

Official Journal of the European Union

L 89



English edition

Legislation

Volume 59

6 April 2016

Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Information concerning the entry into force of the renewal of the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India** 1

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2016/531 of 30 March 2016 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Lingot du Nord (PGI))** 2
- ★ **Commission Implementing Regulation (EU) 2016/532 of 30 March 2016 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Huile d'olive d'Aix-en-Provence (PDO))** 3
- ★ **Commission Implementing Regulation (EU) 2016/533 of 31 March 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff** 4
- ★ **Commission Implementing Regulation (EU) 2016/534 of 31 March 2016 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff** 6
- ★ **Commission Implementing Regulation (EU) 2016/535 of 5 April 2016 amending Annex II to Regulation (EU) No 206/2010 as regards the entry of Singapore in the list of third countries, territories or parts thereof from which the introduction into the Union of fresh meat is authorised ⁽¹⁾** 8
- Commission Implementing Regulation (EU) 2016/536 of 5 April 2016 establishing the standard import values for determining the entry price of certain fruit and vegetables 15

⁽¹⁾ Text with EEA relevance

EN

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

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

DECISIONS

- ★ **Commission Implementing Decision (EU) 2016/537 of 5 April 2016 on the publication with a restriction in the *Official Journal of the European Union* of the reference of standard EN 50566:2013 on requirements to demonstrate compliance of radio frequency fields from handheld and body-mounted wireless communication devices used by the general public (30 MHz-6 GHz) under Directive 1999/5/EC of the European Parliament and of the Council ⁽¹⁾** 17

RECOMMENDATIONS

- ★ **Commission Recommendation (Euratom) 2016/538 of 4 April 2016 on the application of Article 103 of the Euratom Treaty (notified under document C(2016) 1168)** 20

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information concerning the entry into force of the renewal of the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India

The renewal of the Agreement for scientific and technological cooperation between the European Community and the Government of the Republic of India, signed on 23 November 2001 ⁽¹⁾ and renewed in 2007 ⁽²⁾, has, in accordance with Article 11(b) thereof, entered into force on 15 March 2016. The renewal of the Agreement for a further period of 5 years is effective as from 17 May 2015.

⁽¹⁾ OJ L 213, 9.8.2002, p. 29

⁽²⁾ OJ L 171, 1.7.2009, p. 17.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/531

of 30 March 2016

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Lingot du Nord (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined France's application for the approval of amendments to the specification for the protected geographical indication 'Lingot du Nord', registered under Commission Regulation (EC) No 284/2008 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* as required by Article 50(2)(a) of that Regulation ⁽³⁾.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Lingot du Nord' (PGI) are hereby approved.

Article 2

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

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

Done at Brussels, 30 March 2016.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Regulation (EC) No 284/2008 of 27 March 2008 registering certain names in the Register of protected designations of origin and protected geographical indications (Lingot du Nord (PGI), Cipolla Rossa di Tropea Calabria (PGI), Marrone di Roccadaspide (PGI)) (OJ L 86, 28.3.2008, p. 21).

⁽³⁾ OJ C 374, 11.11.2015, p. 5.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/532**of 30 March 2016****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Huile d'olive d'Aix-en-Provence (PDO))**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined France's application for the approval of amendments to the specification for the protected designation of origin 'Huile d'olive d'Aix-en-Provence', registered under Commission Regulation (EC) No 2036/2001 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* as required by Article 50(2)(a) of that Regulation ⁽³⁾.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Huile d'olive d'Aix-en-Provence' (PDO) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 30 March 2016.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Regulation (EC) No 2036/2001 of 17 October 2001 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 275, 18.10.2001, p. 9).

⁽³⁾ OJ C 372, 10.11.2015, p. 4.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/533**of 31 March 2016****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods (hereinafter referred to as the 'Combined Nomenclature'), which is set out in Annex I to that Regulation.
- (2) In the interest of legal certainty, it is necessary to clarify the determination of the protein content in soy-based beverages classified under subheadings 2202 90 11 and 2202 90 15 of the Combined Nomenclature.
- (3) The Kjeldahl method laid down in Commission Regulation (EC) No 152/2009 ⁽²⁾ should be applied for determination of the content of crude protein. The Kjeldahl method is the internationally recognised method for estimating the protein content in food, because of its universality, precision and reproducibility. The conversion factor to determine the protein content on the basis of the total nitrogen content depends on the type of protein present in the sample. Taking into account that here the soy protein content has to be determined, a conversion factor of 6,25 should be applied.
- (4) A new Additional note should therefore be added to Chapter 22 of Part Two of the Combined Nomenclature to ensure its uniform interpretation throughout the Union.
- (5) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 22 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, the following Additional note 13 is added:

‘13. For the purposes of subheadings 2202 90 11 and 2202 90 15, the protein content shall be determined by multiplying the total nitrogen content, calculated using the method laid down in points 2 to 8 of part C of Annex III to Commission Regulation (EC) No 152/2009 ^(*), by the factor of 6,25.

^(*) Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed (OJ L 54, 26.2.2009, p. 1).’

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed (OJ L 54, 26.2.2009, p. 1).

Article 2

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

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

Done at Brussels, 31 March 2016.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General for Taxation and Customs Union*

COMMISSION IMPLEMENTING REGULATION (EU) 2016/534**of 31 March 2016****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods (hereinafter referred to as the 'Combined Nomenclature'), which is set out in Annex I to that Regulation.
- (2) Dairy produce of Chapter 4 includes dairy permeates, which are milk products characterised by a high content of lactose and obtained by removing milk fats and milk proteins from milk, whey, cream and/or sweet buttermilk, and/or from similar raw material by ultrafiltration or other processing techniques.
- (3) Divergent views exist as regards the classification of whey and milk permeates under the subheadings of heading 0404. In the interest of legal certainty, it is therefore necessary to clarify the scope of subheadings 0404 10 and 0404 90 relating to such products.
- (4) The distinction between 'whey permeate' and 'milk permeate' can be made by the detection or non-detection of substances that are associated with whey production. That criterion should therefore be used, along with an organoleptic criterion, for the purposes of distinguishing between whey and milk permeates.
- (5) Subheading 0404 10 should include 'whey permeate' which is a product with generally a slightly sour smell, obtained through ultrafiltration of whey or mixtures of natural whey constituents. Classification of dairy permeates under that subheading should be conditional on the presence of substances associated with whey production (e.g. lactic acid, lactates and glycomacropeptides) in that product.
- (6) Subheading 0404 90 should include 'milk permeate' which is a product obtained through ultrafiltration of milk, with generally a milky smell. Classification of dairy permeates under that subheading should be conditional on the quantitatively limited level or the absence of substances associated with whey production in that product.
- (7) The reference method for the detection of lactic acid and lactates (ISO 8069:2005 method) is provided for in Part A of Annex I to Commission Regulation (EC) No 273/2008 ⁽²⁾ and the reference method to detect rennet whey (i.e. the presence of caseinomacropeptides such as glycomacropeptides) is laid down in Annex XII to that Regulation. Those methods should also be used for the correct classification of the products concerned by this Regulation.
- (8) In order to ensure correct classification of the products concerned, new Additional notes should therefore be added to Chapter 4 of Part Two of the Combined Nomenclature to ensure its uniform interpretation throughout the Union.
- (9) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (10) The Customs Code Committee has not issued an opinion within the time limit set by its Chair,

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Commission Regulation (EC) No 273/2008 of 5 March 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products (OJ L 88, 29.3.2008, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 4 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, the following Additional notes 3 and 4 are added:

- '3. Dairy produce of Chapter 4 includes dairy permeates, which are milk products characterised by a high content of lactose and obtained by removing milk fats and milk proteins from milk, whey, cream and/or sweet buttermilk, and/or from similar raw material by ultrafiltration or other processing techniques.
4. For the purposes of subheadings 0404 10 and 0404 90 the following applies:

Milk permeate and whey permeate can be analytically distinguished by the presence of substances (e.g. lactic acid, lactates and glycomacropeptides) which are associated with whey production.

Subheading 0404 10 includes "whey permeate" which is a product with generally a slightly sour smell, obtained from whey or mixtures of natural whey constituents by ultrafiltration or other processing techniques.

The presence of substances associated with whey production (e.g. lactic acid, lactates and glycomacropeptides) is a condition for the classification of whey permeates into that subheading.

Subheading 0404 90 includes "milk permeate" which is a product with generally a milky smell obtained from milk by ultrafiltration or other processing techniques. The quantitatively limited level or absence of lactic acid and lactates (max. 0,1 % by weight, in milk permeates in powder form, or max. 0,015 % by weight in milk permeates in liquid form) as well as the absence of glycomacropeptides, are the conditions for the classification of milk permeates into subheading 0404 90.

The method to be used for the detection of lactates shall be the ISO 8069:2005 method and the method to detect rennet whey (i.e. the presence of caseinomacropeptides such as glycomacropeptides) shall be the method set out in Annex XII to Commission Regulation (EC) No 273/2008 (*).

- (*) Commission Regulation (EC) No 273/2008 of 5 March 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products (OJ L 88, 29.3.2008, p. 1).'

Article 2

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

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

Done at Brussels, 31 March 2016.

For the Commission,
On behalf of the President,
Stephen QUEST
Director-General for Taxation and Customs Union

COMMISSION IMPLEMENTING REGULATION (EU) 2016/535**of 5 April 2016****amending Annex II to Regulation (EU) No 206/2010 as regards the entry of Singapore in the list of third countries, territories or parts thereof from which the introduction into the Union of fresh meat is authorised****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the introductory phrase of Article 8, the first subparagraph of Article 8(1) and Articles 8(4) and 9(4) thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽²⁾, and in particular Article 11(1) and Article 16 thereof,

Having regard to Council Decision 97/132/EC of 17 December 1996 on the conclusion of the Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products ⁽³⁾, and in particular Article 4 thereof,

Whereas:

- (1) Directive 2002/99/EC lays down, inter alia, the animal health requirements for the introduction into the Union of products of animal origin for human consumption. In accordance with those requirements, the introduction of such products into the Union is only to be authorised from third countries that appear on a list drawn up by the Commission.
- (2) Directive 2002/99/EC also provides that rules and certification for transit may be laid down.
- (3) The Agreement between the European Community and New Zealand on sanitary measures applicable to trade in live animals and animal products, attached to Decision 97/132/EC ('The Agreement'), provides for the establishment of guarantees for the introduction of fresh meat from New Zealand that are equivalent to those laid down in Union law, in particular by Directive 2002/99/EC and Commission Regulation (EU) No 206/2010 ⁽⁴⁾. Such equivalence has been established for fresh meat on animal and public health as laid down in Annex V to the Agreement.
- (4) Regulation (EU) No 206/2010 lays down, inter alia, the conditions for the introduction into the Union of consignments of fresh meat. To this end, Part 1 of its Annex II sets out a list of third countries, territories or parts thereof from which such consignments may be introduced into the Union and the models of veterinary certificates to accompany those consignments, taking into account any specific conditions or supplementary guarantees required.
- (5) New Zealand is listed in Part 1 of Annex II to Regulation (EU) No 206/2010 as a country authorised for the introduction into the Union of consignments of fresh meat of domestic bovine, ovine and porcine animals, domestic solipeds, farmed and wild non-domestic animals of the order *Artiodactyla* and farmed and wild non-domestic animals belonging to the *Suidae*, *Tayassuidae* or *Tapiridae* families.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 139, 30.4.2004, p. 206.

⁽³⁾ OJ L 57, 26.2.1997, p. 4.

⁽⁴⁾ Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements (OJ L 73, 20.3.2010, p. 1).

- (6) Upon entry into the Union such consignments must be accompanied by the appropriate model veterinary certificates as set out in Part 2 of Annex II to Regulation (EU) No 206/2010, without prejudice to specific certification requirements provided for in Union agreements with third countries. As regards those consignments from New Zealand, such requirements are set out in Annex V to the Agreement and the veterinary certificate model set out in Annex I to Commission Implementing Decision (EU) 2015/1901 ⁽¹⁾.
- (7) New Zealand seeks for a faster way of transport to the Union of consignments of fresh meat for a more efficient use of such meat, considering its shelf life. New Zealand therefore envisages to transport such consignments by air plane to Singapore, unload them from means of air transport, having the possibility for temporary storage in an approved establishment in the Customs area of Singapore airport, reload them in the same establishment and transit them through the territory of Singapore to the departure port for transport by container vessel from Singapore to the Union.
- (8) Singapore therefore has requested to be authorised for the introduction into the Union of consignments of fresh meat of New Zealand origin, eligible for introduction into the Union and destined to the Union, in order to allow unloading, storage, reloading and transit through Singapore of such consignments.
- (9) At the time of departure from New Zealand such fresh meat is to comply with the specific public and animal health requirements for introduction into the Union. The competent authority of Singapore has established import controls and procedures to ensure that unloading, storage, reloading and transit through Singapore will not affect such compliance.
- (10) In March 2015, the Commission carried out a fact finding audit in Singapore, to gather information on and to assess the import controls carried out by the competent authorities of Singapore and the transit procedure established in relation to the requested authorisation. The Commission concluded from the outcome of that audit that import controls and transit procedures implemented by the competent authorities of Singapore offer satisfactory guarantees to ensure the integrity and safety of the consignments of fresh meat from New Zealand, in particular as regards animal and public health requirements.
- (11) To certify those import controls and transit procedures, a veterinary certificate should be issued by the competent authority of Singapore to further be presented to the border inspection post of introduction into the Union. To this purpose a model veterinary certificate 'NZ-TRANSIT-SG' is drawn up.
- (12) The Agreement lays down specific rules on certification, frontier checks and inspection fees for imports from New Zealand which are also applicable to consignments in transit through Singapore.
- (13) The Agreement enables for certificates to be provided electronically for New Zealand products exported to the Union, through use of the Union integrated electronic system established by Commission Decision 2003/24/EC ⁽²⁾ ('TRACES').
- (14) To align with the electronic certification requirements for New Zealand as laid down in Annex VII to the Agreement and Implementing Decision (EU) 2015/1901, the model veterinary certificate 'NZ-TRANSIT-SG' should be laid down in TRACES.
- (15) Upon the entry into the Union, the consignments should be accompanied by both the appropriate model of veterinary certificate issued by the competent authority of New Zealand and the model of veterinary certificate 'NZ-TRANSIT-SG', issued by the competent authority of Singapore in TRACES, in accordance with the Annex to this Regulation.
- (16) It is therefore appropriate to amend Part 1 of Annex II to Regulation (EU) No 206/2010 in order to add the entry of Singapore to the list of third countries, territories and parts thereof to be authorised for the introduction into the Union of consignments of fresh meat originating from New Zealand, destined to the Union and being unloaded, reloaded and transited with or without storage through Singapore.

⁽¹⁾ Commission Implementing Decision (EU) 2015/1901 of 20 October 2015 laying down certification rules and a model health certificate for importation into the Union of consignments of live animals and animal products from New Zealand and repealing Decision 2003/56/EC (OJ L 277, 22.10.2015, p. 32).

⁽²⁾ Commission Decision 2003/24/EC of 30 December 2002 concerning the development of an integrated computerised veterinary system (OJ L 8, 14.1.2003, p. 44).

- (17) It is furthermore appropriate to amend Part 2 of Annex II to Regulation (EU) No 206/2010 to add the model of veterinary certificate 'NZ-TRANSIT-SG' to the list of Models of veterinary certificates.
- (18) Parts 1 and 2 of Annex II to Regulation (EU) No 206/2010 should therefore be amended accordingly.
- (19) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) No 206/2010 is amended in accordance with the Annex to this Regulation.

Article 2

Member States may authorise introduction of commodities covered by the certificate provided for in point (2)(b) of the Annex to this Regulation, only if that certificate issued by the competent authority of Singapore and the veterinary certificate issued by the competent authority of New Zealand have been issued after 26 April 2016.

Article 3

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

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

Done at Brussels, 5 April 2016.

For the Commission
The President
Jean-Claude JUNKER

ANNEX

Annex II to Regulation (EU) No 206/2010 is amended as follows:

- (1) in Part 1, the following entry for Singapore is inserted between the entries for Russia and El Salvador:

'SG — Singapore (*)	SG-0	Whole country	NZ-TRANSIT-SG (**)				
(*) Only for fresh meat originating from New Zealand, for which New Zealand is authorised for introduction into the Union, which is accompanied by the appropriate model of veterinary certificate issued by the competent authority of New Zealand, destined to the Union and being unloaded, with or without storage and reloaded in an approved establishment during transit through Singapore. (**) Upon entry into the Union, the consignments should be accompanied both by this model of veterinary certificate issued in TRACES by the competent authority of Singapore and by the appropriate model of veterinary certificate for import of fresh meat issued by the competent authority of New Zealand, which may be attached in TRACES by the competent authority of Singapore.							

- (2) Part 2 is amended as follows:

- (a) in the list of Models of veterinary certificates, the following model is inserted after the model 'EQW':

'NZ-TRANSIT-SG'	Model of veterinary certificate only for transit through Singapore with unloading, possible storage and reloading of fresh meat originating from New Zealand, for which New Zealand is authorised for introduction into the Union, which is eligible for introduction and destined to the Union.;
-----------------	---

- (b) the following model veterinary certificate is inserted after the veterinary certificate Model EQW:

‘Model NZ-TRANSIT-SG

COUNTRY:

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Country Tel.				I.2. Certificate reference number		I.2.a.		
					I.3. Central Competent Authority				
					I.4. Local Competent authority				
	I.5. Consignee Name Address Country Tel.				I.6.				
	I.7. Country of origin Singapore		ISO code SG		I.8. Region of origin		Code		
					I.9. Country of destination		ISO code		
							I.10.		
	I.11. Place of origin Name Address				I.12.				
I.13. Place of loading Address				I.14. Date of departure				Time of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Document:				I.16. Entry BIP in EU					
				I.17. No.(s) of CITES					
I.18. Description of commodity						I.19. Commodity code (HS code)			
						I.20. Quantity			
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐						I.22. Number of packages			
I.23. Seal/Container No						I.24. Type of packaging			
I.25. Commodities certified as: Human consumption ☐									
I.26.				I.27. For import or admission into EU ☐					
I.28. Identification of the commodity									
Species (scientific name)		Nature of commodity		Approval number of establishments		Number of packages		Net weight	
				Abattoir Cutting plant Cold store					

COUNTRY

Model NZ-TRANSIT-SG

Part II: Certification

II. Health information

II.a. Certificate reference number

II.b.

II.1 Health attestation

I, the undersigned official veterinarian, hereby certify, that the fresh meat described in Part I:

II.1.1 originates from New Zealand and is authorised for introduction into the Union as laid down in Part 1 of Annex II to Regulation (EU) No 206/2010, and

II.1.2 is destined for the Union and is accompanied by the veterinary certificate drawn up in accordance with the model set out in Annex I to Commission Implementing Decision (EU) 2015/1901 ⁽¹⁾ issued by the competent authority of New Zealand with certificate reference number, and

II.1.3 during transit has been unloaded, stored, reloaded and transported in accordance with the relevant requirements of Section I and V respectively of Annex II to Regulation (EC) No 853/2004, and

II.1.4 during all stages of transit has been kept segregated from animal products not eligible for import into the Union, and

II.1.5 is eligible for import into the Union.

II.2 Transit attestation

I, the undersigned official veterinarian, hereby certify, that the consignment of fresh meat described in Part I has:

II.2.1 arrived to the customs area of Singapore airport, in cartons with at least one tamper proof seal applied on outer packaging of each carton in such a way, that the cartons cannot be opened without at least one seal is destroyed or damaged, and

II.2.2 immediately after unloading from the plane, been subject to documentary and identity check and if applicable physical check ⁽²⁾ by the competent authority of Singapore, and

II.2.3 been stored in an approved establishment in the customs area of Singapore ⁽³⁾, and

II.2.4 been reloaded into a reefer container in an approved establishment in the customs area of Singapore under supervision of the competent authority of Singapore, and

the reefer container has been:

II.2.5 sealed by the Customs authority of Singapore, for transport from the approved establishment to the sea port of Singapore, and

II.2.6 sealed by the competent authority of Singapore, for transport from the approved establishment until arrival at the first Union border inspection post.

Notes

This certificate is meant for the following commodities of fresh meat originating from New Zealand and for which New Zealand is authorised to introduce into the Union, which is accompanied by the appropriate model of veterinary certificate issued by the competent authority of New Zealand, destined to the Union and being unloaded, reloaded and transited with or without storage through Singapore:

— fresh meat, including minced meat, of:

(1) domestic bovine animals (including *Bubalus* and Bison species and their cross-breeds);

(2) domestic ovine animals (*Ovis aries*) or domestic caprine animals (*Capra hircus*);

(3) domestic porcine animals (*Sus scrofa*);

(4) domestic solipeds (*Equus caballus*, *Equus asinus* and their cross-breeds);

COUNTRY

Model NZ-TRANSIT-SG

II. Health information	II.a. Certificate reference number	II.b.
— fresh meat, excluding offal and minced meat, of: (5) farmed non-domestic animals of the order <i>Artiodactyla</i> (excluding bovine animals (including Bison and <i>Bubalus</i> species and their cross-breeds), <i>Ovis aries</i>, <i>Capra hircus</i>, <i>Suidae</i> and <i>Tayassuidae</i>), and of the families <i>Rhinocerotidae</i> and <i>Elephantidae</i>; (6) wild non-domestic animals of the order <i>Artiodactyla</i> (excluding bovine animals (including Bison and <i>Bubalus</i> species and their cross-breeds), <i>Ovis aries</i>, <i>Capra hircus</i>, <i>Suidae</i> and <i>Tayassuidae</i>), and of the families <i>Rhinocerotidae</i> and <i>Elephantidae</i>; (7) farmed non-domestic animals belonging to the <i>Suidae</i>, <i>Tayassuidae</i>, or <i>Tapiridae</i> families; (8) wild non-domestic animals belonging to the <i>Suidae</i>, <i>Tayassuidae</i>, or <i>Tapiridae</i> families. Fresh meat means all animal parts fit for human consumption whether fresh, chilled or frozen. Part I: — Box reference I.7: Country of origin means here the country of dispatch: Singapore. — Box reference I.11: Place of origin: name, address and approval number of the dispatch establishment in Singapore. — Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship) is to be provided. In case of unloading and reloading, the consignor must inform the BIP of entry into the Union. — Box reference I.19: Use the appropriate HS code: 02.01, 02.02, 02.03, 02.04, 02.05, 02.06, 02.08.90, 02.09, 05.04 or 15.02. — Box reference I.20: Indicate total gross weight and total net weight. — Box reference I.23: For containers: The container number and the seal number of the seal applied by the competent authority of Singapore at the completion of reloading. — Box reference I.28: Nature of commodity: Indicate 'carcass-whole', 'carcass-side', 'carcass-quarters', 'cuts', or 'minced meat'. Approval number: Indicate the approved establishments in New Zealand. Part II: (¹) For consignments of fresh meat for which equivalence has been determined under the Agreement between the European Community and New Zealand (Council Decision 97/132/EC), the appropriate model veterinary certificate is set out in Annex I to Commission Implementing Decision (EU) 2015/1901 of 20 October 2015 laying down certification rules and a model health certificate for importation into the Union of consignments of live animals and animal products from New Zealand and repealing Decision 2003/56/EC. (²) In exceptional cases which may present a public health or animal health risk or when irregularities are suspected, additional physical checks must be carried out. (³) Delete if the consignment has been reloaded without storage.		
Official veterinarian Name (in capital letters): Date: Stamp: Qualification and title: Signature: '		

COMMISSION IMPLEMENTING REGULATION (EU) 2016/536**of 5 April 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 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 Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 5 April 2016.

*For the Commission,
On behalf of the President,*

*Jerzy PLEWA
Director-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	189,5
	MA	94,7
	SN	69,3
	TR	106,0
	ZZ	114,9
0707 00 05	MA	83,3
	TR	130,7
	ZZ	107,0
0709 93 10	MA	91,2
	TR	152,1
	ZZ	121,7
0805 10 20	EG	51,3
	IL	76,5
	MA	52,6
	TN	71,4
	TR	72,3
	ZA	51,4
	ZZ	62,6
	ZZ	62,6
0805 50 10	MA	85,6
	TR	105,4
	ZZ	95,5
0808 10 80	BR	94,4
	CL	115,8
	CN	124,1
	US	144,5
	ZA	94,4
	ZZ	114,6
0808 30 90	AR	107,4
	CL	116,5
	CN	66,8
	ZA	112,1
	ZZ	100,7
	ZZ	100,7

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2016/537

of 5 April 2016

on the publication with a restriction in the *Official Journal of the European Union* of the reference of standard EN 50566:2013 on requirements to demonstrate compliance of radio frequency fields from handheld and body-mounted wireless communication devices used by the general public (30 MHz-6 GHz) under Directive 1999/5/EC of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity ⁽¹⁾, and in particular Article 5(3) thereof,

Having regard to the opinion of the Telecommunication Conformity Assessment and Market Surveillance Committee (TCAM), established by Article 13 of Directive 1999/5/EC,

Whereas:

- (1) Where a national standard transposing a harmonised standard, the reference of which has been published in the *Official Journal of the European Union*, covers one or more elements of the essential requirements referred to in Article 3 of Directive 1999/5/EC, a radio equipment, built in accordance with this standard is presumed to meet the essential requirements concerned.
- (2) In July 2014, France lodged an objection in respect of standard EN 50566:2013 on requirements to demonstrate compliance of radio frequency fields from handheld and body-mounted wireless communication devices used by the general public (30 MHz-6 GHz).
- (3) France considers this standard should be reviewed to better take into account the conditions of use of mobile phones as well as other portable devices (such as tablets) and therefore provide conditions for the distance at which the body SAR (Specific Absorption Rate) is to be assessed.
- (4) Having examined the standard EN 50566:2013 together with the representatives of the Telecommunication Conformity Assessment and Market Surveillance Committee (TCAM), the Commission concluded that the standard fails to meet the essential requirements referred to in Article 3(1)(a) of Directive 1999/5/EC. Article 3(1)(a) of Directive 1999/5/EC refers to the objectives with respect to safety requirements contained in Directive 2006/95/EC of the European Parliament and of the Council ⁽²⁾. Point 1(d) of Annex I to Directive 2006/95/EC lays down that 'the electrical equipment should be so designed and manufactured as to ensure that protection against the hazards set out in points 2 and 3 of this Annex is assured, providing that the equipment is used in applications for which it was made and is adequately maintained'. Point 2 of the same Annex lays down that 'Measures of a technical nature should be prescribed in accordance with point 1, in order to ensure: (a) that persons and domestic animals are adequately protected against the danger of physical injury or other harm which might be caused by direct or indirect contact' and '(c) that persons, domestic animals and property are adequately protected against non-electrical dangers caused by the electrical equipment which are revealed by experience'.

⁽¹⁾ OJ L 91, 7.4.1999, p. 10.

⁽²⁾ Directive 2006/95/EC of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (OJ L 374, 27.12.2006, p. 10).

- (5) Taking into consideration the abovementioned safety aspects of standard EN 50566:2013 to be improved and pending a suitable revision of that standard, the publication in the *Official Journal of the European Union* of the reference of the standard EN 50566:2013 should be accompanied by an appropriate warning,

HAS ADOPTED THIS DECISION:

Article 1

The reference of standard EN 50566:2013 on requirements to demonstrate compliance of radio frequency fields from handheld and body-mounted wireless communication devices used by the general public (30 MHz-6 GHz) shall be published in the *Official Journal of the European Union* with a restriction as set out in the Annex.

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 5 April 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Publication of references of European harmonised standards under Directive 1999/5/EC

ESO ⁽¹⁾	Reference and title of the standard (and reference document)	First publication OJ	Reference of superseded standard	Date of cessation of pre- sumption of conformity of superseded standard Note 1	Article of Direc- tive 1999/5/EC
Cenelec	EN 50566:2013 Product standard to demonstrate compliance of radio frequency fields from handheld and body-mounted wireless communication de- vices used by the general public (30 MHz- 6 GHz)	12.10.2013			Article 3(1)(a)

Warning: the application of this publication shall observe certain conditions relating to the separation distance, reflecting the practical day-to-day use, ensuring the safe use of handheld and body-mounted wireless communication devices used by the general public (30 MHz-6 GHz), for the purposes of the safety objectives referred to in Article 3(1)(a) of Directive 1999/5/EC, in conjunction with Annex I to Directive 2006/95/EC. For example, for limb SAR measurements (limit 4 W/kg), no separation distance may be used (device in contact); for trunk SAR measurements (limit 2 W/kg), a separation distance of not more than a few millimetres may be used.

⁽¹⁾ ESO: European standardisation organisation:

CEN: Avenue Marnix/Marnixlaan 17, 1000 Bruxelles/Brussel, BELGIQUE/BELGIË; tel. +32 25500811; fax +32 25500819 (<http://www.cen.eu>)

Cenelec: Avenue Marnix/Marnixlaan 17, 1000 Bruxelles/Brussel, BELGIQUE/BELGIË; tel. +32 25196871; fax +32 25196919 (<http://www.cenelec.eu>)

ETSI: 650 route des Lucioles, 06921 Sophia Antipolis, FRANCE; tel. +33 492944200; fax +33 493654716 (<http://www.etsi.eu>)

Note 1: Generally the date of cessation of presumption of conformity will be the date of withdrawal ('dow'), set by the European standardisation organisation, but attention of users of these standards is drawn to the fact that in certain exceptional cases this can be otherwise.

RECOMMENDATIONS

COMMISSION RECOMMENDATION (Euratom) 2016/538

of 4 April 2016

on the application of Article 103 of the Euratom Treaty

(notified under document C(2016) 1168)

THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 103 thereof in conjunction with Article 106a referring to Article 292 of the Treaty on the Functioning of the European Union,

Whereas:

- (1) One of the tasks of the Community, according to Article 2(h) of the Treaty, is to establish with other countries and international organisations such relations as will foster progress in the peaceful uses of nuclear energy. In order to achieve this task, the Community is endowed, pursuant to Chapter 10 of Title II of the Treaty, with powers in the field of external relations.
- (2) According to Article 101 of the Treaty, the Community may, within the limits of its powers and jurisdiction, enter into obligations by concluding agreements or contracts with a third State, an international organisation or a national of a third State. Pursuant to this provision, Euratom agreements have been concluded with the main supplier countries of the Community.
- (3) Article 102 on the other hand empowers the Community to enter into agreements to which, in addition to the Community, the Member States are also parties. Such agreements can be implemented as regards the Community only by means of a close association between the institutions of the Community and the Member States both in the process of negotiation and conclusion and in the fulfilment of the obligations entered into.
- (4) In accordance with the Treaty, Member States retain, under the conditions foreseen in the Treaty, their treaty-making capacity as actors in the international scene and, consequently, have the right to conclude, at any time, bilateral agreements with third countries that concern matters within the purview of the Euratom Treaty.
- (5) Article 103 of the Treaty plays a central role in reconciling the need to ensure the unity and primacy of Euratom law with Member States' freedom of action in conducting their external relations in the nuclear field. Pursuant to this Article, Member States are to communicate to the Commission draft agreements or contracts with a third State, an international organisation or a national of a third State to the extent that such agreements or contracts concern matters within the purview of the Treaty. If a draft agreement or contract contains clauses which impede the application of the Treaty, the Commission is to make its comments known to the Member State concerned within 1 month of receipt of such communication. A Member State is not to conclude the proposed agreement or contract until it has satisfied the objections of the Commission or complied with a ruling of the Court of Justice adjudicating urgently on the compatibility of the proposed clauses with the provisions of the Treaty.
- (6) The Court of Justice of the European Communities, in its Ruling 1/78 of 14 November 1978, ruled that the aim of Article 103 was to ensure that the provisions of the Treaty are not frustrated by agreements or contracts concluded by the Member States with third parties ⁽¹⁾.

⁽¹⁾ European Court Reports 1978, p. 02151.

- (7) An assessment pursuant to Article 103 extends to the compatibility of the draft agreement or contract with the provisions of the Euratom Treaty and the secondary legislation adopted on its basis. It does not extend to the compatibility of the draft agreement or contract with the provisions of the Treaty on the Functioning of the European Union.
- (8) Considerable experience has been gained in the application of Article 103. That experience shows that certain aspects of the Euratom *acquis* are of direct relevance in the context of Member States' external relations. The Commission has had to repeatedly draw attention to specific provisions of Euratom law in its comments to Member States following assessments under Article 103. Guidance is therefore needed on the application of Article 103. The aim of this Recommendation is to recall the main provisions which are of relevance in this context and to provide increased clarity and legal certainty to the Member States when they negotiate their draft agreements or contracts.
- (9) The 1 month period referred to in the second paragraph of Article 103 starts to run from the date on which the Commission is in receipt of the communication. Such receipt is to be deemed to have occurred only when the Commission is in possession of the complete notification file.
- (10) Decision No 994/2012/EU of the European Parliament and of the Council ⁽¹⁾ provides the Member States with the possibility of seeking the assistance of the Commission in the negotiation of international agreements which fall within the scope of that Decision. That same possibility should be available to the Member States when negotiating agreements or contracts falling within the scope of the Euratom Treaty.
- (11) Nuclear research is within the purview of the Euratom Treaty, as provided for in Chapter 1 of Title II on the 'Promotion of research'. This Commission Recommendation therefore also covers research international agreements, whatever their designation, in the field of nuclear fission and fusion research.
- (12) The basic standards laid down by the Community pursuant to Chapter 3 of Title II of the Treaty, and in particular Council Directive 2009/71/Euratom ⁽²⁾, Council Directive 2011/70/Euratom ⁽³⁾ and Council Directive 2013/59/Euratom ⁽⁴⁾, aim to ensure the protection of the health of workers and the general public against the dangers of ionising radiation, irrespectively of the source of that radiation. They are at the core of the legal system set up by the Treaty and are therefore of central importance in the context of assessments under Article 103.
- (13) Chapter 6 of Title II of the Treaty establishes the Euratom Supply Agency and confers upon it an exclusive right to conclude contracts relating to the supply of ores, source materials and special fissile materials coming from inside the Community or from outside. In the event that a draft agreement or contract concerned by the present Recommendation includes also provisions on supply matters, its assessment by the Commission pursuant to Article 103 should be without prejudice to the exclusive right of the Agency to conclude supply contracts; co-signature of supply contracts by the Agency on the other hand is without prejudice to the assessment by the Commission of the compatibility of Member States' draft agreements or contracts with the provisions of the Treaty and its secondary legislation.
- (14) One of the key pillars of the European Energy Security Strategy is diversifying external supplies and related infrastructure. In the uranium and nuclear fuel market, the Commission and Member States are called upon to cooperate to diversify supply of nuclear fuel when needed. The Commission undertakes to systematically take into consideration diversification of fuel supplies in its assessment of new nuclear investment projects and new draft agreements or contracts with third countries. The Euratom Supply Agency on the other hand is to ensure that any new investment does not hinder the possibility of fuel supply diversification. This Recommendation contributes to the achievement of these objectives.

⁽¹⁾ Decision No 994/2012/EU of the European Parliament and of the Council of 25 October 2012 establishing an information exchange mechanism with regard to intergovernmental agreements between Member States and third countries in the field of energy (OJ L 299, 27.10.2012, p. 13).

⁽²⁾ Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).

⁽³⁾ Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48).

⁽⁴⁾ Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1).

- (15) In accordance with the second paragraph of Article 104 of the Treaty, Member States should communicate to the Commission, at its request, all information related to agreements or contracts concluded by persons or undertakings with third States, international organisations or nationals of a third State within the scope of the Treaty,

HAS ADOPTED THIS RECOMMENDATION:

1. 'Draft agreement or contract' within the meaning of Article 103 of the Treaty should be understood to mean any agreement, whatever its designation, that concerns matters within the purview of the Treaty and which is negotiated by a Member State ⁽¹⁾. Draft agreements or contracts amending existing agreements or contracts between one or more Member States and a third State, an international organisation or a national of a third State concerning matters within the purview of the Treaty are also within the scope of Article 103. However, draft agreements or contracts concerning the supply or the processing, conversion or shaping of ores, source materials or special fissile materials which are to be concluded between undertakings and which are to be notified to the Euratom Supply Agency or submitted to it for conclusion in accordance with Chapter 6 of Title II of the Treaty should not be notified to the Commission pursuant to Article 103.

PART I

Pre-notification stage

2. If a Member State intends to enter into negotiations with a third State, an international organisation or a national of a third State in relation to a draft agreement or contract, that Member State may inform the Commission in writing of its intention. Where the Member State gives the Commission such notice of negotiations, the Member State concerned is encouraged to keep the Commission regularly informed of the progress of the negotiations. The Member State may also request the Commission to provide it with advice on how to avoid incompatibility of the draft agreement or contract with the Treaty.

Member States may also, where they consider it necessary, request the participation of the Commission in the negotiations as an observer.

3. Member States are encouraged to submit a notification pursuant to Article 103 after agreement *ad referendum* has been reached by the parties on all the main elements of the draft agreement or contract but before the draft agreement or contract is concluded.
4. Member States are encouraged to address to the Commission, by electronic means, an advance copy of the notification, including all accompanying documents ⁽²⁾. Nevertheless, an electronic transmission should be followed by the notification of the complete file in paper form.

PART II

Content of the notification

5. The notification should include, as applicable, all of the following:
 - (a) the text of the draft agreement or contract;
 - (b) any annexes or appendices to the draft agreement or contract;
 - (c) any other agreements or contracts, in the version currently in force, referred to in the notified draft agreement or contract.

⁽¹⁾ An 'agreement' within the meaning of Article 4(4) of Directive 2011/70/Euratom should however be understood to mean an agreement relating specifically to the use of a disposal facility as specified in that Article.

⁽²⁾ To be sent to the address ENER-LUX-Euratom-ARTICLE-103@ec.europa.eu

PART III**Compatibility of the draft agreement or contract with the Treaty**

6. Member States are encouraged to include, in their draft agreements or contracts, an explicit reference to their membership of the European Atomic Energy Community and to the obligations deriving from that membership. It is suggested that they recall that, in case of conflict between the provisions of the draft agreement or contract and provisions of Euratom law, it is the latter that are to prevail. When negotiating their draft agreements or contracts, Member States are to duly take into account the Community's own competences, as well as the principles and fundamental freedoms enshrined in the Treaty in relation to the nuclear common market and any requirements deriving from acts of the institutions adopted pursuant to the Treaty.
7. Member States are to ensure that their draft agreements or contracts do not contain clauses which are in conflict with the basic standards laid down pursuant to Chapter 3 of Title II of the Treaty. These include in particular:
 - (i) the principle of the ultimate responsibility of the Member State for the management of the spent fuel and radioactive waste generated in its territory;
 - (ii) the principle of the ultimate responsibility of the Member State or third country from where radioactive waste or spent fuel is shipped for processing or reprocessing for the safe and responsible disposal of those materials;
 - (iii) the requirement that radioactive waste is disposed of in the Member State in which it is generated, unless the conditions specified in the secondary legislation adopted pursuant to the Treaty are satisfied.
8. When negotiating draft agreements or contracts, Member States are to take utmost account of the requirements of the common supply policy pursuant to Chapter 6 of Title II of the Treaty, and in particular the need to ensure, subject to the right of the Euratom Supply Agency to conclude supply contracts, the regular and equitable supply of ores, source materials or special fissile materials to any user in the Community. Member States are in particular to avoid the inclusion of clauses that would result in any user in their territory becoming excessively dependent on any single source of supply or any single provider of nuclear fuel cycle services or equipment or technology. Likewise, Member States are not to include clauses which have the purpose or effect of foreclosing the market to alternative suppliers or providers or making the emergence of alternative suppliers or providers excessively difficult.
9. It is recommended that Member States recall, in their draft agreements or contracts, that any nuclear material exchanged pursuant to those draft agreements or contracts is subject to the requirements on safeguards pursuant to Chapter 7 of Title II of the Treaty during all stages of its presence on the territory of the Community. Member States are also encouraged to include a reference to the agreement in force between the Community, the International Atomic Energy Agency and the Member State concerned on the application of safeguards, as well as any additional protocols thereto.
10. Member States are not to include provisions in their draft agreements or contracts which have the effect of transferring to the other party or parties to the draft agreement or contract the ownership of special fissile materials which are the property of the Community pursuant to Chapter 8 of Title II of the Treaty.
11. Member States are to ensure that their draft agreements or contracts do not include provisions which make the transfer within the Community, for whatever purpose, of any of the goods or products listed in Annex IV to the Treaty subject to the prior authorisation of the other party or parties to the draft agreement or contract or which prevent compliance with the rules of the nuclear common market.
12. When negotiating a draft agreement or contract, Member States are to take into account, where applicable, any agreements concluded between the Community and the other party or parties to the draft agreement or contract. They are encouraged to make an explicit reference to the relevant Euratom agreement in the text of the draft agreement or contract to be notified to the Commission.

PART IV**The assessment of the notification by the Commission**

13. At the conclusion of its assessment, the Commission makes its comments known to the Member State concerned. Those comments should indicate which provisions of the draft agreement or contract impede the application of the Treaty within the meaning of Article 103, and should, where applicable, refer to specific chapters of the Treaty as laid down in Part III of this Recommendation.

PART V**Follow-up to the Commission's assessment**

14. Member States are encouraged, following the conclusion of a draft agreement or contract notified pursuant to Article 103, to communicate to the Commission the final text of that agreement or contract, as well as any subsequent declaration or agreement, in whatever form, made by either or both parties in relation to the interpretation or implementation thereof.
15. The fact that the Commission, having been notified of a draft agreement or contract pursuant to Article 103, does not find any elements that would impede the application of the Treaty, does not exclude that the implementation of that agreement or contract could give rise to an infringement of Euratom law.
16. It is recommended that Member States provide the Commission, at the latter's request, with information related to the implementation or interpretation of any agreements or contracts which come within the purview of the Treaty and which are in force between them and third States, international organisations or nationals of a third State.

This Recommendation is addressed to the Member States.

Done at Brussels, 4 April 2016.

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

