMEWORK PROGRAMME

1. Research entities established in Latvia may participate in all the specific programmes of the fifth framework programme and of the fifth Euratom framework programme. Latvian scientists or research entities may participate in the activities of the Joint Research Centre to the extent that such activities are not covered by the preceding sentence.

'Research entities' as referred to in this Decision, shall include: universities, research organisations, industrial companies, including small and medium-sized enterprises, or natural persons.

2. Paragraph 1 shall imply the following:

- participation of research entities established in Latvia in the implementation of all specific programmes adopted under the fifth framework programme, in accordance with the terms and conditions laid down in the 'rules for the participation of undertakings, research centres and universities and for the dissemination of research results for the implementation of the fifth framework programme of the European Community (1998 to 2002)',
- participation of research entities established in Latvia in the implementation of all specific programmes adopted under the fifth Euratom framework programme, in accordance with the terms and conditions laid down in the 'rules for the participation of undertakings, research centres and universities in the implementation of the fifth framework programme of the European Atomic Energy Community (1998 to 2002)'
- financial contribution by Latvia to the budgets of the programmes adopted for the implementation of the fifth framework programme and the fifth Euratom framework programme on the basis of the ratio of the gross domestic product of Latvia to the sum of the gross domestic product of the Member States of the European Union and that of Latvia.

3. Research entities established in Latvia participating in Community research programmes shall, as regards ownership, exploitation and dissemination of information and intellectual property arising from such participation, have the same rights and obligations as those of research entities established in the Community, subject to the provisions of Annex II.
4. The relevant sub-committee set up by the Association Council under the Europe Agreement shall, on a regular basis and at least once a year, review and evaluate the implementation of this Decision.
5. The financial contribution of Latvia deriving from participation in the implementation of the specific programmes shall be established in proportion to, and in addition to, the amount available each year in the general budget of the European Communities for commitment appropriations to meet the Commission's financial obligations stemming from work to be carried out in the forms necessary for the implementation, management and operation of these programmes.

The proportionality factor governing the contribution of Latvia shall be obtained by establishing the ratio between the gross domestic product of Latvia, at market prices, and the sum of gross domestic products, at market prices, of the Member States of the European Union and Latvia. This ratio shall be calculated on the basis of the latest statistical data pertaining to the same year from the Statistical Office of the European Communities (Eurostat), available at the time of publication of the preliminary draft budget of the European Communities.

In order to facilitate its participation in the specific programmes, the contribution of Latvia will be implemented as follows:

- 1999: contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,4;
- 2000: contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,6;
- 2001: contribution according to the proportionality factor fixed in accordance with the second subparagraph, multiplied by 0,8;
- 2002: contribution according to the proportionality factor fixed in accordance with the second subparagraph.

The rules for financial participation by the European Community are set out in Annex IV to Decision No 182/1999/EC and those for financial participation by Euratom in Annex III to Decision 1999/64/Euratom.

The rules governing the financial contribution of Latvia are set out in Annex III hereto.

6. Without prejudice to paragraph 3, research entities established in Latvia participating in the fifth framework programme and in the fifth Euratom framework programme shall have the same contractual rights and obligations as entities established in the Community, taking into account the mutual interests of the Community and Latvia.

For Latvian research entities, the terms and conditions applicable for the submission and evaluation of proposals and those for the granting and conclusion of contracts under Community programmes shall be the same as those applicable for contracts concluded under the same programmes with research entities in the Community, taking into account the mutual interests of the Community and Latvia.

Latvian experts shall be taken into consideration, alongside Community experts, in the selection of evaluators or experts under the Community's research and technological development and demonstration programmes and as members of the advisory groups and other consultative bodies which assist the Commission in the implementation of the fifth framework programme and the fifth Euratom framework programme.

A Latvian research entity may be coordinator of a project under the same terms and conditions applicable to entities established in the Community. In conformity with the Community's Financial Regulations, contractual arrangements concluded with, or by, Latvian research entities shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. Financial audits may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant Latvian authorities shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

7. The Community and Latvia will make every effort, within the framework of the existing provisions, to facilitate the free movement and residence of research workers participating, in Latvia and in the Community, in the activities covered by this Decision and to facilitate cross-border movement of goods intended for use in such activities.

Activities covered by this Decision shall be exempt from Latvian indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.

8. Latvian representatives will, for the points which concern them, participate as observers in the programme committees of the fifth framework programme and in the Consultative Committee of the fifth Euratom framework programme. These committees shall moreover meet without the presence of Latvian representatives at the time of voting. Latvia will be informed. Participation as referred to in this paragraph shall take the same form, including procedures for receipt of information and documentation, as that applicable to participants from Member States.
9. The Community and Latvia may terminate activities under this Decision at any time on 12 months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Decision.

Should the Community decide to revise one or more Community programmes, activities under this Decision may be terminated under mutually agreed conditions. Latvia shall be notified of the exact content of the revised programmes within one week of their adoption by the Community. The Community and Latvia shall notify each other, within one month of the adoption of the Community decision, of any intention to terminate the activities.

Where the Community adopts a new multiannual framework programme for research, technological development and demonstration activities and/or for research and training activities, the Association Council may decide the terms and conditions for the participation of Latvia.

ANNEX II

PRINCIPLES ON THE ALLOCATION OF INTELLECTUAL PROPERTY RIGHTS

Rights to intellectual property created or furnished under this Decision shall be allocated as provided in this annex.

I. Application

This annex is applicable to research carried out pursuant to this Decision (hereinafter referred to as 'joint research'), except as otherwise specifically agreed by the Community and Latvia (hereinafter referred to as 'the Parties').

II. Ownership, allocation and exercise of rights

1. For purposes of this Decision, 'intellectual property' (hereinafter referred to as 'IP') shall have the meaning given in Article 2 of the Convention establishing the World Intellectual Property Organisation, done at Stockholm on 14 July 1967.
2. This annex deals with the allocation of rights, interests and royalties of the Parties and their participants. Each Party and its participants shall ensure that the other Party and its participants may obtain the rights to IP allocated to it in accordance with this annex. This annex does not otherwise alter or prejudice the allocation of rights, interests and royalties between a Party and its nationals or participants, which shall be determined by the laws and practices applicable to each Party.
3. The following principles shall apply and be provided for in the contractual arrangements:
 - (a) adequate protection of IP. The Parties, their agencies and/or their participants, as appropriate, shall ensure that they notify one another within a reasonable time of the creation of any IP arising under this Decision or implementing arrangements and that they seek protection for such intellectual property in a timely fashion;
 - (b) taking account of the contributions of the Parties or their participants in determining the rights and interests of the Parties and participants;
 - (c) effective exploitation of results;
 - (d) non-discriminatory treatment of participants from the other Party as compared with the treatment given to its own participants;
 - (e) protection of business-confidential information.
4. The participants shall jointly develop a technology management plan (TMP) in respect of the ownership and use, including publication, of information and IP to be created in the course of joint research. The indicative features of a TMP are contained in the appendix to this annex. The TMP shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of the specific research and development cooperation contract to which it is attached.

The TMPs shall be developed taking into account the aims of the joint research, the relative financial or other contributions of the Parties or participants, the advantages and disadvantages of licensing by territory or for fields of use, requirements imposed by the applicable laws including those of the Parties concerning IP rights and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers in respect of IP shall also be dealt with in the joint TMPs.
5. Information or IP created in the course of joint research and not dealt with in the TMP shall be allocated, with the approval of the Parties, according to the principles set out in the TMP. In case of disagreement, such information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results. Each participant to whom this provision applies shall have the right to use such information or IP for his own commercial exploitation with no geographical limitation.
6. Each Party shall ensure that the other Party and its participants may have the rights to IP allocated to them in accordance with these principles.

7. While maintaining the conditions of competition in areas affected by this Decision, each Party shall endeavour to ensure that rights acquired pursuant to this Decision and arrangements made under it are exercised in such a way as to encourage, in particular, (i) the dissemination and use of information created, disclosed or otherwise made available, under this Decision, and (ii) the adoption and implementation of international standards.
8. Termination of cooperation shall not affect rights or obligations under this annex.

III. International conventions

IP belonging to the Parties or to their participants shall be accorded treatment consistent with the relevant international conventions that are applicable to the parties, including the TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights administered by the World Trade Organisation) as well as the Berne Convention (Paris Act 1971) and the Paris Convention (Stockholm Act 1967).

IV. Scientific literary works

Without prejudice to Section V, and unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. in the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software arising from joint research pursuant to this Decision, the other Party shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works;
2. the Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Decision and published by independent publishers are disseminated as widely as possible;
3. all copies of a copyright work to be publicly distributed and prepared under this section shall indicate the names of the author(s) of the work unless an author explicitly declines to be named. They shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

V. Undisclosed information

A. Documentary undisclosed information

1. Each Party, its agencies or its participants, as appropriate, shall identify at the earliest possible moment and preferably in the TMP the information they wish to remain undisclosed, taking into account, *inter alia*, the following criteria:
 - (a) confidentiality of the information in the sense that it is not, as a body or in the precise configuration or assembly of its components, generally known among, or readily accessible by lawful means to, experts in the field;
 - (b) the actual or potential commercial value of the information by virtue of its confidentiality;
 - (c) previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its confidentiality.

The Parties, their agencies and their participants, as appropriate, may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research may not be disclosed.

2. Each Party shall ensure that it and its participants clearly identify undisclosed information, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A Party and a participant receiving undisclosed information shall respect the privileged nature thereof. Such respect shall automatically terminate when this information is revealed by the owner to the public domain.

3. Undisclosed information communicated under this Decision may be disseminated by the receiving Party or its organisation to persons within or employed by the receiving Party or organisation authorised for the specific purposes of the joint research under way, provided that any undisclosed information so disseminated is pursuant to an agreement of confidentiality and readily recognisable as such, as set out above.

4. With the prior written consent of the Party providing undisclosed information, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential information provided in seminars and other meetings arranged under this Decision, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified for documentary information in the Decision; this is on the understanding, however, that the recipient of such undisclosed or other confidential or privileged information was made aware of the confidential character of the information communicated at the time such communication was made.

C. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Decision is controlled as provided herein. If one of the Parties becomes aware that it will be, or may be reasonably expected to become, unable to meet the non-dissemination provisions of Sections A and B, it shall immediately inform the other Party. The Parties shall thereafter consult to define an appropriate course of action.

Appendix

Indicative features of a TMP

The TMP is a specific agreement to be concluded between the participants on the implementation of joint research and the respective rights and obligations of the participants.

With respect to IP, the TMP will normally deal with, among other things, ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The TMP may also deal with foreground and background information, licensing and deliverables.

ANNEX III

RULES GOVERNING THE FINANCIAL CONTRIBUTION OF LATVIA REFERRED TO IN PARAGRAPH 5 OF ANNEX I

1. The Commission of the European Communities shall communicate to Latvia, and shall inform the sub-committee referred to in paragraph 4 of Annex I of such communication, as soon as possible, and at the latest on 1 September of each financial year, the following information, together with relevant background material:

- the amounts in commitment appropriations, in the statement of expenditure of the preliminary draft budget of the European Communities corresponding to the fifth framework programme and to the fifth Euratom framework programme,
- the estimated amount of the contributions derived from the preliminary draft budget, corresponding to the participation of Latvia in the fifth framework programme and in the fifth Euratom framework programme.

None the less, in order to facilitate internal budgetary procedures, the Commission services shall provide corresponding indicative figures at the latest on 30 May of each year.

Once the general budget has been finally adopted, the Commission shall communicate to Latvia, in the statement of expenditure corresponding to Latvia's participation, the amounts referred to in the first subparagraph.

2. The Commission shall issue, at the latest on 1 January and 15 June of each financial year, a call for funds to Latvia corresponding to its contribution under this Decision. These calls for funds shall provide, respectively, for the payment:

- of six twelfths of Latvia's contribution not later than 20 February,
- and six twelfths of its contribution not later than 15 July.

However, the six-twelfths to be paid not later than 20 February shall be calculated on the basis of the amount set out in the statement of revenue of the preliminary draft budget: the regularisation of the amount thus paid shall occur with the payment of the six-twelfths not later than 15 July.

For the first year of implementation of this Decision, the Commission shall issue a first call for funds within 30 days of its coming into effect. Should this call be issued after 15 June, it shall provide for the payment of 12 twelfths of Latvia's contribution within 30 days, calculated on the basis of the amount set out in the statement of revenue of the budget.

The contribution of Latvia shall be expressed and paid in euro.

Latvia shall pay its contribution under this Decision according to the schedule in this paragraph. Any delay in payment shall give rise to the payment of interest at a rate equal to the one-month interbank offered rate (IBOR) in euro as quoted by the International Swap Dealers' Association on the ISDA page of Reuters. This rate shall be increased by 1,5 % for each month of delay. The increased rate shall be applied to the entire period of delay. However, the interest shall be due only if the contribution is paid more than 30 days after the scheduled payment dates mentioned in this paragraph.

Travel costs incurred by Latvian representatives and experts for the purposes of taking part in the work of the groups and bodies referred to in paragraph 6 of Annex I and of the committees referred to in paragraph 8 thereof and those involved in the implementation of the fifth framework programme and the fifth Euratom framework programme shall be reimbursed by the Commission on the same basis as, and in accordance with, the procedures currently in force for the representatives and experts of the Member States of the European Union.

3. Latvia's financial contribution to the fifth framework programme and to the fifth Euratom framework programme in accordance with paragraph 5 of Annex I shall normally remain unchanged for the financial year in question.

The Commission, at the time of the closure of the accounts relating to each financial year (n), within the framework of the establishment of the revenue and expenditure account, shall proceed to the regularisation of the accounts with respect to the participation of Latvia, taking into consideration modifications which have taken place, either by transfer, cancellations, carryovers, decommitments, or by supplementary and amending budgets during the financial year. This regularisation shall occur at the time of the second payment for the year $n + 1$. Further regularisation shall occur every year until July 2006.

Payment by Latvia shall be credited to the Community programmes as budget receipts allocated to the appropriate budget heading in the statement of revenue of the general budget of the European Communities.

The financial regulation applicable to the general budget of the European Communities shall apply to the management of the appropriations.

4. At the latest on 31 May of each financial year ($n + 1$), the statement of appropriations for the fifth framework programme and the fifth Euratom framework programme related to the previous financial year (n), shall be prepared and transmitted to Latvia for information, according to the format of the Commission's revenue and expenditure account.

Joint declaration by Latvia and the Community

The Republic of Latvia and the Community agree that, in addition to the provisions set out in this Decision of the Association Council, research programmes and activities of the Republic of Latvia corresponding to those of the fifth framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002) and to those of the fifth framework programme of the European Atomic Energy Community for research and training activities (1998 to 2002) should be open to research entities from the Community and that a separate Exchange of Letters between the Republic of Latvia and the Community to that effect will take place.

RULES OF PROCEDURE OF THE COOPERATION COUNCIL
between the European Communities and their Member States, of the one part, and the Republic of
Uzbekistan, of the other part,
of 13 September 1999

(1999/667/EC)

THE COOPERATION COUNCIL,

Having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States of the one part, and the Republic of Uzbekistan, of the other part ⁽¹⁾, signed in Florence on 21 June 1996, hereinafter referred to as the 'Agreement' and in particular Articles 78 to 82 thereof,

Whereas that Agreement entered into force on 1 July 1999,

HAS ESTABLISHED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Presidency

The Cooperation Council shall be presided over alternately for periods of twelve months by a member of the Council of the European Union, on behalf of the Communities and its Member States, and a member of the Government of the Republic of Uzbekistan. However, the first period of the Presidency shall begin on the date of the first Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Cooperation Council shall meet regularly at ministerial level once a year. At the request of either Party, special sessions of the Council may be held if the Parties so agree.

Unless otherwise agreed by the Parties, each session of the Cooperation Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties.

The meetings of the Cooperation Council are jointly convened by the Secretaries of the Cooperation Council.

Article 3

Representation

The members of the Cooperation Council may be represented if they are prevented from attending.

Each member may normally be represented by the Head of Mission to the European Communities or the Permanent Representation to the European Union or a senior official.

In all other cases, a member wishing to be represented shall notify the Chairman of the name of his representative before the meeting at which he is to be so represented.

The representative of a member of the Cooperation Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Cooperation Council may be accompanied by officials.

Before each meeting, the Chairman of the Cooperation Council shall be informed of the intended composition and of the Head of the Delegation of each Party.

The Cooperation Council may invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Mission of the Republic of Uzbekistan to the European Communities shall act jointly as Secretaries of the Cooperation Council.

Article 6

Documents

When the deliberations of the Cooperation Council are based on written supporting documents, such documents shall be numbered and circulated as documents of the Cooperation Council by the two Secretaries.

Article 7

Correspondence

All correspondence addressed to the Cooperation Council or to the Chairman of the Council shall be forwarded to both Secretaries of the Cooperation Council.

The two Secretaries shall ensure that correspondence is forwarded to the Chairman of the Cooperation Council and, where appropriate, circulated as documents referred to in Article 6 to other members of the Cooperation Council. Correspondence circulated shall be sent to the General Secretariat of the Commission, the Permanent Representations of the EU Member States and the Mission of the Republic of Uzbekistan to the European Communities.

⁽¹⁾ OJ L 229, 31.8.1999, p. 1.

Correspondence from the Chairman of the Cooperation Council shall be sent to the recipients by the respective Secretary and, where appropriate, circulated as documents referred to in Article 6 to the other members of the Cooperation Council at the addresses indicated in the preceding paragraph.

Article 8

Agenda for the meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Council on the basis of suggestions by the Parties. It shall be forwarded by the corresponding secretary to the addressees referred to in Article 7 not later than fifteen days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the two Secretaries not later than twenty-one days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. In agreement with the Parties, the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up as soon as possible jointly by the two Secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Cooperation Council,
- statements the entry of which has been requested by a member of the Cooperation Council,
- the recommendations made, the statements agreed upon and the conclusions adopted on specific items.

The minutes shall also include a list of members of the Cooperation Council or their representatives who participated in the meeting.

The draft minutes shall be submitted to the Cooperation Council for approval at its next meeting. The draft minutes also can be agreed in writing by both Parties. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and be filed by the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 7.

Article 10

Recommendations

1. The Cooperation Council shall make its recommendations by common agreement between the Parties.

During the inter-sessional period, the Cooperation Council may make recommendations by written procedure if both Parties so agree. A written procedure consists of an exchange of notes between the two Secretaries, acting in agreement with the Parties.

2. The recommendations of the Cooperation Council within the meaning of Article 78 of the Agreement shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by a description of their subject.

The recommendations of the Cooperation Council shall be authenticated by the two Secretaries and two authentic copies signed by Heads of delegation of the two Parties.

Recommendations shall be forwarded to each of the addressees referred to in Article 7 as documents of the Cooperation Council.

Article 11

Publicity

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

Each Party may decide on the publication of the recommendations of the Cooperation Council in its respective official publication.

Article 12

Languages

The official languages of the Cooperation Council shall be the official languages of the Parties.

The Cooperation Council shall normally base its deliberations on documentation prepared in these languages.

Article 13

Expenses

The European Communities and the Republic of Uzbekistan shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpretation at meetings, translation and reproduction of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the languages of the European Communities into Uzbek or Russian, which shall be borne by the Republic of Uzbekistan.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

Article 14

Committee

1. The Cooperation Committee is hereby established in accordance with Article 80 of the Agreement in order to assist the Cooperation Council in carrying out its duties. It shall be composed of representatives of the Commission of the European Communities and of representatives of the members of the Council of the European Union, on the one hand, and of representatives of the Government of the Republic of Uzbekistan, on the other, normally at senior civil servant level.

2. The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, monitor the implementation of the recommendations of the Cooperation Council where appropriate and, in general, ensure continuity of the Partnership and the proper functioning of the Agreement. It shall consider any matter referred to it by the Cooperation Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit any proposals of recommendations for adoption to the Cooperation Council.

3. The rules of procedure of the Cooperation Committee are attached as an Annex to the present rules of procedure.

ANNEX

**RULES OF PROCEDURE OF THE COOPERATION COMMITTEE,
between the European Communities and their Member States, of the one part, and the Republic of
Uzbekistan, of the other part**

*Article 1***Presidency**

The Cooperation Committee shall be presided over alternately for periods of twelve months by a representative of the Commission of the European Communities, on behalf of the Communities and their Member States, and a representative of the Government of the Republic of Uzbekistan. The first period of the Presidency shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year. For that period and thereafter for each twelve-month period, the Cooperation Committee shall be chaired by the Party which holds the Presidency of the Cooperation Council.

*Article 2***Meetings**

The Cooperation Committee shall meet once a year and when circumstances require with the agreement of the Parties.

Each meeting of the Cooperation Committee shall be held at a time and place agreed by the Parties.

The meetings of the Cooperation Committee are jointly convened by both Secretaries.

*Article 3***Delegations**

Before each meeting, the Chairman of the Cooperation Committee shall be informed of the intended composition and the Head of the Delegation of each Party.

*Article 4***Secretariat**

An official of the Commission of the European Communities and an official of the Government of the Republic of Uzbekistan shall act jointly as Secretaries of the Cooperation Committee.

All correspondence to and from the Chairman of the Cooperation Committee provided for in this Annex shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries and the Chairman of the Cooperation Council and, where appropriate, to the members of the Cooperation Committee.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

*Article 6***Agenda for the meetings**

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Committee. It shall be forwarded to the Chairman and Secretaries of the Cooperation Council as well as to the members of the Cooperation Committee not later than fifteen days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion in the agenda not later than twenty-one days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. In agreement with the Parties the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

3. The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Cooperation Committee.

Upon adoption by the Cooperation Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to the Chairman and Secretaries of the Cooperation Council and to the members of the Cooperation Committee.

*Article 8***Recommendations**

The Cooperation Committee shall not make recommendations except in the specific cases where it is empowered by the Cooperation Council under Article 80(2) of the Agreement. In such cases, these acts shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by description of their subject. Recommendations shall be made by common agreement between the Parties.

Recommendations of the Cooperation Committee shall be forwarded to the Chairman and Secretaries of the Cooperation Council and to the members of the Cooperation Committee. Each Party may decide on the publication of the recommendations of the Cooperation Committee in its respective official publication.

The recommendations of the Cooperation Committee shall be signed by the Chairman and the Secretaries.

Article 9

Expenses

The European Communities and the Republic of Uzbekistan shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Committee and of its subcommittees and working groups, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the languages of the European Communities into Uzbek or Russian, which shall be borne by the Republic of Uzbekistan.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

Article 10

Subcommittees

The Cooperation Committee may establish subcommittees and define their terms of reference. They shall be considered to work under the authority of the Cooperation Committee, to which they shall report after each one of their meetings. Subcommittees shall not make recommendations.

The Cooperation Committee may modify the terms of reference of any subcommittees or set up further subcommittees to assist it in carrying out its duties.

COUNCIL DECISION
of 4 October 1999
appointing five members of the Committee of the Regions

(1999/668/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Sole Article

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

Having regard to the Council Decision of 26 January 1998 ⁽¹⁾ appointing the members and alternate members of the Committee of the Regions,

Whereas a seat as a member and four seats as alternate members of the Committee of the Regions have become vacant following the resignations of Mr Sergio Marqués, full member, and of Ms Carmen Álvarez-Arenas Cisneros, Mr Isaiás López Andueza, Mr Leonardo Verdín Bouza and Mr José María Aracama Yoldi, alternate members, as notified to the Council on 19 August 1999 and 13 September 1999,

Having regard to the proposals from the Spanish Government,

The following shall be appointed:

(a) full member of the Committee of the Regions:

Mr Vicente Alvarez Areces to replace Mr Sergio Marqués,

(b) alternate members of the Committee of the Regions:

Mr José Luis Raniero González Vallve to replace Mr Isaiás López Andueza, Mr Manuel Cobo Vega to replace Ms Carmen Álvarez-Arenas Cisneros, Mr Jaime Hevia Ruiz to replace Mr Leonardo Verdín Bouza, Mr Francisco Iribarren Fentanes to replace Mr José María Aracama Yoldi,

for the remainder of the current term of office, which runs until 25 January 2002.

Done at Luxembourg, 4 October 1999.

For the Council

The President

K. HÄKÄMIES

⁽¹⁾ OJ L 28, 4.2.1998, p. 19.

COMMISSION

COMMISSION RECOMMENDATION of 15 September 1999 on a classification system for solid radioactive waste

(SEC(1999) 1302 final)

(1999/669/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 155 thereof, having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 124 thereof,

- (1) Whereas under Article 174 of the Treaty establishing the European Community calls for promoting measures at international level to preserve, protect and improve the quality of the environment;
- (2) Whereas Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment ⁽¹⁾ requires under Article 7 that 'Member States shall take the necessary steps to provide general information to the public on the state of the environment by such means as the periodic publication of descriptive reports';
- (3) Whereas Council Resolution 92/C 158/02 of 15 June 1992 on the renewal of the Community plan of action in the field of radioactive waste ⁽²⁾ under point 1 'Continuous analysis of the situation' of the Annex, requires that the Commission will periodically provide the Council with an analysis of the situation and prospects in the field of radioactive waste management in the Member States, with special reference to safety and environmental protection requirements and the requirements of nuclear programmes and activities involving radioisotopes. The Commission will also keep the European Parliament informed of this analysis;
- (4) Whereas the Community action plan in the field of radioactive waste ⁽²⁾ calls for, 'Concerted action on the safe management of radioactive waste' which should make it possible to 'approximate national practices and regulations in the field of safety of disposal, with particular reference to the different waste categories';
- (5) Whereas the Committee of the Regions under Article 11 of Resolution 98/C 251/06 on nuclear safety and local/regional democracy ⁽³⁾ 'considers that many of the issues relating to the consideration of proposals for disposal of radioactive waste are complex and not subject to widespread public understanding and for this reason believes that it is crucial to ensure access to all relevant information to the public, to involve local and regional authorities, and the public in decision-making and to seek public confidence in the principles that govern the safety of repositories and in waste management programmes',

HEREBY RECOMMENDS:

on the base of the explanatory statements provided in the Annex;

that the Member States and their nuclear industry adopt a common classification system of radioactive waste for national and international communication purposes as well as to facilitate information management in this field;

that this classification system should be used for providing information concerning solid radioactive waste to the public, the national and international institutions and the non-governmental organisations. It would not replace technical criteria where required for specific safety considerations such as licensing of facilities or other operations;

⁽¹⁾ OJ L 158, 23.6.1990, p. 56.

⁽²⁾ OJ C 158, 25.6.1992, p. 3.

⁽³⁾ OJ C 251, 10.8.1998, p. 34.

that this classification system could be used by Member States. During the period to 1 January 2002 it could be used in parallel with existing national systems;

the proposed classification is summarised as follows:

1. Transition radioactive waste

Type of radioactive waste (mainly from medical origin) which will decay within the period of temporary storage and may then be suitable for management outside of the regulatory control system subject to compliance with clearance levels.

2. Low and intermediate level waste (LILW)

In LILW the concentration of radionuclides is such that generation of thermal power during its disposal is sufficiently low. These acceptable thermal power values are site-specific following safety assessments.

2.1. Short-lived waste (LILW-SL)

This category includes radioactive waste with nuclides half-life less than or equal to those of Cs137 and Sr90 (around 30 years) with a restricted alpha long-lived radionuclide concentration (limitation of long-lived alpha emitting radio-nuclides to 4 000 Bq/g in individual waste packages and to an overall average of 400 Bq/g in the total waste volume).

2.2. Long-lived waste (LILW-LL)

Long-lived radionuclides and alpha emitters whose concentration exceeds the limits for short-lived waste.

3. High level waste

Waste with such a concentration of radionuclides that generation of thermal power shall be considered during its storage and disposal (The thermal power generation level is site-specific and this waste is mainly forthcoming from treatment/conditioning of spent nuclear fuel).

This Recommendation is addressed to the Member States.

Done at Brussels, 15 September 1999.

For the Commission

Ritt BIERREGAARD

Member of the Commission

ANNEX

1. Introduction

Radioactive waste comprises a great variety of materials, with different physical, chemical and radioactive characteristics. This diversity results in widely different potential hazards.

The classification systems for radioactive waste in use across the European Union vary widely in approach and application. Some are used purely for communication purposes, while others are dictated by the disposal route.

Member States' radioactive waste classification systems are based on activity concentration, total activity, waste source or disposal route.

One of the main differences is between countries which have nuclear power generation and those that do not. In addition the borderlines between the categories are not always easily quantifiable and hence can vary widely from one country to another.

Differences in radioactive waste classifications may make cooperation between Member States difficult within the framework of the single market and the free movement of goods and services. For instance in the optimisation of disposal facilities and in return of wastes following treatment and/or conditioning, a common language defining the different radioactive waste categories could be very useful.

A European Union classification system should also be useful for providing comparative information concerning solid radioactive waste to the public, the national and international institutions and the non-governmental organisations.

This explanatory statement outlines the reasons and need for harmonisation, discusses the requirements and describes the proposed classification system.

2. Background

The Community action plan in the field of radioactive waste ⁽¹⁾ calls for 'concerted action on the safe management of radioactive waste' which should make it possible:

1. develop a common approach and work towards harmonisation at Community level on radioactive waste management strategies and practices wherever possible,
2. approximate national practices and regulations in the field of safety of disposal, with particular reference to the different waste categories,
3. draw up recommendations regarding safety assessment in the storage of radioactive waste and establish the relevant criteria,
4. to achieve, generally speaking, an equivalent and satisfactory degree of protection at the highest practical safety level for workers, members of the public and the environment.

In general terms, as a consequence of industrial, research and medical activities, residual materials containing radio-nuclides are produced. Following potential segregation, reuse in the nuclear industry and treatment, there are, in principle, two categories of such materials left. The main distinction between the two categories is established as follows:

category 1: those materials that can be managed outside of the regulatory control system;

category 2: those residual materials for which no further use is foreseen and which need specific management procedures according to their radioactive properties.

Material of category 1 can be released by national authorities provided they comply with clearance levels established using the basic criteria laid down in Annex 1 of Directive 96/29/Euratom ⁽²⁾. National authorities shall take into account technical guidance provided by the Community. It should be noted however that there is as yet no common basis for the harmonisation of category 1.

⁽¹⁾ Council Resolution of 15 June 1992 on the renewal of the Community plan of action in the field of radioactive waste (OJ C 158, 25.6.1992, p. 2).

⁽²⁾ Council Directive Euratom 96/29 of 13 May 1996 laying down basic safety standards for the health protection of the general public and workers against the danger of ionising radiation (OJ L 159, of 29.6.1996, p. 1).

Only category 2 materials are regarded as 'radioactive waste', and this recommendation is only concerned with the latter. Two basic management alternatives can be defined:

1. storage for a limited period of time until they can be either assigned to category 1 or disposed;
2. disposal following well-established routes (surface or near-surface disposal, or deep disposal).

In general, the factors considered most relevant to the definition of radioactive waste classification systems as well as management procedures are: type of radionuclides, total activity, activity concentration, half-life, dose rate, heat generation and other physical/chemical properties.

International bodies, national authorities and waste operators have established radioactive waste classification systems in their sectors of competence or responsibility (waste treatment, transport, waste disposal, communication within international scientific community and with the public, etc.), grouping in the same category wastes with similar characteristics and hazards, with a view to facilitate management and thereby improve safety.

Most national needs of the Member States are adequately covered by the national classifications they have developed (see Section 4, 'Current position'). However, since these systems have been developed independently and for different purposes, they can vary significantly, some being based on activity concentration, others on source or disposal route.

The use by all countries of the international IAEA classification of radioactive waste packages is a suitable base to develop a common classification system for the Member States of the European Union. Definition of a reference classification system may provide useful guidance for specific countries in developing their own management strategies, whilst at the same time facilitating general and commercial communications. Concerning safety, however, while such a reference classification system may be useful for generic and basic considerations, it cannot replace specific safety assessments performed for specific management purposes, including the selection of disposal routes.

3. The purpose of a European Union waste classification system.

A classification system's primary purpose is to improve communication and facilitate information management by providing a good descriptive tool enabling holdings of radioactive waste within the Community to be described to politicians and the public in a standard and easily understood manner.

A more difficult issue is the relationship between the classification system and the way in which waste itself is handled and eventually disposed of in practice. Therefore the Commission services shared the view that the classification system should be indicative (qualitative) rather than prescriptive.

The key consideration is that any such qualitative classification system could never pre-empt the role of national regulatory authorities in the control of handling and disposal of radioactive waste at specific sites. The detailed safety assessments which they employ in light of their own specific management and regulatory arrangements and capabilities require much more detailed information concerning the individual waste streams than a classification system can provide. The different current waste classification systems used in practice within the Member States rarely feature in the wording of national legislation or regulatory procedures.

The divergence of current plans for final radioactive waste disposal within individual Member States also complicates the linkage of waste classification to eventual disposal routes. Some Member States have firm plans for both deep and surface disposal facilities for different types of waste. Other are likely to opt for only one of these types of facility, and some are undecided.

Some Member States believe that a suitably constructed classification system could provide basic guidance as to how radioactive waste management, in particular disposal, could be better structured in general terms. For example in those Member States where both surface and deep underground disposal options were available it might give some indication of the groups of waste streams which would go to each type of disposal site.

In light of the current diversity of national waste classification systems, a European Community classification system could be used initially in parallel with existing national systems until 1 January 2002. It would also need to be capable of dealing with all current and anticipated future waste streams in order to allow comprehensive reporting of holdings. It will serve regulatory purposes and improve communication to the public, for example on free access to environmental information (Directive 90/313/EEC).

4. Current position

The classification systems used in the Member States and the central and east European countries who have applied for membership of the EU have been described by the EU ⁽¹⁾. This EC report gives extensive information on the individual countries classification systems.

The classification systems can be briefly described as follows.

4.1. EU Member States

Belgium

Radioactive waste is classified separately in Belgium according to whether it is unconditioned or conditioned. The categorisation of unconditioned waste depends on the physical state, the nature of the emitters, the level of activity concentration and the applicable treatment. These characteristics are summarised by a three position alphanumeric. Conditioned waste is defined according to the disposal route and split into three categories, A, B and C. The classification is based on suitability for surface or deep disposal and on the heat generating capacity of the conditioned waste. An additional type of waste is currently being considered, this is radium contaminated waste. No other changes to the classification system are expected.

Denmark

Disposal of radioactive waste has not been considered in Denmark to date, hence only storage is taken into account in the classification system. The system is based mainly on the origin of the waste and to some extent on measurement and sorting. On arrival at the storage facility the waste is classified according to external radiation, after treatment the waste units are stored in either the low level waste or low intermediate level waste storage facility according to dose rate and fissile content. Spent sealed sources are stored at Risoe National Laboratory. No revisions are expected to the classification system.

Finland

Radioactive waste is firstly classified into two main types of waste, radioisotope waste and nuclear waste. Radioisotope waste comes from hospitals, research institutes and industry, whereas nuclear waste results from nuclear power plants and from a research reactor. Radioisotope waste is further classified according to its activity concentration into cleared waste or laboratory waste. Nuclear waste is split into three categories according to its origin and intended disposal route, high level spent fuel, low and intermediate level waste from NPP operation and low and intermediate level waste from decommissioning NPPs. The low and intermediate level waste is then classified further into cleared waste, low level waste and intermediate level waste according to activity concentration. No changes to the classification system are expected.

France

In the nuclear industry, waste is divided between conventional waste and nuclear waste according to its geographical and functional origin (zoning of the installations). For nuclear waste the classification system is a matrix linking the toxicity of the waste to the disposal routes. Two parameters are distinguished for defining the toxicity of the waste: lifetime of the main radionuclides (under or over 30 years) and activity content (very low, low, intermediate and high). On this basis the classification system presents eight categories of waste, each linked to one or more management pathways. Some of the pathways are still under study.

Germany

The radioactive waste classification system for Germany is related to the disposal site. Classifications are established by the operator as a result of site specific safety assessments taking into account the legally binding acts, ordinances and regulations. Quantitative requirements are then set for the specific repository particularly including a system of waste form groups, waste container classes and radio-nuclide specific activity limitations. No basic changes to the classification system are expected.

Greece

There is no official classification system for radioactive waste in Greece, as the only radioactive waste produced is from research institutes, hospitals and industry. However, users must have a license, issued by the Regulatory Authorities, if they wish to perform activities that generate radioactive waste.

The radio-protection regulation is currently undergoing modification which could have an effect on the classification system.

Ireland

As there are no nuclear power plants or fuel-cycle facilities in Ireland radioactive waste is classified simply by half life and then according to whether it is a sealed or unsealed source. No modifications to the existing system are foreseen.

⁽¹⁾ Radioactive waste categories. Current Position (98) in the EU Member States and in the Baltic and central European countries. 1998 EUR-OP Luxembourg EUR 18324.

Italy

The basis of the classification system for conditioned waste in Italy is the disposal route. Radioactive waste is classified into three categories, according to the radio-isotopic characteristics and activity concentrations. Category I waste is that which decays in a few months to below clearance levels, the remaining waste is classified according to half-life and activity content into Category II and III. Category II is further divided into two subcategories dependent on their conditioning requirements prior to final disposal.

The only changes envisaged are to 'Technical guide No 26' which will be revised to incorporate technical requirements for HLW, vitrified waste and ILW (non-heat generating).

Netherlands

No decision has been taken as yet on the disposal route for radioactive waste therefore the classification system concentrates on the treatment and conditioning of radioactive waste without foreclosing on any disposal option. There are three categories of radioactive waste, each of which has a number of sub-categories. Category 1 includes all low and intermediate level waste below a set dose rate and is subdivided according to the origin, radionuclide content and half-life. Categories 2 and 3 waste are classified depending on heat production and then subdivided according to origin and type of waste respectively. No modifications to the existing system are foreseen.

Portugal

The classification of radioactive waste is defined according to disposal route. There are three categories, short-lived low level waste (from research, medicine and industry, also includes beta/gamma spent sealed sources with half-life less than 30 years, conditioned via separate routes), Alpha waste (mainly radium and americium spent sealed sources) and uranium mining and milling waste. No modifications to the existing system are foreseen.

Spain

The Spanish classification system has two waste categories based on the disposal option planned or applied to them, these are low and intermediate level waste which is suitable for near surface disposal and all other waste. In addition to this, specific criteria are set for individual disposal sites; these are requirements relating to the properties of the waste package, the conditioning, and specific radio-nuclides as well as for the site as a whole.

No modifications to the existing system are foreseen, although clarification may be needed in the wording used to describe the management of spent fuel, currently HLW, as a result of the recent Vienna Conventions on the safe management of spent fuel.

Sweden

Radioactive waste is divided into nuclear and non-nuclear waste, for example waste arising from hospitals and research institutions. Some low level nuclear waste is disposed of in shallow surface repositories, according to criteria on activity concentration and total activity. Nuclear waste which is not cleared or disposed of in shallow surface repositories is classed into three disposal routes. These are rock repository for operational waste (operational), rock repository for decommissioning waste (planned) and a repository for spent fuel and other long lived wastes (planned). Non-nuclear waste which cannot be cleared is conditioned and then disposed of with nuclear waste, or stored awaiting construction of planned facilities. No changes to the classification system are expected.

United Kingdom

The United Kingdom has four broad categories of radioactive waste, classified according to the heat generating capacity and the activity content of the waste. The four categories are very low level waste, low level waste, intermediate level waste and high level waste.

A 1995 policy review indicated that there was a possible need for revisions to the waste classification system in light of EU deliberations. Any change to the system could be phased in with implementation of the new Euratom basic safety standards.

4.2. Central and east European Countries**Bulgaria**

Bulgaria has three categories of radioactive waste classified according to the equivalent dose rate of gamma emission at a distance of 0,1 m from the surface or the value of specific alpha or beta activity. Institutional waste and spent sealed sources are classified under the scheme above.

Czech Republic

The Czech Republic does not have a classification system which is specified in the regulations. However the regulations require waste generators to establish their own classification system, according to their system of treatment and conditioning and the technology used and with respect to criteria set by the State Office for Nuclear Safety. For national communication purposes the categories low and intermediate level waste, high level waste and spent fuel are used, although these are not defined.

Estonia

Estonia is in the process of changing the radioactive waste classification system and the new regulation is expected to be in place by the end of 1998. Until that time Estonia continues to use the old USSR classification system (SPORO-85). SPORO-85 sets clearance limits for radioactive waste based on specific activity and surface contamination. Radioactive waste is then divided into three groups, items, biological waste and spent radiation sources. These groups are then subdivided into three groups according to dose rate.

Hungary

Hungary's waste categorisation system is based on the source of the waste and activity concentration. The three categories are low level waste, intermediate level waste and high level waste, depending on the activity concentration or the surface dose rate of the radioactive waste.

Latvia

The Latvian authorities are in the process of drafting new regulations on radioactive waste management. The new system will be based on disposal routes with waste categorised according to half-life and activity content. Existing waste can be put into three categories, waste disposed of in old vaults, waste stored in new vaults and spent sealed sources held in interim storage.

Poland

In Poland limits are given for establishing whether waste is considered to be radioactive waste or not, once this has been established the radioactive waste is classified according to radio-nuclide content (beta/gamma or alpha) and closed radiation sources. Beta/gamma waste is then further grouped into low, intermediate and high level waste according to activity concentration. Additional criteria are given for individual packages for storage and disposal.

Romania

Radioactive waste is placed in three categories, high, intermediate and low level waste in Romania according to the specific activity or the surface dose rate. Solid low level waste is then further categorised into combustible, non-combustible or special waste. Combustible waste is sub-categorised into biodegradable and non-biodegradable and non-combustible waste according to whether it can be compacted or not. Uranium mining and milling waste is classified separately according to its physical characteristics and activity concentration. The current radioactive waste management system is to be reviewed in the near future and a classification system based on the IAEA system and EC recommendations is envisaged.

Slovak Republic

There is no formal classification system as yet in the Slovak Republic. A qualitative system is widely used which has low, intermediate and high level waste categories, however there are no specific limits for the categories. The current system is based mainly on the source of the radioactive waste but a revision of the system is under way and the new system is likely to be based on the disposal route.

Slovenia

Slovenia has three categories of radioactive waste: low level waste, intermediate level waste and high level waste. These are based on the source of the waste with limits set on the specific activity. The categories of low and intermediate level waste are subdivided into waste with alpha emitters and those with beta/gamma emitters. There is work ongoing on a classification system based on the IAEA system with the inclusion of the exemption approach.

5. Commission's proposed classification system

Radioactive waste management systems should be established according to the characteristics and properties of the waste, and its potential to cause harm to humans and/or impact on the environment. Acceptance criteria for radioactive waste in a disposal facility are derived from (and supported by) safety assessments that have to consider the specific conditions relevant to the case (regulatory requirements, repository concept, assessment context, etc.). These conditions are even more important when trying to define acceptance criteria for near-surface facilities. They include the disposal concept, the type and role of engineered and natural barriers, the type and period of institutional control assumed to exist, and the scenarios to be considered in the assessments.

Any radioactive waste classification system based on disposal, for general use, can only be qualitative (indicative), unless important features of the safety assessment can be fixed in advance with a great degree of realism and credibility.

Such an indicative system provides a qualitative description of the individual waste categories. In this case, most of the general characteristics of the radioactive waste are used as criteria for the classification. Nevertheless numerical values to characterise broad bands or 'orders of magnitude' for some key properties are also helpful.

The European Commission classification system is based on the IAEA classification scheme ⁽¹⁾ with some changes to take into account the views and practical experiences of European national experts. For instance the IAEA recommended limit of heat generation in LILW radioactive waste (2 kW/m³), was not retained. The experts could not find any foundation for such a value and commonly accepted that this value is only related to site-specific safety analysis. This classification system deals only with materials which contain or are contaminated by radionuclides and for which no further use is foreseen (Council Directive 92/3/Euratom ⁽²⁾).

The classification scheme is intended for use with solid waste only, however it should be noted that some liquid waste could be covered by the proposed transition waste category (mainly hospital and medical radioactive waste).

The classification system could be used initially in parallel with national systems until 1 January 2002. National technical classification criteria should not be replaced as they are based on specific safety considerations such as licensing of facilities or other operations. It should be noted that no simple classification scheme can address all the issues associated with its use, these would need to be dealt with in separate, more detailed, guidance. However, it should be made clear that a well described and supported, but basically qualitative waste classification scheme still provides a lot of useful information to facilitate information management on radioactive waste and improve communication actions at European level. The following paragraphs describe the proposed classification system based on radioactivity content, duration and thermal power generated.

5.1. Transition radioactive waste

Type of radioactive waste (mainly from medical origin) which will decay within the period of temporary storage and may then be suitable for management outside of the regulatory control system subject to compliance with clearance levels. It is suggested to use five years as the maximum duration, beyond this period of five years the waste should be regarded as low and intermediate level waste. The clearance levels are values established by national competent authorities and expressed in terms of activity concentration and/or activity, at or below which radioactive substances or materials containing radioactive substances arising from any practice subject, to the requirement of reporting or authorisation may be released from the requirements of Directive 96/29 Euratom. These levels shall follow the basic criteria used in Annex 1 to the Euratom basic safety standards to Council Directive 96/29/Euratom and shall take into account any other technical guidance provided by the European Community.

5.2. Low and intermediate level waste (LILW)

In LILW the concentration of radionuclides is such that generation of thermal power during its disposal is sufficiently low. These acceptable thermal power values are site-specific following safety assessments.

5.2.1. Short-lived waste (LILW-SL)

This category includes radioactive waste with nuclides within half-life less than or equal to those of Cs137 and Sr90 (around 30 years) with a restricted alpha long-lived radionuclide concentration (limitation of long-lived alpha emitting radionuclides to 4000 Bq/g in individual waste packages and to an overall average of 400 Bq/g in the total waste volume).

5.2.2. Long-lived waste (LILW-LL)

Long-lived radionuclides and alpha emitters whose concentration exceeds the limits for short-lived waste.

⁽¹⁾ IAEA Safety Series No 111-G-1.1 Classification of radioactive waste, A safety guide. Vienna 1994.

⁽²⁾ OJ L 35, 12.2.1992, p. 24.

5.3. *High level waste*

Waste with such a concentration of radionuclides that generation of thermal power shall be considered during its storage and disposal (The thermal power generation level is site-specific and this waste is mainly forthcoming from treatment/conditioning of spent nuclear fuel).

6. **Conclusions**

The Commission recommends the Member States and their industry to adopt the proposed classification system for national and international communication purposes.

This classification system should be used for providing information concerning solid radioactive waste to the public, the national and international institutions and the non-governmental organisations.

The Commission recommends the use of this classification system by Member States. During the period to 1 January 2002 it could be used in parallel with existing national systems.

Therefore it seems useful that the Commission addresses a recommendation to the Member States for a classification system for solid radioactive waste.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 2131/1999 of 6 October 1999 amending Regulation (EC) No 2805/95 fixing the export refunds in the wine sector**

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