

Commission of the European Communities

# **COMMUNITY ENERGY POLICY**

Texts of the relevant legislation

*(SUPPLEMENT No.1 - 1978)*

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updated to 31 December 1978*

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## FOREWORD

In 1976 the Commission of the European Communities published a collection of the texts of the legislation relating to Community energy policy (1).

This booklet updates that publication by setting out all the important texts published in the Official Journal during 1977 and 1978 and by an updated table of the international agreements negotiated by the Community that are likely to affect energy matters (2).

It also provides a supplement in the form of a list of the provisions concerning Euratom safeguards which, although not within the scope of energy policy proper, are politically most important and of practical consequence for undertakings in the nuclear industry.

With a view to making it easier to consult the texts, this booklet includes a full list of the contents of the basic collection and of this supplement. The subdivision of some headings has been changed in order to make subjects easier to locate and facilitate consultation of the texts.

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- (1) Community energy policy - Texts of the relevant legislation - 1976 Catalogue No: CH-22-76-132-EN-C
  - (2) The complete texts of these agreements are reprinted in the "Collection of Agreements concluded by the European Communities" (five volumes) issued in 1978, published jointly by the Commission and the Council.

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# INTRODUCTION\*

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\* The headings follow those in the list of contents. The only headings mentioned here are those for which new texts appeared in 1977 and 1978.



The following Community legislation relating to energy policy is reprinted in this supplement:

1. General

1.2 Demand, rational use of energy and energy savings

Three new recommendations were adopted on 25 October 1977 (1) to provide incentives for the Member States to extend the scope of action to promote energy savings:

- the rational use of energy in new buildings;
- the rational use of energy in industrial undertakings;
- combined heat and power production and the exploitation of residual heat.

On 13 February 1978, the Council agreed the Directive 78/170/EEC (2) on the performance of heat generators for space heating and the production of hot water in new or existing non-industrial buildings and on the insulation of heat and domestic hot-water distribution in new non-industrial buildings.

1.3 Environment

The Council Resolution of 20 November 1978, (see heading 3.2.1.1) is aimed at intensifying the exchange of information on questions (particularly on investment) raised by the siting of power stations.

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(1) OJ L295, 18.11.1977.

(2) OJ L52, 23.02.1978.

#### 1.4 Research and development\*

A five year programme (1976-1980) has been adopted by the Council on 25 March 1976 (1) in the field of research on controlled thermo-nuclear fusion. The programme is part of a long-term collaboration effort covering all activities in the Member States in the field of fusion and plasma physics. It is designed to lead in due course to the joint construction of prototype fusion reactors with a view to their industrial-scale production and marketing.

The ceiling for expenditure commitments is 124 million units of account. Provision has been made to include the JET project (Joint European Torus).

On 25 October 1977 the Council decided upon Culham (United Kingdom) as the site for the JET project.

On 30 May 1978 (2), the Council adopted the inclusion of the JET project in the fusion programme 1976-1980 (covering the first part of the construction phase of the project, the other part having been covered by the programme 1979-1983), the constitution of the JET joint venture and the granting of privileges to it.

In accordance with the Council decision of 25 March 1976 (1), by which the Commission had to submit in 1978 a revised first draft of a replacement of the then-current five year plan by a five year programme from 1 January 1979, the Commission has prepared a fusion programme for 1979-1983 which is now before the Council.

By its decision of 6 mars 1978 (3), the Council laid down:

- A multiannual programme for research and development (1978-1981) for the EEC in the field of primary raw materials (indirect-action).
- A programme for research and development for the EAEC for the exploration for and extraction of uranium (indirect-action).

The duration of the programmes has been fixed respectively at 4 and 3 years and the ceiling for expenditure commitments is 18 and 3 millions European units of account.

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\* These texts are referred to as an aide memoire only and are not reprinted either in the basic collection or this supplement.

- (1) OJ L90, 3.4.1976
- (2) OJ L151, 7.6.1978
- (3) OJ L72, 14.3.1978

The indirect-action nuclear programme adopted by decision 74/642/EURATOM concerning a research and training programme for the EAEC in the field of plutonium recycling in light water reactors has been revised by a Council decision of 10 October 1978 (1).

The indirect action programme for research and development in the field of energy adopted by Decision 75/510/EEC has been revised by a Council Decision of 21 December 1976 (2).

By a Decision of 18 July 1977 (3) the Council adopted a direct action research programme (1977-1980) to be carried out by the Joint Research Centre for the Euratom and the EEC. Where energy is concerned, the programme includes the following:

- nuclear safety (reactor safety, plutonium fuels, actinide research);
- future forms of energy (solar energy, hydrogen, thermo-nuclear fusion technology, high-temperature materials).

#### 1.6 Financial assistance\*

##### 1.6.1 Energy savings\*

On 12 June 1978, the Council adopted Regulation (EEC) No. 1303/78 (4) on the granting of financial support for demonstration projects in the field of energy-saving.

##### 1.6.2 Alternative energy sources\*

In the field of developing "new" energy sources, the Council adopted - also on the 12th June 1978 - Regulation (EEC) No. 1302/78 (4) on the granting of financial support for projects to exploit alternative energy sources.

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\* New heading

(1) OJ L291, 17.10.1978

(2) OJ L10, 13.1.1977

(3) OJ L 200, 8.8.1977

(4) OJ L158, 16.06.1978

## 2. Coal

### 2.1 External aspects\*

Community surveillance of imports of coal originating in non-member countries was introduced by a Decision of the Representatives of the Governments of the Member States meeting within the Council of 7 November 1977 (1).

### 2.2 Internal market\*

#### 2.2.1 Aids

Decision 73/287/ECSC concerning coking coal and coke for the iron and steel industry in the Community has been amended by two Commission Decisions of 12 April (2) and 15 July 1977 (3) which, apart from certain improvements of a technical nature, eliminate the phased reduction of aids provided for 1977 and 1978 and extend the application of the system of aids to 31 December 1981. Two other decisions, of 5 October 1977 (4) and 29 September 1978 (5), amended the conditions subject to which the system of aids was supplied.

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#### \*New heading

- 1) OJ L 292, 16.11.1977
- 2) OJ L 91, 13.4.1977
- 3) OJ L 180, 20.7.1977
- 4) OJ L 256, 7.10.1977
- 5) OJ L 275, 30.09.1978

### 3. Oil, gas and electricity

#### 3.2 Internal market\*

##### 3.2.1 Information\*\*

###### 3.2.1.1 Investment projects\*\*

The Council Resolution of 20 November 1978 (1) emphasised the necessity to intensify a mutual exchange of information at Community level on the siting of power stations.

By a Decision of 23 December 1977 (2), the Commission has adopted an instrument implementing existing legislation concerning the notification to the Commission of investment projects.

###### 3.2.1.2 Prices\*\*

Another instrument implementing existing legislation was adopted by the Commission on 26 January 1977 (3), regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products.

##### 3.2.3 Security of supply\*\*

###### 3.2.3.2 Measures to be taken in the event of supply difficulties\*\*

The Council has adopted two Decisions, the one, of 14 February 1977 (3), concerning the export of crude oil and petroleum products from one Member State to another in the event of supply difficulties and the other, of 7 November 1977 (4), concerning the setting of a Community target for a reduction in the consumption of primary sources of energy in the event of difficulties in the supply of crude oil and petroleum products.

A Commission Decision of 28 September 1978 (5), applied a Council Decision on the exporting of crude oil and petroleum products from one Member State to another in the event of supply difficulties.

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\* In the list of contents the subjects under this heading have been rearranged.

\*\* New heading.

- 1) OJ C 286, 30.11.1978
- 2) OJ L 358, 31.12.1977
- 3) OJ L 61, 5.3.1977
- 4) OJ L 292, 16.11.1977
- 5) OJ L 311, 4.11.1978

4. Nuclear energy

4.2 Internal market\*

4.2.3 Financial assistance\*

The Commission adopted Regulation (EURATOM) No 2014/76 (1) on 23 July 1976.

By this Regulation, made pursuant to Article 70(1) of the Euratom Treaty, the Commission lays down the conditions subject to which financial support may be granted to projects forming part of the uranium prospecting programme within the territories of the Member States.

On 29 March 1977 (2) the Council adopted two Decisions by which the Commission is empowered to issue Euratom loans for the purpose of contributing to the financing of nuclear power stations.

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\* New heading

- 1) OJ L 221, 14.8.1976
- 2) OJ L 88, 6.4.1977

## 5. Euratom safeguards\*

Chapter VII of the Euratom Treaty assigns to the Commission the task of satisfying itself that, in the territories of the Member States, nuclear materials are not diverted from their intended uses as declared by the users. It also has to ensure that any obligations assumed by the Community under an agreement concluded with a third State or an international organization are complied with.

On 19 October 1976 (1) the Commission adopted a Regulation concerning the application of these provisions and replacing the measures in force since 1959.

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### Agreements concluded by the Community with non-member countries and international organizations

Annexes I and II are updated tables listing the agreements concluded between the Community (European Economic Community in Annex I, Euratom in Annex II) and non-member countries and international organizations. Some pre-1977 agreements which were omitted from the basic collection have been added.

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\* New heading

1) OJ L 363, 31.12.1976

# DECISIONS



## COUNCIL RECOMMENDATION

of 25 October 1977

on the regulating of space heating, the production of domestic hot water and the metering of heat in new buildings

(77/712/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft from the Commission,

Whereas, in its resolution of 17 September 1974 concerning a new energy-policy strategy for the Community <sup>(1)</sup>, the Council approved the objective of reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives;

Whereas improvements in the rational use of energy are generally beneficial to the environment;

Whereas, in its resolution of 17 December 1974 on a Community action programme on the rational utilization of energy <sup>(2)</sup>, the Council noted that, in its communication to the Council entitled 'Rational Utilization of Energy', the Commission had drawn up a Community action programme in this field;

Whereas the Council recommendation of 4 May 1976 <sup>(3)</sup> related to the heating systems of existing buildings; whereas it is advisable to obtain energy savings as soon as possible for the heating systems of new buildings;

Whereas this objective can be achieved in buildings with collective heating systems only if the occupants are able to regulate their own energy consumption;

Whereas collective systems for space heating and production of domestic hot water of new buildings with several occupants should be fitted with the means for apportioning the heating costs among the various occupants on the basis of the amount of heat supplied;

<sup>(1)</sup> OJ No C 153, 9. 7. 1975, p. 1.

<sup>(2)</sup> OJ No C 153, 9. 7. 1975, p. 5.

<sup>(3)</sup> OJ No L 140, 28. 5. 1976, p. 12.

Whereas the measures recommended are such as to produce sufficiently large savings in energy while ensuring that the required investments are economically worthwhile,

HEREBY RECOMMENDS TO THE MEMBER STATES:

that they adopt any laws, regulations or administrative measures necessary to ensure that:

1. in new buildings used as offices, public buildings and buildings which are not occupied all the time
  - 1.1. all heating systems are fitted with an automatic programming and regulating device which will produce the desired temperature curve for the premises served;
  - 1.2. when heat generators are operating, the temperature during occupation of premises for which a given occupant is accountable does not exceed 20 °C on average and does not exceed 22 °C in any one room;
2. in new residential accommodation
  - 2.1. the individual heating system, whether centralized or independent, is controlled by one or more automatic devices which regulate the supply of heat to the dwellings according to the outside or inside temperature or both;
  - 2.2. the heat supply to collective heating systems is regulated according to the outside and inside temperatures;
  - 2.3. a device is fitted so that the heating level may be reduced during the night and when the buildings are empty;
3. for the production of domestic hot water in new buildings
  - 3.1. the temperature of hot water at the entry to the common circuit does not exceed 60 °C and is capable of regulation below this maximum. The flow rate in the common circuit is as low

as possible but always permitting rapid and sufficient supply at the drawing points; that dead legs are as short as possible;

- 3.2. when the power required for the production of domestic hot water and heating for the premises is provided by a multiple generator system, the production of domestic hot water during non-heating periods shall be ensured by one or more generators whose load capacity shall not exceed the requirements of the domestic hot water supply;

4. for heat metering in new buildings

each dwelling heated by a collective installation is fitted from the outset with the means of metering and/or directly or indirectly attributing the amount of heat and/or hot water supplied by this collective

heating system, to permit the fair apportionment of the corresponding charges among the occupants of the building;

5. for the information of the Community

the Member States regularly inform the Commission of the measures taken in the field covered by this recommendation and of the results obtained or anticipated from the measures.

Done at Luxembourg, 25 October 1977.

*For the Council*

*The President*

W. CLAES

## COUNCIL RECOMMENDATION

of 25 October 1977

on the rational use of energy in industrial undertakings

(77/713/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft from the Commission,

Whereas in its resolution of 17 September 1974 concerning a new energy-policy strategy for the Community <sup>(1)</sup> the Council approved the objective of reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives;

Whereas improvements in the rational use of energy are generally beneficial to the environment;

Whereas in its resolution of 17 December 1974 on a Community action programme on the rational utilization of energy <sup>(2)</sup> the Council noted that, in its communication to the Council entitled 'Rational Utilization of Energy', the Commission had drawn up a Community action programme in this field;

Whereas the industrial sector also lends itself to the more efficient utilization of energy, in keeping with its economic objectives; whereas this possibility varies according to the size, location, production processes and products of the undertaking;

Whereas it is desirable to inform, increase the awareness of and encourage undertakings, in accordance with Article 92 *et seq.* of the Treaty, in their efforts to save energy; whereas the initiatives already taken by some Member States to set up public or approved bodies charged with these tasks should be extended;

Whereas the practice already adopted by some undertakings, in particular the large energy-intensive ones, of appointing an energy management officer, should be extended;

<sup>(1)</sup> OJ No C 153, 9. 7. 1975, p. 1.

<sup>(2)</sup> OJ No C 153, 9. 7. 1975, p. 5.

Whereas the bodies referred to above should monitor the progress achieved by the undertakings in realizing their energy-saving programmes;

Whereas since one of the most profitable exercises at Community level is the systematic and regular exchange of information on energy-saving processes between Community undertakings and in particular small- and medium-sized undertakings, professional organizations should collate information from energy management officers on experience gained and difficulties encountered in order to disseminate this information; whereas these same organizations should also periodically organize meetings or seminars to exchange details of their members' experiences,

HEREBY RECOMMENDS TO THE MEMBER STATES:

1. that they take the necessary measures to mount campaigns to provide information and increase awareness, and to encourage, in accordance with Article 92 *et seq.* of the Treaty, the achievement of energy savings; and, to this end, to set up, in so far as they do not already exist and along the lines of the initiatives already taken by some Member States, one or more public or approved bodies or departments with particular responsibility for these tasks;
2. that they invite sectoral and general professional organizations as well as technical and scientific associations and consultancy services to arrange periodically for meetings and seminars, to exchange details of experience at national level, and possibly at Community level, in order to ensure the widest and most rapid dissemination of information possible;
3. that they encourage industrial undertakings:
  - to set up an energy department within their organization, if they have not already done so, or call in an outside expert.

The duties and tasks of such departments or persons could be along the lines of those proposed as a guide in the Annex to this recommendation;

— if they are required to prepare an annual report, to devote a chapter of it to their energy consumption, also including any energy-saving measures taken or planned and the results obtained;

5. that they inform the Commission regularly of the measures taken in the field covered by this recommendation and of the results obtained or anticipated from the measures.

Done at Luxembourg, 25 October 1977.

4. that they collate, as efficiently as possible, all useful information concerning the results of the energy-saving measures taken by the industrial undertakings mentioned in 3;

*For the Council*

*The President*

W. CLAES

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#### ANNEX

##### Suggested duties and tasks of the energy management officer in industrial undertakings

1. In keeping with the economic objectives of their undertaking, the functions of the energy management departments or officers could be focused on the following tasks:

(i) *Within the undertaking*

deciding on the appropriate ways and means of carrying out the energy-saving programme which the undertaking has devised and in particular:

- keeping a permanent check that the undertaking is not wasting energy,
- suggesting ways in which industrial equipment and processes might be modified to bring about a more rational use of energy; in this respect any investment in new or additional equipment or processes should be the subject of energy appraisals as well as financial ones,
- establishing channels of communication between the various sections or departments and with office staff and manual workers and making them aware of the aims of energy saving.

(ii) *Outside the undertaking*

maintaining contact with other industrial sectors concerned so that their undertaking may draw on the experience gained elsewhere.

2. To enable it to discharge these duties effectively, the energy management department should be responsible directly to the decision-making bodies of its undertaking.

## COUNCIL RECOMMENDATION

of 25 October 1977

on the creation in the Member States of advisory bodies or committees to promote combined heat and power production and the exploitation of residual heat

(77/714/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the draft from the Commission,

Whereas in its resolution of 17 September 1974 concerning a new energy-policy strategy for the Community <sup>(1)</sup> the Council approved the objective of reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives;

Whereas improvements in the rational use of energy are generally beneficial to the environment;

Whereas in its resolution of 17 December 1974 on a Community action programme on the rational utilization of energy <sup>(2)</sup> the Council noted that, in its communication to the Council entitled 'Rational Utilization of Energy', the Commission had drawn up a Community action programme in this field;

Whereas a more rational use of energy can be obtained by greater use of combined heat and power production and the exploitation of residual heat in industry, electricity generating and remote heat supply systems;

Whereas implementation of this technique requires the solution of a number of complex problems of an economic, technical, administrative and legislative nature;

Whereas the solution of these problems depends to a large extent on local, regional and national factors;

Whereas the search for solutions at local and regional level is facilitated by an exchange of information and cooperation at national and Community level,

HEREBY RECOMMENDS TO THE MEMBER STATES:

1. that they create one or more advisory bodies or committees, in so far as these do not already exist, to be responsible for giving an opinion on all measures likely to lead to increased efficiency in the supply of heat for industry and to promote the use of remote heat supply systems, in particular by:
  - concentrating heat production and making greater use of combined heat and power production;
  - greater thermal efficiency of power stations by exploitation of their residual heat;
  - improved efficiency of heat conduits and associated distribution installations in industrial establishments and in district heating systems, while taking into account the service life of the conduits;
2. that to this end they invite the advisory bodies or Committees to consider the following measures:
  - broadening of cooperation between electrical utilities and heat-consuming industries;
  - identification and abolition of legal, administrative and price obstacles to the development of combined heat and power production to supply industry;
  - reservation of sites on which industrial complexes and combined heat and power stations can be built side by side;
  - encouragement, in accordance with Article 92 *et seq.* of the Treaty, of combined heat and power production and of the transport of heat;

<sup>(1)</sup> OJ No C 153, 9. 7. 1975, p. 1.

<sup>(2)</sup> OJ No C 153, 9. 7. 1975, p. 5.

- provision of better information to small- and medium-sized industrial undertakings;
- drawing up statements of heat requirements;
- 3. that they encourage the advisory bodies or Committees to have regular exchanges of experience and to cooperate at Community level through procedures organized by the Commission;
- 4. that they instigate and promote technical and economic studies with the aim of identifying new economically viable remote heat supplies and that they promote the development, where justifiable, of existing district heating and industrial heat supply systems;
- 5. that they inform the Commission regularly of the measures taken in the field covered by this recommendation and of the results obtained or anticipated from the measures.

Done at Luxembourg, 25 October 1977.

*For the Council*

*The President*

W. CLAES

## COUNCIL DIRECTIVE

of 13 February 1978

on the performance of heat generators for space heating and the production of hot water in new or existing non-industrial buildings and on the insulation of heat and domestic hot-water distribution in new non-industrial buildings

(78/170/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Whereas, in its resolution of 17 September 1974 concerning a new energy policy strategy for the Community<sup>(3)</sup>, the Council adopted the objective of a reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives;

Whereas, in its resolution of 17 December 1974 on a Community action programme on the rational utilization of energy<sup>(4)</sup>, the Council noted that, in its communications to the Council entitled 'Rational utilization of energy', the Commission had drawn up a Community action programme in this field;

Whereas any improvement in the rational use of energy is generally beneficial to the environment;

Whereas the sector concerned with heating systems in buildings lends itself to such measures;

Whereas recommendation 76/493/EEC<sup>(5)</sup>, related to the heating systems of existing buildings;

Whereas in the case of new heating systems it is necessary to achieve energy savings as soon as possible which will have an influence on total energy consumption as and when the systems are installed;

Whereas, to this end, a Directive should be adopted to provide a general framework within which the

Member States would jointly explore energy saving methods designed to lessen the impact of the supply difficulties referred to in Article 103 (4) of the Treaty;

Whereas heat generators for space heating and the production of domestic hot water in new or existing non-industrial buildings should be inspected at the stage of manufacture or at the time of installation;

Whereas it should be made compulsory in new non-industrial buildings to provide, in economically justifiable conditions, thermal insulation both for generators and for the system whereby the heated fluids are distributed;

Whereas the Commission should receive regular information on the implementing measures adopted and the results obtained or anticipated;

Whereas the implementing measures adopted for this Directive should incorporate the measures adopted for the approximation of the laws of the Member States in the fields concerned by this Directive and should be directed towards facilitating the harmonization and standardization work in progress or to be undertaken in these fields both at Community and international level,

HAS ADOPTED THIS DIRECTIVE:

### Article 1

1. Member States shall take all necessary measures to ensure that all new heat generators for space heating and/or the production of hot water in new or existing non-industrial buildings comply with minimum performance requirements.

In the case of generators capable of using various forms of energy, the minimum performance requirements must relate to each form of energy used.

<sup>(1)</sup> OJ No C 266, 7. 11. 1977, p. 55.

<sup>(2)</sup> OJ No C 287, 30. 11. 1977, p. 9.

<sup>(3)</sup> OJ No C 153, 9. 7. 1975, p. 1.

<sup>(4)</sup> OJ No C 153, 9. 7. 1975, p. 5.

<sup>(5)</sup> OJ No L 140, 28. 5. 1976, p. 12.

The term heat generator shall, in particular, mean hot-water boilers, steam boilers, air heaters, including components and especially the associated firing equipment appropriate to the type of fossil fuel used. Combined electricity/heat generators used in buildings shall also be regarded as heat generators; for these, the minimum performance requirements must relate to the full energy output.

Electric heat generators with resistances and connections to a remote heating network shall be excluded.

Those appliances for which type-testing is not practicable will be the subject of a subsequent proposal after appropriate technical study.

2. Member States shall ensure that compliance with the minimum performance requirements is assured by an inspection carried out either at the stage of manufacture of the generator or at the time of installation.

3. Heat generators subject to inspection at the time of manufacture cannot be offered for sale unless they comply with the minimum performance requirements; compliance with the relevant rules shall be certified by means of a data plate giving the following minimum details:

- manufacturer's identity,
- type of heat generator and its year of manufacture,
- heat rating in kW for every type of energy foreseen,
- type and characteristics of the energy or energies used,
- maximum temperature of the heating fluid,
- confirmation of inspection and identification of the body which carried it out,
- consumption of each heat generator when working to rated capacity.

The term 'heat rating' refers to the highest output that can be continuously supplied by the heat generator.

When a heat generator of a type subject to inspection at the time of manufacture is installed, the user shall be provided with written operating and maintenance instructions to enable him to obtain optimum efficiency. These instructions must have been inspected in the same way as the generator and include the main details of the findings of the inspection.

4. In the case of heat generators subject to inspection at the time of installation, energy losses must not exceed the levels laid down by the Member States.

#### *Article 2*

Member States shall take all necessary measures to ensure that economically justifiable insulation of the distribution and storage system is made compulsory in new non-industrial buildings, both as regards heating fluid and domestic hot water.

These provisions shall also apply to systems connected to a remote-heating network.

They shall also apply to new heat generators, including electric systems for heating water, in all new or existing non-industrial buildings.

#### *Article 3*

The date from which a heat generator may no longer be installed, unless it complies with the minimum performance requirements in accordance with Article 1, shall be 1 January 1981.

The measures referred to in Article 2 shall apply from 1 July 1980.

#### *Article 4*

The Member States shall duly inform the Commission of measures taken within the scope of this Directive and of the results obtained or anticipated from such measures.

#### *Article 5*

This Directive shall in no way prejudice measures based on Article 100 of the Treaty.

#### *Article 6*

This Directive is addressed to the Member States.

Done at Brussels, 13 February 1978.

*For the Council*

*The President*

P. DALSAGER



COUNCIL REGULATION (EEC) No 1303/78

of 12 June 1978

on the granting of financial support for demonstration projects in the field of energy-saving

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Whereas pursuant to Article 2 of the Treaty the Community has as its task to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion and an increase in stability;

Whereas in the present energy situation a reduction in the rate of increase in energy consumption will contribute effectively to the achievement of these objectives;

Whereas in its resolution of 17 September 1974 concerning a new energy policy strategy for the Community<sup>(3)</sup> the Council approved the objective of a 'reduction of the rate of growth of internal consumption by measures for using energy rationally and economically without jeopardizing social and economic growth objectives';

Whereas encouraging the demonstration of new technologies which directly result in energy savings in that they improve energy efficiency provides a means of attaining this objective;

Whereas the Community and the Member States have adopted research and development programmes in the field of energy-saving; whereas a Community programme of aid for demonstration projects in the field of energy-saving should contribute to a thorough application of the results of such research and development;

Whereas the first responsibility for financing such activities lies with industry; whereas, in view of the risks and large investments involved in such activities,

particularly with technologies which have not been subjected to full-scale trials or applied commercially, provision should nevertheless be made for the possibility of Community support for these activities, particularly where they may benefit the Community as a whole;

Whereas the granting by the Community of the benefits envisaged must not affect conditions of competition in a manner incompatible with the principles embodied in the relevant provisions of the Treaty;

Whereas, in view of the need to limit such support to that which is strictly essential, the Community must have at its disposal every means of assessing, case by case, the possible benefits to it of such projects and their conformity with the objectives of the Community energy policy;

Whereas, for this purpose, taking into account the scope for coordination, the Community should be told of the support the proposer may be receiving or expecting from Community, national or other sources;

Whereas to this end the beneficiaries should assume obligations towards the Community in return for the benefits received;

Whereas the Treaty does not provide the specific powers necessary for these purposes,

HAS ADOPTED THIS REGULATION:

*Article 1*

Under the conditions laid down in this Regulation, the Community may grant financial support for Community demonstration projects as defined in Article 2 of this Regulation which involve a significant improvement in the efficiency with which energy is used.

*Article 2*

Community demonstration projects shall be related to the creation of installations making full-scale use of new equipment, processes or products enabling signifi-

(1) OJ No C 299, 12. 12. 1977, p. 50.

(2) OJ No C 287, 30. 11. 1977, p. 7.

(3) OJ No C 153, 9. 7. 1975, p. 1.

cant quantities of energy to be saved. Such projects shall apply a new technique or new process or product, or make use of a new application of techniques, processes or products already known. A list of possible fields of application is given in the Annex hereto.

Community demonstration projects must satisfy the following conditions:

- they must be capable of encouraging other installations of the same type in the Community and have real prospects of commercial use;
- in view of the risks or large investments involved in such activities finance for the demonstration of potentially viable projects is not forthcoming in a satisfactory manner.

### Article 3

Responsibility for projects shall devolve upon a natural person or a legal person constituted in accordance with the laws in force in the Member States.

If the creation of a legal entity with the capacity to carry out a project involves additional costs for the participating undertakings the project may be carried out simply by cooperation between natural or legal persons. In that case, such persons shall be jointly and severally liable for the obligations resulting from Community support.

### Article 4

Support for a project may take the form of a Community financial contribution to the project, repayable under certain conditions, from the appropriations provided for this purpose in the general budget of the European Communities, and taking into account any financial aid for the project received or expected from Community, national or other sources as well as the share of the risk that should be borne directly by those responsible for the project.

Such support may in general be no less than 25 % and no more than 49 % of the total cost of the project. The level of support shall be determined for each project individually, in accordance with the procedure laid down in Article 5 and with due regard to any other aid received or expected.

### Article 5

1. Every project submitted for consideration by individuals or undertakings in the Community further to

an invitation to tender published in the *Official Journal of the European Communities* shall be examined by the Commission on the basis of the following information to be provided by the applicants:

- a detailed description of the project, including the organization of its administration, and the energy savings which might be obtained;
- the time-scale for carrying out the project;
- the financial situation and technical capabilities of the person or persons responsible for the project;
- the nature and extent of the technical and economic risks of the project;
- the cost of the project, its economic viability, and the financing arrangements proposed;
- the extent to which the relevant experience obtained may encourage widespread introduction of the technique, process or product in the Community; the prospects of widespread application of the technique, process or product and the benefits thereby obtainable for the economy as a whole;
- whether the project has received financial assistance at an earlier stage of research and development by the Community or by Member States;
- details of any other financial support for the project provided for by or expected from Member States or the Community;
- any other information which can justify the Community support requested;
- how it is proposed to publicize the results of the demonstration.

2. The Commission shall decide whether to grant or refuse support for such projects after consulting the Advisory Committee on the Management of Demonstration Projects, composed of representatives of the Member States. The Commission's decision shall be communicated to the Council and to the Member States forthwith and shall apply upon expiry of a period of 20 working days if during that period no Member State has referred the matter to the Council. At the request of a Member State, the Council shall rule on the Commission decision, acting unanimously in the case of the first set of projects and by a qualified majority in the case of subsequent projects.

*Article 6*

The benefits granted by the Community must not affect the conditions of competition in a manner incompatible with the principles embodied in the relevant provisions of the Treaty.

*Article 7*

1. The Commission shall negotiate and conclude the contracts necessary for the implementation of projects selected pursuant to Article 5. To that end the Commission shall draw up a model contract setting forth the rights and obligations of each party and in particular the procedures for any repayment of amounts of financial support.

2. The person or persons responsible for implementing a project in receipt of Community support shall send to the Commission, each year or at its request, a report on the fulfilment of contractual obligations towards the Commission and in particular the progress of work on the project and the expenditure incurred in carrying it out.

3. The Commission shall have access at all times to the accounts relating to the project. It may have checks carried out on the spot and using documentary evidence, as a means of monitoring the performance of the contract and in particular the progress and implementation of Community projects.

4. Where the extent of financial support from the Community and the size of the project so warrant, the

Commission may participate as an observer in meetings of the bodies responsible for the management of the projects if the contract so provides.

*Article 8*

The Commission shall report periodically on the application of this Regulation to the European Parliament and to the Council, which shall both express an opinion on the report.

*Article 9*

This Regulation shall apply for four years.

The Council, acting on a proposal from the Commission, shall decide whether it should be extended or amended.

*Article 10*

This Regulation shall enter into force following the decision taken by the Commission, or by the Council in the event of an appeal, on the first series of projects in accordance with Article 5, and following the adoption by the Council of a Regulation fixing by unanimity the maximum amount of aid to be made available under this Regulation.

However, Article 5 shall enter into force on the 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 Luxembourg, 12 June 1978.

*For the Council*

*The President*

K. OLESEN

## ANNEX

### LIST OF POSSIBLE FIELDS OF APPLICATION

The following list gives examples of the potential fields of application of this Regulation. It is not exhaustive nor does it reflect priorities.

#### 1. Buildings

- 1.1. New materials or new applications of existing materials for the thermal insulation of new or existing buildings.
- 1.2. Methods of resolving problems linked with efficient thermal insulation, such as ventilation, condensation, thermal inertia, vapour formation, fire and safety rules, etc.
- 1.3. More effective methods for the heating and air conditioning of premises and for the production of domestic hot water, such as heat pumps having new technical characteristics which can improve their competitiveness and reliability, the small-scale use of solar collectors and improvements in conventional systems making for significant energy savings.
- 1.4. Methods of reducing ventilation needs, e.g. in industry or hospitals.

#### 2. Supply and use of process heat and of electricity in industry

- 2.1. Improved efficiency in the production and utilization of process heat and of electricity in industry, e.g. through enhanced performance and greater reliability of installations.
- 2.2. Recovery and recycling of residual heat, either as heat or for the combined production of heat and power, in the same installation or elsewhere, e.g. by improving heat exchangers, through the use of high-power and/or high-temperature heat pumps, through the use of new heat storage methods.
- 2.3. Demonstration of new industrial processes with equivalent functions but smaller energy requirements.
- 2.4. Method of using waste or low-heat fuels for the supply of heat and/or power to industry.

#### 3. Energy industry

- 3.1. More efficient methods for the combined production of heat and power for collective use, e.g. improved performances, improved plant reliability, demonstration of large-scale storage, demonstration of long-distance heating networks.
- 3.2. Methods of using waste materials, residual heat or low-heat fuels for collective use, e.g. the use of residual heat of large industrial complexes or conventional power stations, use of domestic or agricultural waste as fuels, demonstration of very large heat pumps (in the region of 5 MW or more).

#### 4. Transport

- 4.1. Methods of increasing the energy yield of engines and motor vehicles without reducing performance.
- 4.2. Methods of increasing the attraction of public transport, e.g. control systems, user information systems, etc.

COUNCIL REGULATION (EEC) No 1302/78

of 12 June 1978

on the granting of financial support for projects to exploit alternative energy sources

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Whereas under Article 2 of the Treaty the Community has as its task to promote the harmonious development of economic activities throughout the Community, a continuous and balanced expansion and an increase in stability;

Whereas the Council adopted on 17 December 1974 and 13 February 1975 resolutions concerning the objectives of Community energy policy and measures for achieving them;

Whereas in the present energy situation greater exploitation of alternative energy sources in the Community will reduce dependence with regard to energy and diversify energy supply, and is likely to contribute to the attainment of these objectives;

Whereas on 22 August 1975 the Council adopted a Decision establishing an energy research and development programme <sup>(3)</sup>;

Whereas financial support should be granted after the research stage for projects for exploiting alternative energy sources, in view of the financial risks involved in new techniques and technologies and the high capital cost of such projects;

Whereas support for such projects, which would be undertaken following studies and research giving favourable indications as to their industrial and commercial viability, will help to strengthen confidence in the exploitation of these energy sources and to encourage their use in the Community;

Whereas these projects concern in particular the exploitation of geothermal fields, the liquefaction and gasification of solid fuels, and the exploitation of solar energy, wave energy, tidal energy and wind energy;

Whereas the various areas for exploiting alternative energy sources offer common characteristics which justify the granting of financial support according to common principles; whereas the special character of each of them, however, necessitates appropriate implementing provisions;

Whereas the execution of such projects could result in the development in the Community of an industry possessing the relevant skills with potential markets of some importance outside the Community;

Whereas the granting by the Community of the benefits envisaged must not affect conditions of competition in a manner incompatible with the principles embodied in the relevant provisions of the Treaty;

Whereas, in view of the need to limit such support to that which is strictly essential, the Community must have at its disposal every means of assessing, case by case, the possible benefits to it of such projects and their conformity with the objectives of the Community energy policy;

Whereas, to this end, the beneficiaries should assume obligations towards the Community in return for the benefits received;

Whereas the Treaty does not provide the specific powers necessary for these purposes,

HAS ADOPTED THIS REGULATION:

*Article 1*

Under the conditions laid down in this Regulation, the Community may grant financial support for demonstration projects to exploit alternative energy sources in the Community which by their nature may serve as examples and which prior studies and research have shown to offer prospects of industrial and commercial viability.

<sup>(1)</sup> OJ No C 299, 12. 12. 1977, p. 50.

<sup>(2)</sup> OJ No C 287, 30. 11. 1977, p. 7.

<sup>(3)</sup> OJ No L 231, 2. 9. 1975, p. 1.

For the purposes of this Regulation alternative energy sources means any potential source of energy, with the exception of nuclear energy and fossil fuels exploited by conventional means.

#### Article 2

1. All projects within the meaning of Article 1 must relate to the exploitation of alternative energy sources using new techniques or technologies capable of providing encouragement for the establishment of other installations of the same type.

2. Projects may relate to the following areas :

- exploitation of geothermal fields ;
- liquefaction and gasification of solid fuels ;
- exploitation of solar energy ;
- exploitation of wave, tidal and wind energy.

This list is not exhaustive nor does it reflect priorities.

#### Article 3

The provisions for implementing this Regulation for the various alternative sources of energy shall be adopted by the Council acting unanimously on a proposal from the Commission.

#### Article 4

Responsibility for projects shall devolve upon a natural person or a legal person constituted in accordance with the laws in force in the Member States.

If the creation of a legal entity with the capacity to carry out a project involves additional costs for the participating undertakings, the project may be carried out simply by cooperation between natural or legal persons. In that case, such persons shall be jointly and severally liable for the obligations resulting from Community support.

#### Article 5

Support for a project may take the form of a Community financial contribution to the project, repayable on the terms laid down by the implementing provisions of this Regulation, from the appropriations provided for this purpose in the general budget of the European Communities, and taking into account any other Community or national financial assistance for the project.

Such support shall constitute only a minority share of the total financing of the project.

#### Article 6

1. Every project submitted for consideration by individuals or undertakings in the Community further to an invitation to tender published in the *Official Journal of the European Communities* shall be examined by the Commission. When examining each project the Commission shall take into consideration the information specified in the implementing provisions to this Regulation which must be provided by the applicants.

2. The Commission shall decide whether to grant or refuse support for projects after consulting an Advisory Committee on the management of the projects concerned, composed of representatives of the Member States. The Commission's decision shall be communicated to the Council and the Member States forthwith and shall apply upon expiry of a period of 20 working days if during that period no Member State has referred the matter to the Council. At the request of a Member State, the Council shall rule on the Commission's decision, acting unanimously in the case of the first set of projects and by a qualified majority in the case of subsequent projects.

#### Article 7

The benefits granted by the Community must not affect the conditions of competition in a manner incompatible with the principles embodied in the relevant provisions of the Treaty.

#### Article 8

1. The Commission shall negotiate and conclude the contracts necessary for the implementation of projects selected pursuant to Article 6. To that end the Commission shall draw up a model contract setting forth the rights and obligations of each party and in particular the procedures for any repayment of amounts of financial support.

2. The person or persons responsible for implementing a project in receipt of Community support shall send to the Commission, each year or at its request, a report on the fulfilment of contractual obligations towards the Commission and in particular the progress of work on the project and the expenditure incurred in carrying it out.

3. The Commission shall have access at all times to the accounts relating to the project. It may have checks carried out on the spot and using documentary evidence, as a means of monitoring the performance of the contract and in particular the progress and implementation of projects.

4. Where the extent of financial support from the Community and the size of the project so warrant, the Commission may participate as an observer in meetings of the bodies responsible for the management of projects if the contract so provides.

*Article 9*

The Commission shall report periodically on the application of this Regulation to the European Parliament and to the Council, which shall both express an opinion on the report.

*Article 10*

This Regulation shall apply for five years.

The Council, acting on a proposal from the Commission, shall decide whether it should be extended or amended.

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

Done at Luxembourg, 12 June 1978.

*Article 11*

This Regulation shall enter into force following the decision taken by the Commission, or by the Council in the event of appeal, on the first series of projects in accordance with Article 6, and following the adoption by the Council of a Regulation fixing by unanimity the maximum amount of aid to be made available under the relevant implementing Regulations, and the corresponding project programmes.

However, Article 6 shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

*For the Council*

*The President*

K. OLESEN

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE  
MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY,  
MEETING WITHIN THE COUNCIL

of 7 November 1977

concerning Community surveillance of imports of hard coal originating in third  
countries

(77/707/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF  
THE MEMBER STATES OF THE EUROPEAN COAL  
AND STEEL COMMUNITY, MEETING WITHIN THE  
COUNCIL,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

Without prejudice to the provisions of the Treaty estab-  
lishing the European Coal and Steel Community,  
this Decision shall apply to imports of hard coal  
(Code No 3,100 in Annex 1 to the Treaty) into the  
Member States.

*Article 2*

Imports of hard coal originating in third countries  
into the Member States shall be subject to Commu-  
nity surveillance in order that the Commission may  
be able regularly and better to judge developments in  
all Community coal markets, with particular regard to  
imports of hard coal originating in third countries.

*Article 3*

1. Pursuant to Article 2 and in order to supplement  
the information which the Commission receives from  
Governments and undertakings concerning coking  
coal imports originating in third countries, Member  
States shall inform the Commission of the following  
for each quarter of the calendar year:

- hard coal imports in tonnes (units of mass,  $t = t$ )  
with indication, if possible precise, of the net

lower calorific value as received (net lower calorific  
value as received) expressed as kilojoules per kilo-  
gram (kJ/kg), for use in electric power stations or  
installations for the combined production of heat  
and electricity,

- average quarterly cif free-at-frontier prices of these  
hard coal imports per tonne ( $t = t$ ).

2. The information referred to in paragraph 1 shall  
be communicated to the Commission within 40 days  
of the end of each quarter broken down, as far as the  
tonnages referred to in the first indent of paragraph 1  
are concerned, by country of origin, except where less  
than three enterprises are involved, and by length of  
contract (one year and longer or less than one year).

*Article 4*

All information supplied pursuant to Article 3 shall  
be confidential. This provision shall not, however,  
prevent general or summary information from being  
supplied to the Member States in terms which pre-  
clude the reconstruction of financial information about  
individual deliveries.

*Article 5*

Member States shall take all necessary measures for  
the application of this Decision.

Done at Brussels, 7 November 1977.

*The President*

A. HUMBLET



COMMISSION DECISION No 751/77/ECSC

of 12 April 1977

amending Decision 73/287/ECSC concerning coking coal and coke for the iron and steel industry in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Having regard to the opinion of the Consultative Committee,

With the assent of the Council,

Whereas Commission Decision 73/287/ECSC of 25 July 1973 concerning coking coal and coke for the iron and steel industry in the Community<sup>(1)</sup>, which ceases to be operative on 31 December 1978, provides in Articles 1 and 7 for reductions, planned for 1977 and 1978 respectively, in the rates of sales aid and in the amounts of contributions to Community financing due from the Member States and the iron and steel industry, these changes constituting a phased reduction;

Whereas it appeared desirable to propose amendments to the provisions relating to the phased reduction and to other provisions of substance, whilst renewing the present coking coal arrangements;

Whereas the unanimous assent of the Council confined itself to an extension for one year of the present arrangements, which will entail a one-year postponement of the phased reduction in aid contributions; whereas before the end of April 1977 the Council expects to have reached a decision on all the amendments proposed by the Commission in respect of the coking coal arrangements;

Whereas the provision for the phased reduction for the year 1977 must therefore be deleted; whereas this must be done with effect from 1 January 1977;

Whereas the aids and contributions must be expressed in European units of account (EUA) in accordance with Decision No 2963/76/ECSC of 1 December 1976<sup>(2)</sup> amending Decision 73/287/ECSC;

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

Done at Brussels, 12 April 1977.

Whereas Decision 73/287/ECSC refers in Article 9 to certain provisions of Decision No 3/71/ECSC of 22 December 1970<sup>(3)</sup>; whereas this latter Decision has been replaced by Decision No 528/76/ECSC of 25 February 1976<sup>(4)</sup>; whereas it is therefore necessary to amend Article 9 of Decision 73/287/ECSC accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 73/287/ECSC is hereby amended as follows:

1. In Article 1 (b), the third sentence is to read as follows:

'These rates shall be reduced to 2.110 and 1.055 EUA respectively for the sixth year of the term of the Decision'.

2. In Article 7 (2) (b):

(a) in the third indent, read: 'for the third, fourth and fifth years' for 'for the third and fourth years';

(b) the fourth indent is deleted.

3. In Article 7 (2) (c):

(a) in the first indent, read: 'for the first five years' for 'for the first four years';

(b) the second indent is deleted.

4. In Article 9 (1), for 'Articles 6 to 9 of Decision No 3/71/ECSC of 22 December 1970' read: 'Articles 6 to 12 of Decision No 528/76/ECSC'.

*Article 2*

This Decision shall have effect from 1 January 1977 and shall apply to deliveries of coking coal and coke made on or after that date.

*For the Commission*

Guido BRUNNER

*Member of the Commission*

<sup>(1)</sup> OJ No L 259, 15. 9. 1973, p. 36.

<sup>(2)</sup> OJ No L 338, 7. 12. 1976, p. 19.

<sup>(3)</sup> OJ No L 3, 5. 1. 1971, p. 7.

<sup>(4)</sup> OJ No L 63, 11. 3. 1976, p. 1.

COMMISSION DECISION No 1613/77/ECSC

of 15 July 1977

amending Decision 73/287/ECSC concerning coking coal and coke for the iron and steel industry in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Having regard to the opinion of the Consultative Committee,

With the assent of the Council,

Whereas Commission Decision 73/287/ECSC of 25 July 1973 concerning coking coal and coke for the iron and steel industry in the Community<sup>(1)</sup>, as last amended by Decision No 751/77/ECSC<sup>(2)</sup>, ceases to have effect after 31 December 1978; whereas Articles 1 and 7 thereof provide for a reduction in 1978 in the rates of sales aid and in the amounts of the contributions to Community financing from the Member States and the iron and steel industry, the said reduction being part of a phased reduction;

Whereas uncertainties exist as to the situation with regard to the supply of coking coal from third countries, if there were an excessively rapid or excessively heavy run-down of Community production capacity; whereas restrictions still exist in the sphere of commercial policy; whereas these uncertainties and restrictions will continue to exist beyond 31 December 1978; whereas, in order to attain the objectives in question, Decision 73/287/ECSC should be extended in its entirety until 31 December 1981;

Whereas, with regard to the sales aid, the application of the reduced rates, originally set for 1978, would impair the effectiveness of the system in such a way as to jeopardize the attainment of the objectives in question; whereas the same reasoning is valid for 1979; whereas the phased reduction for 1978 should be cut out and the same rates should be applied in 1979 as in 1978;

Whereas the maintenance of the full rates of sales aid justifies the maintenance in 1978 and 1979 of the 1977 method of financing the special fund;

Whereas the Council gave its assent to an extension of the present arrangements until 1981; whereas it

intends before the end of 1979 to re-examine the system of rates of aid applicable in 1980 and 1981 without in any way prejudging the problem of phased reductions for these two years;

Whereas, with effect from 1 January 1976, the aids and contributions are to be expressed in European units of account (EUA) in accordance with Commission Decision No 2963/76/ECSC of 1 December 1976 amending Decision 73/287/ECSC<sup>(3)</sup>;

Whereas the reports provided for under Articles 10 and 11 shall also be sent to the European Parliament;

Whereas the Treaty has not provided for the necessary powers to set up this system,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 73/287/ECSC is hereby amended as follows:

1. Article 1 (b) shall read as follows:

'a sales aid applying to deliveries to areas remote from the coalfield or effected by way of intra-Community trade. The rate of any such aid may not exceed three units of account (i.e. 3.165 EUA with effect from 1 January 1976) per tonne of coking coal in the case of deliveries to installations which can be supplied direct via maritime transport and 1.60 units of account (i.e. 1.688 EUA with effect from 1 January 1976) per tonne of coal in all other cases. These rates shall apply until 31 December 1979, without prejudice to Article 10. No scale adopted by a government shall introduce any element of discrimination into the aids relating to the deliveries made by the coal undertakings.'

2. Article 7 (2) shall read as follows:

'The special fund shall be financed as follows:

(a) The contribution of the European Coal and Steel Community shall be:

<sup>(1)</sup> OJ No L 259, 15. 9. 1973, p. 36.

<sup>(2)</sup> OJ No L 91, 13. 4. 1977, p. 7.

<sup>(3)</sup> OJ No L 338, 7. 12. 1976, p. 19.

- for 1973, 0.266 units of account per tonne of coal, i.e., not more than 4 million units of account;
  - for 1974, 0.333 units of account per tonne of coal, i.e., not more than 5 million units of account;
  - for 1975, 0.400 units of account per tonne of coal, i.e., not more than 6 million units of account;
  - for the years 1976, 1977, 1978 and 1979, 0.422 EUA per tonnes of coal, i.e., not more than 6.33 million EUA per annum;
- (b) The Member States shall provide the following overall contributions, on the scale shown in paragraph 3 below :
- for 1973, 0.627 units of account per tonne of coal, i.e., not more than 9.4 million units of account;
  - for 1974, 0.560 units of account per tonne of coal, i.e., not more than 8.4 million units of account;
  - for 1975, 0.493 units of account per tonne of coal, i.e., not more than 7.4 million units of account;
  - for the years 1976, 1977, 1978 and 1979, 0.520 EUA per tonne of coal, i.e., not more than 7.807 million EUA per annum.
- (c) The overall contribution of the iron and steel industry not referred to in the second indent of Article 6 shall be :
- for the years 1973, 1974 and 1975, 1.107 units of account per tonne of coal, i.e., not more than 16.6 million units of account per annum;
  - for the years 1976, 1977, 1978 and 1979, 1.168 EUA per tonne of coal, i.e., not more than 17.52 million EUA per annum.

The overall amount of the contribution shall be apportioned among the iron and steel undertakings on the basis of their consumption of blast-furnace coke.

The contribution of the iron and steel industries referred to in the second indent of Article 6 is calculated on the basis of the rate per tonne of consumption applicable to the other undertakings.

3. The last sentence of Article 10 (2) shall read as follows :

'It shall refer the matter to the Council and the European Parliament forthwith.'

4. The opening phrase of Article 11 shall read as follows :

'The Commission shall periodically report to the Council and the European Parliament on the application ...'

5. The second paragraph of Article 13 shall read as follows :

'This Decision shall cease to have effect on 31 December 1981.'

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

#### *Article 2*

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

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

Done at Brussels, 15 July 1977.

*For the Commission*

Guido BRUNNER

*Member of the Commission*

COMMISSION DECISION No 2216/77/ECSC

of 5 October 1977

amending Decision No 3544/73/ECSC implementing Decision 73/287/ECSC on coking coal and coke

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to Commission Decision 73/287/ECSC of 25 July 1973 concerning coal and coke for the iron and steel industry in the Community<sup>(1)</sup>, and in particular Article 12 thereof,

Having regard to the opinion of the Consultative Committee,

Having regard to the opinion of the Council,

Whereas Commission Decision 73/287/ECSC of 25 July 1973, as last amended by Decision No 1613/77/ECSC<sup>(2)</sup>, expires on 31 December 1981; whereas Article 2 (1) (c) of that Decision provides that aids for coking coal and blast-furnace coke may be paid only where deliveries are made under a long-term contract; whereas rebates may only be granted by coal undertakings for such deliveries in accordance with the provisions of Article 3 of the said Decision;

Whereas Article 3 of Decision No 3544/73/ECSC implementing the above Decision<sup>(3)</sup> lays down the requirements which a contract must meet in order to be regarded as a long-term contract and accordingly give entitlement to the aids and alignment rebates mentioned above; whereas, in particular, a fixed-tonnage contract may provide for variations above or below this tonnage within the limits laid down by Article 3 (2) (a) and (b) of that Decision;

Whereas the Commission introduced measures in 1977 to establish a better balance between the supply of and demand for iron and steel products; whereas these measures consisted, *inter alia*, in a commitment by Community iron and steel undertakings to observe the individual delivery objectives set by the Commission is normally required to reduce substantially its steel and pig iron production in relation to the selected reference period and, consequently, to reduce its consumption of blast-furnace coke, and hence of coking coal, of flexibility provided for in its long-term contract or contracts for coking coal or coke;

Whereas this situation affects a large number of iron and steel undertakings, which, for the year 1977, need to be able to obtain their supplies of coking coal and blast furnace coke on cheaper terms while at the same time adhering to their individual delivery

programmes; whereas an appropriate method would be to relax temporarily the criteria for entitlement to aids and alignment rebates for long-term commitments in respect of a fixed tonnage, without, however, altering either the limits laid down by Article 3 (2) (a) and (b) of Decision No 3544/73/ECSC or the rights and obligations under private law arising from existing contracts; whereas this may be done by providing that such aids and alignment rebates may be granted on condition that the actual tonnage delivered under contract in 1977 does not deviate downwards from the basic tonnage by a percentage greater than that by which the purchaser's iron production differs from that for the reference period in respect of his delivery objectives for iron and steel products;

Whereas the same reasoning applied to undertakings which only produce pig iron for sale to third parties, since their orders from customers who have undertaken to observe delivery objectives for iron and steel products are falling and they are in the same situation as the latter *vis-à-vis* their Community suppliers of coking coal and coke;

Whereas, in view of the temporary nature of this measure, coal undertakings must continue to maintain production capacity to meet all their contracts; whereas, in these circumstances, each must be able to count on achieving at least the minimum tonnage level defined above for each of its contracts; whereas to that end it is necessary to provide that every purchaser with long-term contracts with two or more Community coal undertakings must carry out each one to at least this minimum level, and that failing this, all its drawings of Community coal undertakings must carry out each one to at least this minimum level, and that failing this, all its drawings of Community coal and coke for 1977 would cease to be eligible for aid and alignment rebates,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 (2) of Decision No 3544/73/ECSC is supplemented as follows:

(c) For the year 1977 in respect of the supplying of an iron and steel undertaking which is

(1) OJ No L 259, 15. 9. 1973, p. 36.

(2) OJ No L 180, 20. 7. 1977, p. 8.

(3) OJ No L 361, 29. 12. 1973, p. 18.

committed to observing the delivery objectives for iron and steel products set by the Commission fulfilment of a commitment for a fixed tonnage of coking coal or coke may fall short of this tonnage by an amount not exceeding the percentage reduction in production of pig iron by the undertaking in 1977 compared with the period serving as a reference for its delivery objectives of iron and steel products.

If such an undertaking buys in pig iron the reduction in pig iron deliveries by the supplier during 1977 in relation to the period serving as a reference for his customer's delivery objectives of iron and steel products shall justify a

proportionate variation in meeting any commitment to a fixed tonnage of coking coal or coke by the pig iron supplier under Decision 73/287/ECSC.

If an iron and steel undertaking is supplied under two or more long-term fixed tonnage contracts, each of them shall be fulfilled at least to the extent specified above.

*Article 2*

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities* and shall be applied with effect from 1 January 1977.

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

Done at Brussels, 5 October 1977.

*For the Commission*

Guido BRUNNER

*Member of the Commission*

**COMMISSION DECISION No 2287/78/ECSC**  
**of 29 September 1978**  
**amending Decision No 3544/73/ECSC on coking coal and coke**

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to Commission Decision 73/287/ECSC of 25 July 1973 concerning coal and coke for the iron and steel industry in the Community<sup>(1)</sup>, as last amended by Decision No 1613/77/ECSC<sup>(2)</sup>, and in particular Article 12 thereof,

Having regard to the opinion of the Consultative Committee,

Having regard to the opinion of the Council,

Whereas Decision No 2216/77/ECSC<sup>(3)</sup> amending Decision No 3544/73/ECSC<sup>(4)</sup> temporarily relaxed for 1977 the criteria for entitlement to aids and alignment rebates for long-term commitments in respect of supplies and drawings of a fixed tonnage of coking coal or blast-furnace coke, without, however, altering either the limits laid down by Article 3 (2) (a) and (b) of Decision No 3544/73/ECSC or the rights and obligations under private law arising from existing contracts;

Whereas in 1977 this enabled iron and steel undertakings to adapt their drawings of coking coal and/or blast-furnace coke to requirements reduced as a consequence of production limitations resulting from commitments to observe the individual objectives for deliveries of iron and steel products set by the Commission in 1977;

Whereas, in 1978 also, iron and steel undertakings committed to observing individual delivery objectives

set by the Commission are required to reduce their production in relation to that within the period of reference; whereas it is necessary to extend until 1978 the period of validity of the temporary relaxation of the criteria for entitlement to aids and alignment rebates, taking as a criterion for the percentage shortfall in actual deliveries against fixed tonnage contracts during 1978 the percentage by which the purchaser's pig iron production or, where applicable, his pig iron deliveries, differs from the production or deliveries of the reference period,

HAS ADOPTED THIS DECISION:

*Article 1*

The period of validity of Article 3 (2) (c) of Decision No 3544/73/ECSC is hereby extended to the year 1978. Fulfilment of a commitment for a fixed tonnage contract for coal or coke in the course of that year may fall short of this tonnage by an amount not exceeding the percentage reduction in respect of the production or delivery of pig iron by the steel undertaking in 1978 in relation to the reference period.

*Article 2*

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

It shall apply from 1 January to 31 December 1978.

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

Done at Brussels, 29 September 1978.

*For the Commission*

Guido BRUNNER

*Member of the Commission*

<sup>(1)</sup> OJ No L 259, 15. 9. 1973, p. 36.

<sup>(2)</sup> OJ No L 180, 20. 7. 1977, p. 8.

<sup>(3)</sup> OJ No L 256, 7. 10. 1977, p. 12.

<sup>(4)</sup> OJ No L 361, 29. 12. 1973, p. 18.

COMMISSION REGULATION (EEC) No 3025/77

of 23 December 1977

applying Regulation (EEC) No 1056/72 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1056/72 of 18 May 1972 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors <sup>(1)</sup>, as amended by Regulation (EEC) No 1215/76 <sup>(2)</sup>, and in particular Article 2 (2) thereof,

Whereas Article 2 (2) of Regulation (EEC) No 1056/72 provides that the Commission may, within the limits laid down by that Regulation and the Annexes thereto, adopt implementing provisions concerning the form, content and other details of the notifications provided for in Article 1 thereof;

Whereas such provisions were made by the Commission in Regulation (EEC) No 1069/73 of 16 March 1973 <sup>(3)</sup>;

Whereas, to simplify the transmission of information and to ensure that statistics are comparable, notifications to be made by Member States and undertakings should be standardized by the use of questionnaires which would serve as a guide for the presentation and content of such notifications;

Whereas the implementation of Regulation (EEC) No 1215/76 requires certain amendments to the implementing provisions set out in Regulation (EEC) No 1069/73; whereas it is therefore necessary to adopt new implementing provisions,

HAS ADOPTED THIS REGULATION:

*Article 1*

The notifications referred to in Article 1 of Regulation (EEC) No 1056/72 shall be drawn up as shown in the Annex hereto.

*Article 2*

Regulation (EEC) No 1069/73 is hereby repealed.

*Article 3*

This Regulation shall enter into force on the 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, 23 December 1977.

*For the Commission*

Guido BRUNNER

*Member of the Commission*

<sup>(1)</sup> OJ No L 120, 25. 5. 1972, p. 7.

<sup>(2)</sup> OJ No L 140, 28. 5. 1976, p. 1.

<sup>(3)</sup> OJ No L 113, 28. 4. 1973, p. 14.

ANNEX

CONFIDENTIAL

QUESTIONNAIRE

to be submitted

- (a) by companies to the Governments of the Member States
- (b) by the Member States to the Commission of the European Communities

The questionnaires forming part of this Annex shall serve as a guide to enable the form and content of the communications to be standardized. The communications shall refer to the following:

- existing installations or part installations,
- installations or part installations under construction,
- installations or part installations at the planning stage,
- proposed withdrawals from service of installations or part installations.

Under 'existing installations or part installations' shall be included and separately specified:

- those installations which have come into service since the previous communication, whether or not such installations were included in previous communications (as being at the planning stage or as installations under construction),
- the total capacity in service at the reporting date.

The following shall be considered as 'installations or part installations at the planning stage':

investment projects within the meaning of Council Regulation (EEC) No 1056/72, as amended by Regulation (EEC) No 1215/76, for which the decision in principle to construct or enlarge an installation or part installation has been taken and on which work is scheduled to start within three years from the reference date, in the case of investment projects in the petroleum and natural gas sectors, or within five years in the case of investment projects in the electricity sector. This shall include those investment projects of which the major features (location, contractor, undertaking, technical features etc.) may, in whole or in part, be subject to future review or to final authorization by a competent authority.

The following shall be considered as 'proposed withdrawals from service of installations or part installations':

installations or part installations with respect to which the decision has been taken in principle to withdraw them from service (Article 1 (3) of the abovementioned Council Regulation), this decision normally being expected to be put into effect within three years from the reference date.

With respect to the above communications:

the 'decisional status' of investment projects shall mean:

clear and concise indications as to whether or not firm decisions have been taken concerning all the major features of the project. These shall specifically include reference to decisions concerning the location, contractor and principal technical features such as size, capacity, type of fuel, nature of process and any other features as appropriate. Such indications shall include explanatory statements;

the 'relation to national planning' of investment projects shall mean:

clear and concise indications as to whether or not the investment projects form part of a national plan established by a Member State for the sector concerned. In either case the existence or otherwise of such a national plan must be indicated;

the 'supplementary information' relating to investment projects shall include:

clear and concise indications of the reasons for and the purpose of the investment projects and such other indications as will enable the Commission to understand fully the contribution of the investment projects to the sectors concerned, together with details of all significant changes in the major features and decisional status of projects since the previous communication, and such other specific comments indicated by footnotes on the relevant questionnaire sheet. In addition Member States shall add any comments they may have relating to the projects.



Name and address of the persons or undertakings	<b>INVESTMENTS IN THE ELECTRICITY SECTOR</b>	Position at 1 January 19 . .	E 1
	Thermal power stations (including nuclear)	Member State	
	Generating sets with a capacity of 200 MW or more		

1	2	3		4	5	6	7	8		9	10	11	12	13
		Start of work	Commissioning (year)					Number of identical sets	Nominal capacity per set (MW gross)					
Name of the installation	Location and region			Type(s)	New storage capacity of each type (tonnes)	Type of cooling system	Decisional status (1) (2)			Relation to national planning (1) (2)	Supplementary information (1) (2)			
<b>A. Existing installations or part installations</b>														
2		/					/		/		/	/		
<b>B. Installations or part installations under construction</b>														
3		/												
<b>C. Installations or part installations at the planning stage</b>														
4														
<b>D. Proposed withdrawals from service of installations or part installations</b>														
5		Proposed date					/		/		/			

(1) In the case of multi-fuel plants, please use a separate line for each type of fuel, storage capacity data required only for oil and hard coal.

(2) For definition see the Annex to Commission Regulation (EEC) No 3025/77.

(3) Indicate, by use of the appropriate letter, those principal features for which firm decisions have NOT been taken – location (A), main contractor (B), capacity (C), type of fuel (D), start of work date (E), commissioning date (F), other features (G – comment on separate sheet). Where decisions are provisional add suffix (P).

(4) Indicate: installation is (A), or is not (B), part of a national plan; a national plan does not exist (C); comments made on separate sheet (D).

(5) Indicate, in addition to any other supplementary information, existing capacity at the given location and total future capacity (where applicable).

Name and address of the persons or undertakings	<b>INVESTMENTS IN THE ELECTRICITY SECTOR</b>				Position at 1 January 19 . .	E 2
	Hydroelectric power stations				Member State	
	Generating plant with a capacity of 50 MW or more					

1	2	3		4	5	6	7	8	9	10		11	12	13	14	15	16
1	Name of the installation	Location, region and watercourse	Proposed date		Hydraulic characteristics			Number of identical generating sets	Nominal capacity per set (MW)	Average annual productivity (GW h) from		Storage capacity (GW h)	Nominal capacity of the storage pumps (MW)	Decisional status (1) (2)	Relation to national planning (3) (4)	Supplementary information (5) (6)	
			Start of work	Commissioning (year)	Category (1)	Maximum usable flow (m <sup>3</sup> /s)	Maximum head (m)			Natural flow	Pumped water (2)						
<b>A. Existing installations or part installations</b>																	
2			/												/	/	
<b>B. Installations or part installations under construction</b>																	
3			/														
<b>C. Installations or part installations at the planning stage</b>																	
4																	
<b>D. Proposed withdrawals from service of installations or part installations</b>																	
5			Proposed date														

(1) Indicate - seasonal storage (S), short-term storage (ST), run-of-river (R), pumped storage (P), or combination of one or more.

(2) Production derived from proposed annual utilization period of the pumps.

(3) For definition see the Annex to Commission Regulation (EEC) No 3025/77.

(4) Indicate, by use of the appropriate letter, those principal features for which firm decisions have NOT been taken - location (A), main contractor (B), capacity (C), type of fuel (D), start of work date (E), commissioning date (F), other features (G - comment on separate sheet). Where decisions are provisional add suffix (P).

(5) Indicate: installation is (A), or is not (B), part of a national plan; a national plan does not exist (C); comments made on separate sheet (D).

(6) Indicate, in addition to any other supplementary information, total capacity already installed and proposed future total capacity.

Name and address of the persons or undertakings	<b>INVESTMENTS IN THE ELECTRICITY SECTOR</b>		E 3
	Transport		
	Transmission lines if they have been designed for a voltage of 345 kV or more		
		Position at 1 January 19 ..	
		Member State	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Linking between stations	Proposed date		Length of the line (km)	Voltage kV		Number of circuits		Conductors per phase			Maximum thermal transmission capacity (MVA)		Decisional status (1) (2)	Relation to national planning (3) (4)	Supplementary information (5)
	Start of work	Commissioning (year)		At the reference date	Pylons designed for	At the reference date	Pylons designed for	Number	Cross-section per conductor (mm <sup>2</sup> )	Material	At the reference date	Final			
<b>A. Existing installations or part installations</b>															
2	/												/	/	
<b>B. Installations or part installations under construction (1)</b>															
3	/														
<b>C. Installations or part installations at the planning stage (1)</b>															
4															
<b>D. Proposed withdrawals from service of installations or part installations</b>															
5		Proposed date						/	/	/					

(1) Also covers the installation of new triple cables with a voltage of 345 kV or more on existing pylons.  
 (2) For definition see the Annex to Commission Regulation (EEC) No 3025/77.  
 (3) Where firm decisions have NOT been taken on one or more principal features of the installation put (A) and comment on a separate sheet.  
 (4) Indicate: installation is (A), or is not (B), part of a national plan; a national plan does not exist (C); comments made on separate sheet (D).

Name and address of the persons or undertakings

**INVESTMENTS IN THE ELECTRICITY SECTOR**

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Transport

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Underground and submarine transmission cables, if they have been designed for a voltage of 100 kV or more and constitute essential links in national or international interconnecting networks

Position at 1 January 19 . .

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Member State

E  
4

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	Proposed dates		Type of link (*)	Length of link between terminals (km)	Voltage (a.c. or d.c.) (kV)	Number of circuits	Cables		Conductors			Maximum thermal transmission capacity (MVA)	Decisional status (1) (2)	Relation to national planning (1) (2)	Supplementary information (2)
	Start of work	Commissioning (year)					Number	Cooling system	Number per cable	Cross-section per conductor (mm <sup>2</sup> )	Material				
<b>A. Existing installations or part installations</b>															
2															
<b>B. Installations or part installations under construction</b>															
3															
<b>C. Installations or part installations at the planning stage</b>															
4															
<b>D. Proposed withdrawals from service of installations or part installations</b>															
5															

(1) Indicate whether underground or submarine. Where link includes both, indicate proportion of each.  
 (2) For definition see the Annex to Commission Regulation (EEC) No 3025/77.  
 (\*) Where firm decisions have NOT been taken on one or more principal features of the installations put (A) and comment on a separate sheet.  
 (1) Indicate: installation is (A), or is not (B), part of a national plan; a national plan does not exist (C); comments made on separate sheet (D).

Name and address of undertaking .	<b>INVESTMENTS IN THE OIL-REFINING SECTOR</b>	Position at 1 January 19 . .	<b>P 1</b>
	Atmospheric distillation plant of capacity of 1 000 000 tonnes/year or more	Member State	
	Units: 1 000 tonnes/year		

A: Existing capacity	Installed	In service	Remarks
Total company capacity at 1 January 19 . . + new or re-commissioned in 19 . . . . - withdrawn in 19 . . . . Total capacity at 1 January 19 . .			

Refinery location/description/ No of unit	Expected dates		Refinery's capacity				Remarks		
	Start	Completion	Presently installed	To be added	To be withdrawn	Future			
<b>B. Installations or part installations under construction</b>									
<b>C. Projects for installations or part installations</b>							Status	Approval	Remarks
							Firm/probable	Final/ preliminary	
<b>D. Proposed withdrawals from service (not included in (B) and (C) above) (i) Final, (ii) Temporary (1)</b>								Remarks	
(i)				/					
(ii)									

(1) Excluding withdrawals for routine maintenance or repairs.  
\*Capacity\* means the rated design capacity per stream day x expected average number of days in operation per year.

Name and address of undertaking	<b>INVESTMENTS IN THE OIL-REFINING SECTOR</b>		Position at 1 January 19..	P 2
	Reforming/cracking plants of capacity of 500 tonnes/day or more		Member State	
	Units: 1000 tonnes/year			

A. Existing capacity	R	HC	CC	TC	VB	Remarks
Total company capacity at 1 January 19..						
+ additions in 19..						
- withdrawals (final) in 19..						
Total capacity at 1 January 19..						
Capacity temporarily out of service at 1 January 19..						

Refinery location/ description/No of unit	R HC CC TC VB	Proposed dates		Capacity				Remarks		
		Start	Complete	Presently installed	To be added	To be withdrawn	Future			
<b>B. Installations or part installations under construction</b>										
<b>C. Projects for installations or part installations</b>								Status	Approval	Remarks
								Firm/ probable	Final/ preliminary	
<b>D. Proposed withdrawals from service (not included in (B) and (C) above) (i) Final (ii) Temporary (!)</b>										
(i)					/					
(ii)					/					

R = Catalytic and thermal reforming; HC = hydro-cracking; CC = catalytic cracking; TC = thermal cracking; VB = viabreaking.

(!) Excluding withdrawals for routine maintenance or repairs.

\*Capacity means the rated design capacity per stream day x expanded average number of days in operation per year.

Name and address of undertaking	<b>INVESTMENTS IN THE OIL-REFINING SECTOR</b>		Position at 1 January 19 ..	<b>2A</b>
	Desulphurization plant		Member State	
	Units: 1 000 tonnes/year			

A. Existing capacity							
Intake capacity	% reduction		At 1 January 19 ..	Additions 19 ..	Withdrawals 19 ..	At 1 January 19 ..	Remarks
- gas/diesel oil - residual fuel oil (direct process)	By	To					

Refinery location/description/No of unit	Reduction		Proposed dates		Capacity				Remarks	
	By	To	Start	Comple- tion	Presently installed	To be		Future		
						Added	Withdrawn			
<b>B. Installations or part installations under construction</b>										
<b>C. Projects for installations or part installations</b>								Status	Approval	Remarks
								Firm/ probable	Final/ preliminary	
<b>D. Proposed withdrawals from service (not included in (B) and (C) above) (i) Final (ii) Temporary (1)</b>								Remarks		
(i)						/				
(ii)						/				

(1) Excluding withdrawals for routine maintenance or repairs.  
 \*Capacity\* means the rated design capacity per stream day x expected average number of days in operation per year.

P 1, P 2, 2 A definitions

1. *Capacity* (to be expressed in 1 000 tonnes per year): the rated or design intake capacity of plant per stream day multiplied by the average number of days per year the plant is expected to be in operation <sup>(1)</sup>. (In cases where usable capacity is significantly inferior to capacity in this sense the former should be noted in the 'Remarks' column.)
2. *Total (installed) capacity*: the aggregate capacity of individual plants including units which have been shut down (unless scrapped), but excluding units which have been converted to other uses.
3. *Total capacity in service*: the aggregate capacity of individual plants which are in regular operation, including plants shut down for maintenance or repairs. It is thus equal to 'total (installed) capacity' less capacity which has been withdrawn from service indefinitely, or for an extended period.
4. *New or re-commissioned capacity*: the capacity of plant which in the previous year was:
  - (a) newly commissioned;
  - (b) converted from other uses;
  - (c) brought back into service after being withdrawn because surplus to requirements.
5. *Capacity withdrawn*:
  - (A) 'Finally': the capacity of plant which has been, or is scheduled to be, withdrawn from service either to be scrapped or to be converted permanently to other uses.
  - (B) 'Temporarily': the capacity of plant which has been withdrawn because surplus to current requirements but which it is firmly expected will eventually be put back into service.

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<sup>(1)</sup> i.e. after allowing for routine maintenance and repairs.



Name and address of undertaking	<b>INVESTMENTS IN THE NATURAL GAS SECTOR</b>										Position at 1 January 19..				G 1
	Transport (*)										Member State				
	Installations or extension of installations with a transporting capacity of not less than 10 <sup>6</sup> m <sup>3</sup> /year and which have a length of not less than 30 km														

1	2	3	4		5	6	7	8	9		10	11			12	13	14		15	16	17	18
Nature of pipeline (1)	Route of pipeline		Extension or lengthening (2)		Length (km)	Internal diameter (cm)	Pressure (bar)	Proposed dates		Transporting capacity in 10 <sup>6</sup> standard m <sup>3</sup> input at point of departure			Gas type		Decisional status (3)	National plan (4)	Supplementary information (5)					
	Point of departure	Point of arrival	Point of departure	Point of arrival				Start of work	Commissioning (year)	Maximum per hour (1)	Maximum per year (1)	Planned use per year (1)	Origin or mixture	Gross calorific value (kJ/m <sup>3</sup> )								
<b>A. Existing installations or part installations</b>																						
2																						
<b>B. Installations or part installations under construction</b>																						
3																						
<b>C. Installations or part installations at the planning stage</b>																						
4																						
<b>D. Proposed withdrawals from service of installations or part installations</b>																						
5																						

(\*) Excluding gas pipelines for military purposes and those supplying chemical plants which do not produce energy products, or which produce them only as by-products.

### Notes for questionnaire G 1: Investments

- (1) Use own descriptive designation i.e. feeder line, transmission trunk line, distribution line etc.
- (2) In cases of extension of an existing system (including looping) designate existing system in 1, 2 and 3 and extension in 4, 5, 6, 7 and 8.
- (3) SI units should be used i.e. standard cubic metre at 15 °C and 1 013.25 millibar.
- (4) Provide current best estimate of yearly throughput.
- (5) Indicate which of the following have get to be secured: A = government approval; B = local planning approval; C = wayleaves; D = board approval; E = technical approval; F = finance; G = other (specify). Suffix 'p' where provisional approvals have already been obtained and only final approval is now required (i.e. Ap, Bp, Fp, etc.).
- (6) Indicate: A = national plan exists and installation plays a specific part in implementation of national plan; B = national plan exists but installation plays no part; C = no national plan exists; D = comments provided on separate sheet.
- (7) Indicate which of the following are applicable: A = for new imports; B = for new indigenous production; C = for market expansion; D = for supply security; E = for supply reorganization (new sources); F = for market reorganization (no major growth); G = opening new consumer areas; H = other information specified on separate sheet.

Name and address of undertaking	<b>INVESTMENTS IN THE NATURAL GAS SECTOR</b>		Position at 1 January 19 ..	<b>G 2</b>
	Imports		Member State	
	Terminals for the importation of liquefied natural gas (*)			

	1	2	3	4	5	6	7	8	9	10	11
1	Location	Proposed dates		Maximum storage capacity for liquefied natural gas (m <sup>3</sup> of liquid)	Maximum regasification capacity (m <sup>3</sup> /h of gas)	Gross calorific value of the gas after regasification (kJ/m <sup>3</sup> )	Country from which liquefied natural gas is imported	Forecast annual volume (10 <sup>6</sup> m <sup>3</sup> of gas)	Decisional status (*)	National plan (*)	Supplementary information (*)
		Start of work	Commissioning (year)								
<b>A. Existing installations or part installations</b>											
2											
<b>B. Installations or part installations under construction</b>											
3											
<b>C. Installations or part installations at the planning stage</b>											
4											
<b>D. Proposed withdrawals from service of installations or part installations</b>											
5		Date of withdrawal from service									

(\*) Excluding installations for military purposes and those supplying chemical plants which do not produce energy products, or which produce them only as by-products.

## Notes for questionnaire G 2: Investments

- (<sup>1</sup>) Indicate which of the following have yet to be secured: A = government approval; B = local planning approval; C = land; D = board approval; E = technical approval; F = finance; G = other (specify). Suffix 'p' where provisional approvals have already been obtained and only final approval is now required (i.e. Ap, Bp, Fp, etc.).
- (<sup>2</sup>) Indicate: A = national plan exists and installation plays a specific part in implementation of national plan; B = national plan exists but installation plays no part; C = no national plan exists; D = comments provided on separate sheet.
- (<sup>3</sup>) Indicate which of the following are applicable: A = strategic storage (indicate percentage of stock regarded as strategic (i.e. A 25 %)); B = significant factor in peak shaving; C = space for additional tankage; D = no space for additional tankage; E = requires pipeline investment to integrate with transmission system; F = other information specified on separate sheet.

Name and address of undertaking

**INVESTMENTS IN THE NATURAL GAS SECTOR**

Storage (\*)

Underground storage facilities for natural gas with a minimum capacity of  $150 \times 10^6 \text{ m}^3$

Position at 1 January 19 . .

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Member State

**G  
3**

1	2	3		5	6		8	9	10	11	12	13
		Proposed dates	Type of storage		Capacity	Gross calorific value (kJ/m <sup>3</sup> of gas withdrawn from storage)						
	Name	Location	Start of work	Commissioning (year)	Type of storage	10 <sup>6</sup> m <sup>3</sup> overall	10 <sup>6</sup> m <sup>3</sup> useful					
<b>A. Existing installations or part installations</b>												
2												
<b>B. Installations or part installations under construction</b>												
3												
<b>C. Installations or part installations at the planning stage</b>												
4												
<b>D. Proposed withdrawals from service of installations or part installations</b>												
5				Date of withdrawal from service								

(\*) Excluding installations for military purposes and those supplying chemical plants which do not produce energy products, or which produce them only as by-products.

Notes for questionnaire G 3: Investments

- (1) Indicate which of the following have yet to be secured: A = government approval; B = local planning approval; C = land; D = board approval; E = technical approval; F = finance; G = other (specify). Suffix 'p' where provisional approvals have already been obtained and only final approval is now required (i.e. Ap, Bp, Fp, etc.).
- (2) Indicate A = national plan exists and installation plays a specific part in implementation of national plan; B = national plan exists but installation plays no part; C = no national plan exists; D = comments provided on separate sheet.
- (3) Indicate which of the following are applicable: A = strategic storage; B = peak shaving (indicate frequency of use); if mixed, indicate percentage regarded as strategic (i.e. A 50 % B: daily); C = considerable prospects for expansion; D = little prospect for expansion; E = requires pipeline investment to integrate with transmission system; F = other information specified on separate sheet.
-

COUNCIL RESOLUTION

of 20 November 1978

concerning the mutual exchange of information at Community level on the siting of power stations

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having noted the communication from the Commission of 13 December 1976 concerning Community action on the siting of power stations,

Having noted the opinions of the European Parliament and the Economic and Social Committee,

Having regard to the resolutions adopted by it on 17 December 1974 and 13 February 1975 defining *inter alia* the role of electric power in the context of a Community energy policy,

Having regard to the resolution adopted by it on energy and the environment on 3 March 1975,

Whereas the selection of sites for new power stations, whether nuclear or conventional, is one of the important problems raised by the development of electric power;

Whereas decisions on the siting of power stations are the responsibility of the Member States; whereas exchanges of information between the Member States on matters relating to the siting of power stations are thus likely to make solutions to the problems involved easier to find:

1. emphasizes the need to intensify, at Community level, mutual exchanges of information on matters relating to the siting of power stations;
2. takes note of the intention of the Commission to organize, in a group of representatives nominated by the Member States and sitting under the aegis of the Energy Committee, this mutual exchange of information on problems arising out of the siting of power stations, taking into account the diversity of local situations;
3. takes note of the fact that, after consulting the Energy Committee, the Commission will submit a report to the Council on the results obtained from this exchange of information.

COMMISSION DECISION

of 26 January 1977

implementing Directive 76/491/EEC regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community

(77/190/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 76/491/EEC of 4 May 1976 regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community<sup>(1)</sup>, and in particular Article 7 thereof,

Whereas under the said Article 7 the Commission shall adopt implementing provisions regarding *inter alia* the form, the content, and all other aspects of the communications provided for in Article 1;

Whereas Article 2 (2) thereof provides that within the first 45 days of each quarter, the Member States shall communicate to the Commission a list of the individuals and undertakings supplying them with the information necessary to enable them to fulfil their obligations pursuant to Article 1;

Whereas Article 3 thereof provides that the information shall be presented in such a way as to give as representative a picture as possible of each Member State's oil market;

Whereas it is necessary to standardize the technical aspects of the information system and to obtain comparable and consistent data, and therefore identical model questionnaires should be used and the content of the communications to be made should be standardized,

HAS ADOPTED THIS DECISION:

*Article 1*

The information to be communicated by the Member States to the Commission, in accordance with Article 1 of Directive 76/491/EEC, shall be drawn up according to the model questionnaires set out in the Annex hereto.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 26 January 1977.

*For the Commission*

Guido BRUNNER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 140, 28. 5. 1976, p. 4.



ANNEX

MODEL QUESTIONNAIRES WHICH THE MEMBER STATES ARE TO SEND TO THE  
COMMISSION OF THE EUROPEAN COMMUNITIES

Table 1: Crude oil prices,

Table 2: Crude oil supply cost (cif),

Table 3: Prices of imported petroleum products,

Table 4: Consumer prices of petroleum products,

Table 5: Inland market net sales proceeds,

Table 6: List of reporting individuals and undertakings.

Member State:

<b>CRUDE OIL PRICES</b>	<b>1</b>

Period:

Line No	Designated crude and nominal gravity	Fob price			Cif price		
		Total volume reported (1 000 barrels)	Weighted average (fob price) (\$/barrel)	Range in fob price (\$/barrel) 10 %/90 %	Total volume reported (1 000 barrels)	Weighted average (cif price) (\$/barrel)	Range in cif price (\$/barrel) 10 %/90 %
1	Arabian light, 34°						
2	Arabian medium, 31° (1)						
3	Arabian heavy and Khafji, 27°						
4	Iranian light, 34°						
5	Iranian heavy, 31°						
6	Murban and Zakum, 39° (1)						
7	Irak - Basrah, 35°						
8	Irak - Kirkuk, 36°						
9	Kuwait, 31°						
10	Libya, 40° (1)						
11	Algeria, 41° (1)						
12	Nigeria, 34° (1)						
13	Venezuelan light, 34° (1)						
14	Venezuelan medium, 26° (1)						
15	Venezuelan heavy, 17° (1)						
16	Indonesia, 34° (1)						
17							
18							
19							
20	Other imported crude oil			—			—
21							
22							
23							

(1) To be reported as a single crude stream at the nominal gravity indicated.

Remarks:

Average quarterly exchange rate: 1 US \$ =

## Commentary on Table 1

### CRUDE OIL PRICES

Each of *lines 1 to 16 inclusive* relates to information for a particular type of imported crude oil, for the quarter concerned, excluding crude oils in transit to other Member States or destined for third countries.

*Line 20 'Other imported crude oils'* is for the total of crude oils imported in the quarter concerned from third countries which do not appear in lines 1 to 16 inclusive, and from other Member States.

*Fob prices* mean the prices actually invoiced at the port of loading. The *cif value* is to be calculated free at port of discharge. The *cif price* includes the fob price, the cost of transport, the total of insurance and certain charges linked to crude oil transport operations (duties or fees on loading, lighterage). To be excluded from *cif prices* are customs duties, demurrage, port dues and all other charges borne by the reporting State. Fob and *cif prices* are those which have actually been paid by the undertakings, or those which they expect to have to pay, after deduction of rebates. The incidence upon prices of the credit period allowed for payment is fixed at 30 days. When payment terms exceed this reference period, prices will be adjusted to the equivalent price levels at 30 days credit; by convention an extra month's credit is taken as equivalent to a 1% reduction in price. Prices shall also be adjusted to correspond to the nominal API gravity of each of the crude oils listed in Table 1, on the basis of the following factors:

- *eastern hemisphere crude oils*: increase or reduction by three US cents per barrel for each degree API respectively above or below the nominal gravity,
- *western hemisphere crude oils*: increase or reduction by 12 US cents per barrel for each degree API respectively above or below the nominal gravity.

These adjustments shall only be made for whole API degrees; fractions of API degrees may be ignored. When prices are expressed at point of origin in a currency other than the American dollar, price indications shall be expressed in US dollars calculated by the individuals and undertakings reporting according to the accounting procedures used by each of them. Prices shall be rounded to the nearest US cent.

*Total volume* means the grand total of bill of lading quantities of each type of crude oil imported during the quarter.

*Average fob or cif prices* mean the average quarterly prices weighted by quantities. *The range in fob and cif prices* means price indications presented in the form of a range containing figures representative of the two extreme deciles of the series of crude oil prices listed in *lines 1 to 16 inclusive*. It will not be necessary to indicate fob and *cif price variations* in the case of line 20.

*Average fob and cif prices*, and *fob and cif price variations*, will be calculated by reference to the most appropriate exchange rates so as to provide the most representative indications of the prices of crude oils. The average quarterly dollar exchange rate will be shown at the foot of Table 1.

Table 1 will be forwarded by each Member State to the Commission at the latest by the following dates:

- for information relative to the period 1 January to 31 March of each year, 15 May following,
- for information relative to the period 1 April to 30 June of each year, 15 August following,
- for information relative to the period 1 July to 30 September of each year, 15 November following,
- for information relative to the period 1 October to 31 December of each year, 15 February of the following year.

Member State:

CRUDE OIL SUPPLY COST (cif)	2

Period:

Line No	Designated crude and nominal gravity	Cif cost		Remarks
		Total volume reported (1 000 barrels and 1 000 tonnes)	Weighted average (cif cost) (\$/barrel and \$/tonne)	
1	Total supply in 1 000 barrels and \$/barrel			
2	Total supply in 1 000 tonnes and \$/tonne			

Remarks:

Average quarterly exchange rate: 1 US \$ =

## Commentary on Table 2

### CRUDE OIL SUPPLY COST (cif)

Lines 1 and 2 concern the entire crude oil supply in the quarter concerned, i.e. the total of imported crude oils shown in Table 1, plus crude oil produced locally. Crude oils in transit to other Member States or destined for third countries are to be excluded. Thus *entire crude oil supply* means total supply including:

- 'final' imports, i.e. destined in principle for domestic consumption,
- 'temporary' imports, i.e. crude oil imports made by or for account of companies established in the reporting country whose refined products will either be exported to a Member State of the Community, or directed into domestic consumption. Imports made for account of companies located outside the reporting country and destined after processing to be exported as products to non-member States are to be excluded,
- local production of crude oil.

*Average cif cost* means the weighted average quarterly cost of all oils supplied. The concept of cif cost is defined in the same way as that shown in Table 1. The import value of the crude oil produced in a Member State is to be calculated free at port of discharge, or free at frontier, i.e. at the moment when the crude oil falls under the custom's

jurisdiction of the importing country. The values of crude oils produced and consumed in a reporting Member State shall be the transfer prices or the acquisition values for accounting purposes.

The *average cif cost* will be calculated by reference to the official market exchange rates <sup>(1)</sup> so as to provide the most representative indications of supply costs. The average quarterly dollar exchange rate will be shown at the foot of Table 2. The figures in line 2 will be based on the most appropriate conversion factors.

Table 2 will be forwarded by each Member State to the Commission at the latest by the following dates:

- for information relative to the period 1 January to 31 March of each year, 15 May following,
- for information relative to the period 1 April to 30 June of each year, 15 August following,
- for information relative to the period 1 July to 30 September of each year, 15 November following,
- for information relative to the period 1 October to 31 December of each year, 15 February of the following year.

<sup>(1)</sup> Published daily in the *Official Journal of the European Communities*.

Member State:

<b>PRICES OF IMPORTED PETROLEUM PRODUCTS</b>	<b>3</b>

Period:

Line No	Designated petroleum product	Total quantity imported (1 000 tonnes)	Weighted average price (\$/tonne) (1)	Price range (\$/tonne) 10 %/90 %	Remarks
1	Premium petrol				
2	Regular petrol				
3	Gas oil				
4	Heavy fuel oil, % S > 1.0 %				
5	Heavy fuel oil, % S ≤ 1.0 %				
6					
7					
8					

(1) Average price at port of discharge or border price.

Average quarterly exchange rate: 1 US \$ =

Commentary on Table 3

PRICES OF IMPORTED PETROLEUM PRODUCTS

Each of lines 1 to 5 inclusive concerns information for a petroleum product imported from third countries and from another member country of the Community, for the quarter concerned, excluding quantities in transit to other Member States or destined for third countries.

*Petroleum products* means materials of which the technical quality specifications applied on the international market, or in each Member State, properly fall under one of the product designations which appear in lines 1 to 5 inclusive.

*Total quantity imported* means the grand total of the quantities appearing in the bills of lading, and extracted from equivalent documents, relating to imports of each product.

*Average price* means the average for the quarter of prices weighted by quantities. The import price is calculated free at port of discharge, i.e. at the moment when the products fall under the custom's jurisdiction of the reporting country. Import values include the fob prices, the cost of transport, the total of insurance and certain charges related to unloading operations. To be excluded from import prices are any duties and taxes on the products, and all cost elements which affect the products after discharge in a port, or after crossing a frontier.

*Price range* means price indications presented in the form of a range containing figures representative of the two extreme deciles of the series of prices.

*Average prices and price ranges* are to be expressed in US dollars per tonne; they will be calculated by reference to the official market exchange rates<sup>(1)</sup>. Figures will be rounded to the nearest US cent. The average quarterly rate of

exchange will be shown at the foot of Table 3. The conversion into tonnes of data expressed in barrels, and conversely, should be carried out using the following conversion factors:

Product	Conversion factor in:	
	barrels/ tonne	tonnes/ barrel
Premium gasoline	0.12004	8.33
Regular gasoline	0.11682	8.56
Gas oil	0.13280	7.53
Heavy fuel oil, % S > 1.0%	0.15151	6.60
Heavy fuel oil, % S ≤ 1.0%	0.14705	6.80

Table 3 will be forwarded by each Member State to the Commission at the latest by the following dates:

- for information relative to the period 1 January to 31 March of each year, 15 May following,
- for information relative to the period 1 April to 30 June of each year, 15 August following,
- for information relative to the period 1 July to 30 September of each year, 15 November following,
- for information relative to the period 1 October to 31 December of each year, 15 February of the following year.

<sup>(1)</sup> Published daily in the *Official Journal of the European Communities*.

Member State:
Region:

<b>CONSUMER PRICES OF PETROLEUM PRODUCTS</b>	<b>4</b>
(in national currency)	

Period:
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Line No	Designation of petroleum product	Unit	Maximum consumer prices (1)			Real prices (2)			Range of prices net of duty and tax
			Duty and tax inclusive	Duty and tax	Net of duty and tax	Average prices			
						Duty and tax inclusive	Duty and tax	Net of duty and tax	
<b>Motor fuels</b>									
1	Premium petrol	1 000 litres							
2	Regular petrol	1 000 litres							
3	Automotive gas oil	1 000 litres							
<b>Domestic heating fuels</b>									
4	Gas oil (3)	1 000 litres							
5	Domestic fuel oil (3)	1 000 litres							
6	Regular kerosene (3)	1 000 litres							
<b>Industrial fuels</b>									
7	Heavy fuel oil, high sulphur	tonne							
8	Heavy fuel oil, low sulphur	tonne							

(1) Only for Member States which have systems of maximum consumer prices.

(2) For all Member States.

(3) Only for Member States where the consumption of these products in the domestic sector is significant.



## Commentary on Table 4

### CONSUMER PRICES OF PETROLEUM PRODUCTS

Each of lines 1 to 8 inclusive is for information on the consumer prices of petroleum products for certain categories of consumer on a particular date.

*Petroleum products* means materials of which the technical quality specifications applied on the international market, and in each Member State, fall under one of the product names in lines 1 to 8 inclusive. Appendices A, B and C hereto set out the names and technical specifications of the corresponding petroleum products in each of the Member States.

*Prices for certain categories of consumer* means:

- pump prices in the case of *fuels for road transport purposes*,
- delivered prices to small consumers, i.e. for deliveries of 2 000 to 5 000 litres, in the case of *fuels for domestic heating purposes*, except for regular kerosene deliveries of 1 000 litres,
- delivered consumer prices for offtakes of less than 2 000 tonnes per month, or less than 24 000 tonnes per year, in the case of *industrial fuels*.

*Maximum prices* means the maximum selling prices, both inclusive and net of duty and tax, whether published or not, for a product intended for a particular category of consumer, as fixed by the authorities or by agreements between the authorities and the companies.

Data on maximum prices will relate to those in force on the first day following the quarter concerned.

*Real prices* means the true consumer prices in force on a date close to the 15th of the month following the quarter concerned:

- *average real price* for each of the products in lines 1 to 8 inclusive means the price most frequently charged, i.e. the modal or, failing that, the weighted average of the series of prices, both including and excluding duties and taxes,
- *range of real duties charged* means the lowest and the highest price charged, net of duty and tax, for each of the products in lines 1 to 8 inclusive <sup>(1)</sup>.

The Member States shall forward Table 4 to the Commission within the 30 days following the 15th of the month following the quarter concerned.

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<sup>(1)</sup> Concerns only the extreme figures in the series of prices communicated by individuals and undertakings reporting.

Member State:

<b>INLAND MARKET NET SALES PROCEEDS</b>	<b>5</b>

Period:

Line No	Designation of petroleum product	Total volume reported (1 000 tonnes)	Inland market net sales proceeds (\$/tonne)		Total ex-refinery netback (\$/tonne)		Remarks
			Average sales proceeds	Range	Average ex-refinery netback	Range	
1	Premium petrol				/		
2	Regular petrol						
3	Automotive gas oil						
4	Other gas oil <sup>(1)</sup>						
5	Light fuel oil <sup>(1)</sup>						
6	Regular kerosene <sup>(1)</sup>						
7	Heavy fuel oils						
8							
9							
10	Other products		_____	_____			_____
11	Total		_____	_____	<input type="text"/>	<input type="text"/>	
12	Total refinery production <sup>(2)</sup>	<input type="text"/>	_____	_____	_____	_____	

<sup>(1)</sup> Only for Member States where the consumption of these products is important.

<sup>(2)</sup> Refinery consumption and losses excluded.

INLAND MARKET NET SALES PROCEEDS

The information in Table 5 relates to the inland consumption of petroleum products in the quarter concerned excluding all data on exports of products, and the supply of bunkers.

*Petroleum products* means materials of which the technical quality specifications on the international market, and in each Member State, fall under one of the product names in lines 1 to 7 inclusive. Line 3 concerns 'motor' gas oil, i.e. a product destined for mechanical uses. Line 4 covers data on other uses of gas oil. Line 7 refers to all fuel oils except domestic fuel oil mentioned in line 5. Line 10 'Other products', refers to oil products extracted from crude oil and distributed on the inland market, other than the products mentioned in lines 1 to 7 inclusive.

*Total volume of inland market sales* means both total ex-refinery sales to intermediaries and large consumers, and deliveries to intermediaries and to final consumers through distribution networks. This information is for each of the lines 1 to 7 inclusive and for lines 10 and 11. Line 12 refers to the total production of refineries, i.e. covering inland consumption, exports and marine bunkers, but excluding refinery consumption and losses, and products exported after refining for the account of a foreign owner.

*Inland market net sales proceeds* means, for each of the petroleum products in lines 1 to 7 inclusive, the average proceeds (less commission, rebates, duty and tax) from ex-refinery sales to intermediaries and final consumers through the distribution networks:

- *average sales proceeds* means, for each of the petroleum products, the quarterly average net sales proceeds,
- *the range of proceeds* means the lowest and the highest figure in the series of quarterly average proceeds<sup>(1)</sup>.

<sup>(1)</sup> Concerns only the range of the series of average proceeds communicated by the individuals and enterprises reporting.

*Total ex-refinery netback*, which appears at line 11, means the total average net proceeds, excluding duties and taxes, netted back to the refinery gate for all the oil products derived from the crude oil:

- *average netback* means the quarterly weighted average of ex-refinery netbacks,
- *the range figures for ex-refinery netbacks* means the lowest and highest of the series of quarterly ex-refinery netbacks communicated by the individuals and undertakings reporting.

The total ex-refinery netback is equal to the difference between:

- the average total net proceeds realized from sales ex-refinery to dealers and large consumers, and from deliveries to dealers and final consumers through distribution systems, that is the total proceeds realized from all the petroleum products derived from crude oil and sold on the inland market,

and

- the total cost of distributing all the petroleum products. This total cost includes the total of marketing costs for all the petroleum products derived from crude oil, incurred in distribution operations specifically related to oil products. This cost should include all fixed charges (in particular depreciation and interest on fixed assets) and variable charges as well overhead expenses for all the commercial and operating activities subsequent to the refining or the import of oil products.

The total cost of distributing all the petroleum products which enters into the calculation of the total ex-refinery netback, shall be, preferably, the quarterly unit cost derived from the accounts. In cases when this cost is unknown, or does not appear in the accounts of individuals and undertakings reporting, it may be estimated on the basis of annual figures which do appear in the accounts.

Elements which are not to be taken into account in calculating the refinery netback are:

- costs of transporting crude oil to inland refineries,
- charges on working capital,

- proceeds and costs relating to export of products and the supply of marine bunkers,
- proceeds and costs linked to the running of hotels, restaurants, bars, the marketing of non-oil products, property activities.

Table 5 will be forwarded by each Member State to the Commission at the latest by the following dates:

- for information relative to the period 1 January to 31 March of each year, 15 May following,
- for information relative to the period 1 April to 30 June of each year, 15 August following,
- for information relative to the period 1 July to 30 September of each year, 15 November following,
- for information relative to the period 1 October to 31 December of each year, 15 February of the following year.

Member State:	<b>LIST OF REPORTING INDIVIDUALS AND UNDERTAKINGS</b>	<b>6</b>	Period:

Import of crude oil (Tables 1 and 2)		Import of petroleum products (Table 3)		Distribution of petroleum products (Tables 4 and 5) (1)	
Order No	Designation of undertakings	Order No	Designation of undertakings	Order No	Designation of undertakings
1		1		1	
2		2		2	
3		3		3	
4		4		4	
5		5		5	
6		6		6	

(1) Names of companies should be marked with a cross (X) if they are included in Table 5.

*Remarks:*

#### Commentary on Table 6

#### LIST OF REPORTING INDIVIDUALS AND UNDERTAKINGS

Table 6 records the name or title of persons and undertakings which will provide information to the Member State as required by Article 2 of Council Directive 76/491/EEC of 4 May 1976. Individuals and undertakings reporting are to be listed in decreasing order of importance for each type of activity. Table 6 should be forwarded to the Commission once a year together with the other information relating to the first quarter.

APPENDIX A

NAMES OF PETROLEUM PRODUCTS

Line No in Table 4	Names in Community use		Names in use in Member States			
	French version	English version	Germany	Belgium	Denmark	France
<b>I. Motor fuels</b>						
1	Essence super	Premium petrol	Superbenzin	Essence super	Super benzin	Supercarburant
2	Essence normale	Regular petrol	Normalbenzin	Essence normale	Regular benzin	Essence
3	Gas oil	Automotive gas oil (DERV)	Dieselmkraftstoff	Gasoil carburant (AGO)	Autodiesel	Gas oil moteur
<b>II. Domestic heating fuels</b>						
4	Gas oil	Gas oil	—	Gasoil chauffage	Fyringsgasolie	Fuel oil domestique
5	Fuel léger	Domestic fuel oil	Heizöl extra leicht	Fuel oil léger	—	—
6	Pétrole lampant	Regular kerosene	—	Pétrole lampant	Petroleum	Pétrole lampant
<b>III. Industrial fuels</b>						
7	Fuel oil lourd haute teneur en soufre	Heavy fuel oil, high sulphur	Heizöl schwer (Normalware)	Fuel oil extra lourd	Svær fuelolie	Fuel oil lourd n° 2 HTS
8	Fuel oil lourd basse teneur en soufre	Heavy fuel oil, low sulphur	—	—	—	Fuel oil lourd n° 2 BTS

Line No. in Table 1	Names in use in Member States				
	Ireland	Italy	Luxembourg	Netherlands	United Kingdom
	<b>I. Motor fuels</b>				
1	Premium grade	Benzina Super	Essence super	Super benzine	Premium petrol (4 star)
2	Standard grade	Benzina auto normale	Essence normale	Normale benzine	Regular petrol (2 star)
3	Auto diesel oil	Gasolio autotrazione	Gasoil carburant	Autogasolie	Gas oil DERV fuel (class A I)
	<b>II. Domestic heating fuels</b>				
4	Heating gas oil	Gasolio riscaldamento	Gasoil chauffage	Huisbrandolie I (HBOI)	Heating gas oil (class D)
5	Light fuel oil	Olio combustibile fluido	Fuel oil léger	—	—
6	—	Petrolio	Pétrole lampant	Licht petroleum	Regular kerosine (class C 2)
	<b>III. Industrial fuels</b>				
7	Heavy fuel oil	Olio combustibile denso ATZ	Fuel oil lourde HTS	Zware stookolie (370 CST) Hoogzwavelig	Heavy fuel oil (class G)
8	—	Olio denso combustibile BTZ	Fuel oil lourde BTS	Zware stookolie (370 Cse) Laagzwavelig	—

APPENDIX B

SPECIFICATION OF MOTOR FUELS

	Germany	Belgium	Denmark	France	Ireland	Italy	Luxembourg	Netherlands	United Kingdom
<b>(a) Premium gasoline</b>									
specific gravity (15 °C)	0.730 to 0.780	≈ 0.740	0.745 to 0.750	0.748	0.7537	0.720 to 0.760	0.740	0.740	0.747
octane No: RON MON	min. 98 min. 88	98 to 100	97 to 99	97 to 99	98	98 to 99	98 to 100	min. 98	min. 97
calorific value (Kcal/kg)	10 400	10 500	10 500	10 500	10 500	10 500	10 500	10 480	10 500
lead content (g/l)	max. 0.15	max. 0.84	0.54 to 0.63	max. 0.55		≤ 0.6	0.55 to 0.65	0.36 to 0.80	max. 0.50
<b>(b) Regular gasoline</b>									
specific gravity (15 °C)	0.715 to 0.755	≈ 0.725	0.725 to 0.735	0.722	0.7364	0.705 to 0.755	0.725	0.730	0.734
octane No: RON MON	min. 91 min. 82.8	90 to 94	93	89 to 92	90	84 to 87	90 to 94	min. 91	min. 90
calorific value (Kcal/kg)	10 400	10 500	10 500	10 500	10 500	10 500	10 500	10 500	10 500
lead content (g/l)	max. 0.15	0.15 to 0.40	0.45 to 0.59	≤ 0.55		≤ 0.6	0.15	0.09 to 0.77	max. 0.50
<b>(c) Automotive gas oil</b>									
specific gravity (15 °C)	0.815 to 0.855	≈ 0.840	0.825 to 0.850	0.833	0.8313	0.820 to 0.840	0.830	0.840	0.845
octane No	min. 45	≥ 48	≥ 48 = 50 to 55	≥ 50	56	≥ 50	≥ 48	> 50	min. 50
calorific value (Kcal/kg)	10 200	10 250	10 200	10 100	10 220	10 200	10 250	10 220	10 240
sulphur content (%)	max. 0.5 (1)	max. 0.5	0.7	≤ 0.5		≤ 0.8	max. 0.5	≤ 0.5	max. 0.5

(1) From 1 January 1979: max. 0.3.



## APPENDIX C

## SPECIFICATION OF FUELS

	Germany	Belgium	Denmark	France	Ireland	Italy	Luxembourg	Netherlands	United Kingdom
<b>(a) Fuel used for domestic heating</b>									
<i>Gas oil</i>									
specific gravity (15 °C)	—	≈ 0.840	0.830 to 0.855	0.836	0.838	0.820 to 0.840	0.830	0.840	0.839
calorific value (Kcal/kg)	—	10 250	10 200	10 100	10 170	10 210	10 250	10 250	10 260
sulphur content (%)	—	max. 0.5	0.7	≤ 0.5	—	≤ 1.1	max. 0.5	≤ 0.5	max. 0.8
pour point (°C)	—	-6	-1.5	≤ -3/ ≤ -6 <sup>(2)</sup>	—	-6/-12	-6	-4/-10	( <sup>1</sup> )
<i>Light fuel oil</i>									
specific gravity (15 °C)	max. 0.860	≈ 0.870	—	—	—	0.900 to 0.940	0.870	—	—
calorific value (Kcal/kg)	10 000	10 100	—	—	—	9 500	10 100	—	—
sulphur content (%)	max. 0.5 ( <sup>1</sup> )	max. 0.8	—	—	—	≤ 3.0	max. 0.8	—	—
pour point (°C)	max. -6	-6	—	—	—	—	-6	—	—
<i>Paraffin</i>									
specific gravity (15 °C)	—	—	0.780 to 0.820	—	0.783	0.770 to 0.820	—	0.795	0.789
calorific value (Kcal/kg)	—	—	10 400	—	10 387	10 290	—	10 350	10 360
<b>(b) Industrial fuels</b>									
specific gravity (15 °C)	—	≈ 0.950	0.950 to 0.975	High sulphur 0.965	0.970	0.940 to 0.970	0.950	~ 0.950	0.970
calorific value (Kcal/kg)	min. 9 500	9 700	9 700	9 750	9 480	9 300	9 650	9 760	9 870
sulphur content (%)	max. 2.8	max. 3.8	2 - 3	≤ 4.0	≤ 3.5	≤ 4.0	max. 3.8	≤ 2.5	≤ 3.5
specific gravity (15 °C)	—	—	—	Low sulphur 0.940	—	0.940 to 0.970	—	~ 0.950	—
calorific value (Kcal/kg)	—	—	—	9 970	—	9 500	—	9 900	—
sulphur content (%)	—	—	—	0.5 to 1.0	—	≤ 1.0	—	≤ 1.0	—

(1) From 1 January 1979: max. 0.3.

(2) From 1 April to 30 September: ≤ -3; from 1 October to 31 March: ≤ -6.

(3) Pour point for March to September inclusive: max. 0 °C; for October to February inclusive: max. -7 °C.

COUNCIL DECISION

of 14 February 1977

on the exporting of crude oil and petroleum products from one Member State to another  
in the event of supply difficulties

(77/186/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the establishment of a Community energy policy is one of the objectives which the Community has set itself and it is for the Commission to propose the measures to be taken to this end;

Whereas the establishment of genuine solidarity between the Member States in the event of supply difficulties is one of the basic elements of a Community energy policy;

Whereas the Council has adopted Directive 73/238/EEC of 24 July 1973 on measures to mitigate the effects of difficulties in the supply of crude oil and petroleum products (1);

Whereas it is necessary to prevent such supply difficulties from causing disturbances in trade within the Community which would seriously jeopardize supplies to one or more Member States;

Whereas in periods of supply difficulties monitoring of intra-Community trade is necessary in order to keep a check on developments;

Whereas an appropriate system, with the least effect on intra-Community trade, would be a system of licences granted automatically;

Whereas protective measures may prove necessary;

Whereas, since protective measures are unnecessary for supplies of goods from third countries which are in transit through one Member State and are destined for another Member State, they should be excluded from the scope of this Decision;

Whereas, in conformity with the principles of solidarity and non-discrimination, the burden of deficits in supplies of oil and petroleum products must be fairly distributed among the Member States;

Whereas it must be ensured that no one Member State is more affected than the other Member States as a result of respecting the principles of the Treaty;

Whereas all Community decisions to be taken concerning the reduction of energy consumption should be taken into consideration;

Whereas other complementary measures may be necessary to ensure optimum supplies of crude oil and petroleum products to the whole Community,

HAS ADOPTED THIS DECISION:

*Article 1*

1. Where difficulties arise in the supply of crude oil and/or petroleum products in one or more Member States, the Commission, acting at the request of a Member State or on its own initiative and after holding consultations within the group provided for in Directive 73/238/EEC, may decide to make intra-Community trade in products falling within heading No 27.09 and subheadings 27.10 A, B, C I and C II of the Common Customs Tariff subject to a system of licences to be granted automatically by the exporting Member State.

Licences shall be granted without delay and free of administrative charges in respect of any quantity requested and for a minimum period of 15 working days and a maximum of one month.

(1) OJ No L 228, 16. 8. 1973, p. 1.

2. Where intervention by the Commission has been requested by a Member State, the Commission shall take a decision within a maximum of five working days of the date of receipt of that request.

3. This decision shall not affect supplies of goods from third countries to a Member State which are in transit through other Member States.

4. Any decision taken by the Commission to introduce a system of licences, pursuant to paragraph 1, shall be communicated to the Council and to the Member States. Any Member State may, within 10 working days of the date of communication, refer that decision to the Council. The Council, acting by a qualified majority, may repeal the decision of the Commission or alter the conditions and procedures laid down therein.

5. Decisions taken by the Commission shall apply as soon as they have been communicated to Member States. They shall not apply to products which have already been dispatched.

#### *Article 2*

Whenever a shortfall in supply of crude oil and/or petroleum products, either actual or imminent, creates an abnormal increase in trade in petroleum products between Member States, the Commission may, on the request of a Member State, after consulting the group provided for in Directive 73/238/EEC, authorize that Member State to suspend the issue of export licences to the extent necessary to prevent such abnormal trade. The Commission's authorization shall be valid for 10 working days.

The Council shall meet, at the request of a Member State, within 48 hours to confirm, amend or repeal, by a qualified majority, the authorization granted by the Commission.

#### *Article 3*

If a shortfall is likely to seriously endanger the supply of crude oil and/or petroleum products in a Member State, or if such a situation may reasonably be expected, the Commission may, on the request of a Member State, after consulting the group provided for in Directive 73/238/EEC, authorize that Member State to suspend the issue of export licences, provided that traditional trade patterns are maintained as far as possible.

The Council shall meet, at the request of a Member State, within 48 hours to amend or revoke, by a qualified majority, the authorization granted by the Commission. If the Council does not revoke or amend this authorization it shall remain in force.

#### *Article 4*

In the event of a sudden crisis in a Member State, when any delay would be gravely prejudicial to its economy, the Member State concerned may, after consulting the Commission and after informing the other Member States, temporarily suspend the issue of export licences. This decision shall be valid for 10 days.

At the request of a Member State or the Commission, the Council shall meet within 48 hours. It may adopt the appropriate measures by a qualified majority acting on a proposal from the Commission. The measures decided on by the Council shall enter into force on the day following the expiration of the period of validity of the national measures. However, the Council, acting unanimously, may decide that the measures which it has adopted shall apply before that period of validity expires.

#### *Article 5*

1. If, after consulting the group provided for in Directive 73/238/EEC or on the basis of information communicated by a Member State, the Commission finds that the situation regarding supplies of crude oil and/or petroleum products in one or more Member States no longer justifies the continued application of the measures laid down in Articles 1 to 4:

(a) it shall decide to amend or repeal them if the measures were introduced by means of a decision by the Commission;

(b) it shall propose that the Council should amend or repeal them if the measures were introduced by means of a decision by the Council.

2. Decisions by the Commission taken pursuant to paragraph 1 (a) shall become applicable as soon as Member States have been notified of them. Any Member State may refer to the Council any decision by the Commission amending or repealing the measures laid down in Articles 1 to 4.

3. The Council shall take a decision by a qualified majority within 10 days of the matter being referred to it.

*Article 6*

The Council shall take a unanimous decision within 10 days on any complementary measure proposed by the Commission with a view to ensuring optimum supplies of crude oil and/or petroleum products for the whole Community.

*Article 7*

After consulting the Member States the Commission shall determine the detailed rules for the application of this Decision.

*Article 8*

This Decision is addressed to the Member States.

Done at Brussels, 14 February 1977.

*For the Council*

*The President*

J. SILKIN

## COUNCIL DECISION

of 7 November 1977

on the setting of a Community target for a reduction in the consumption of primary sources of energy in the event of difficulties in the supply of crude oil and petroleum products

(77/706/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the establishment of a common energy policy is one of the objectives which the Community has set itself; whereas the Commission should propose the measures to be taken to this end;

Whereas the establishment of genuine solidarity between the Member States in the event of supply difficulties is one of the basic requirements for a Community energy policy;

Whereas the Council passed Directive 73/238/EEC of 24 July 1973 on measures to mitigate the effects of difficulties in the supply of crude oil and petroleum products<sup>(1)</sup>;

Whereas the Council passed Directive 68/414/EEC of 20 December 1968 imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products<sup>(2)</sup>, as amended by Directive 72/425/EEC<sup>(3)</sup>;

Whereas in the event of supply difficulties, consumption of energy in the Community should be reduced in accordance with the foreseeable trend of availability and with possible drawings on the emergency stocks;

Whereas it is necessary to set a common target in order to safeguard the unity of the market and to ensure that all users of energy within the Community bear a fair share of the difficulties arising from the crisis;

Whereas, in taking measures to meet the Community target for a reduction in energy consumption, Member States will have regard to the structure of their particular markets,

HAS DECIDED AS FOLLOWS:

### Article 1

1. Where difficulties arise in the supply of crude oil or petroleum products in one or more Member States, the Commission, acting at the request of a Member State or on its own initiative and after consulting the group provided for in Directive 73/238/EEC, may set a target for reducing consumption of petroleum products in the Community as a whole by up to 10 % of normal consumption. This decision shall be applicable for a maximum of two months.
2. To safeguard the unity of the market and to ensure that all energy consumers in the Community bear their fair share of the difficulties arising from the crisis, the Commission:
  - (a) shall on the expiry of the two month period and within the limits laid down in paragraph 1, propose to the Council a fresh target for:
    - non-substitutable petroleum products, expressed as a percentage of consumption of these products,
    - substitutable petroleum products, expressed as a percentage of consumption of all substitutable energy sources;
  - (b) in the event of a larger shortfall, may propose to the Council that the target for reducing consumption exceed 10 % and be extended to other forms of energy.
3. The quantities of petroleum products saved as a result of the differentiated reduction of consumption provided for in paragraph 2 shall be shared out between the Member States.
4. The Council shall within 10 days decide by a qualified majority on any proposals from the Commission referred to in paragraph 2.

(1) OJ No L 228, 16. 9. 1973, p. 1.

(2) OJ No L 308, 23. 12. 1968, p. 14.

(3) OJ No L 291, 28. 12. 1972, p. 154.

5. Where intervention by the Commission has been requested by a Member State, the Commission shall take a decision within five working days from receipt of such request.

6. Any Member State may refer to the Council any Commission Decision setting a target for reducing consumption. The Council, acting by a qualified majority within 10 days of the matter being referred to it, may repeal or amend such decision.

7. Decisions taken by the Commission shall apply as soon as the Member States have been notified thereof.

#### *Article 2*

Member States shall without delay take all appropriate measures to reduce their consumption of petroleum products and/or energy consumption as a whole by at least their share of the reduction target pursuant to Article 1.

#### *Article 3*

The Member States shall inform the Commission of all measures taken pursuant to Article 2 as soon as they enter into force.

#### *Article 4*

1. If, after consulting the group provided for in Directive 73/238/EEC or on the basis of information communicated by a Member State, the Commission finds that the situation regarding supplies of oil and petroleum products in one or more Member States no

longer justifies the continued application of measures to reduce consumption :

(a) it shall decide to amend or repeal them if the measures were introduced by means of a Commission Decision ;

(b) it shall propose that the Council amend or repeal them if the measures were introduced by means of a Council Decision.

2. Commission Decisions taken pursuant to paragraph 1 (a) shall take effect as soon as the Member States have been notified thereof. Any Member State may refer to the Council any Commission Decision amending or repealing the measures to reduce consumption.

3. The Council shall act by a qualified majority within 10 days of the matter being referred to it.

#### *Article 5*

After consulting the Member States, the Commission shall determine the detailed rules for the application of this Decision.

#### *Article 6*

This Decision is addressed to the Member States.

Done at Brussels, 7 November 1977.

*For the Council*

*The President*

A. HUMBLET

COMMISSION DECISION

of 28 September 1978

applying Council Decision 77/186/EEC on the exporting of crude oil and petroleum products from one Member State to another in the event of supply difficulties

(78/890/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 77/186/EEC of 14 February 1977 on the exporting of crude oil and petroleum products from one Member State to another in the event of supply difficulties <sup>(1)</sup>, and in particular Article 7 thereof,

Whereas Decision 77/186/EEC provides that where difficulties arise in the supply of crude oil and/or petroleum products in one or more Member States the Commission may decide to make trade between Member States subject to a system of licences to be granted automatically by the exporting Member State;

Whereas Decision 77/186/EEC provides that whenever an actual or imminent shortfall in the supply of crude oil and/or petroleum products creates an abnormal increase in trade in petroleum products between Member States the Commission may authorize Member States to suspend the issue of export licences to the extent necessary to prevent such abnormal trade;

Whereas Decision 77/186/EEC provides that if a shortfall is likely seriously to endanger the supply of crude oil and/or petroleum products in a Member State, or if such a situation may reasonably be expected, the Commission may authorize that Member State to suspend the issue of export licences, provided that traditional trade patterns are maintained as far as possible;

Whereas Decision 77/186/EEC provides that in the event of a sudden crisis in a Member State, when any delay would be gravely prejudicial to its economy, that

Member State may, after consulting the Commission and after informing the other Member States, temporarily suspend the issue of export licences;

Whereas the overriding objective of Decision 77/186/EEC is to help create genuine solidarity between the Member States so that any burdens and consequences arising from a crisis can be shared out fairly with a view to ensuring an optimum supply of crude oil and/or petroleum products to the whole Community, and also to safeguard the unity of the common market even if protective measures should prove necessary;

Whereas, as far as possible, Member States should therefore — while honouring their existing international commitments — maintain the normal channels of supply and the normal supply proportions between crude oil and petroleum products, and among the different categories of crude oil and petroleum products, and guarantee fair treatment for all market operators as regards both prices and quantities, ensuring a balanced supply within the refining and distribution industries and between the refining and distribution companies in accordance with traditional supply patterns;

Whereas the Commission has consulted the Member States in accordance with Article 7 of Decision 77/186/EEC;

Whereas in order to perform its tasks the Commission requires exact information on supplies and on trade between Member States in crude oil and/or petroleum products; whereas Member States should therefore communicate to the Commission the necessary information,

<sup>(1)</sup> OJ No L 61, 5. 3. 1977, p. 23.

HAS ADOPTED THIS DECISION:

#### Article 1

For the purpose of this Decision:

- (a) 'normal consumption' means the average daily consumption of crude oil and petroleum products recorded over a base period, that is to say:

inland production of crude oil and distillates,

plus imports of crude oil, distillates, feedstocks (semi-refined oil) and petroleum products,

plus consignments from Community countries,

less exports of crude oil, distillates, feedstocks (semi-refined oil) and petroleum products,

less deliveries to Community countries,

plus changes in stocks of crude oil, distillates, feedstocks (semi-refined oil) and petroleum products.

Seagoing ships' bunkers shall be regarded as exports;

- (b) 'base period' means the four most recent quarters for which statistics are available to the Commission;

- (c) 'supply shortfall' means an actual or imminent reduction in the normal supply of one or more Member States such that normal consumption might not be satisfied for a certain time;

- (d) 'normal supply' means the average daily supply required to satisfy normal consumption as corrected by the Commission on the basis of information provided by the Member States to take into account economic growth and other technical and cyclical factors, in particular seasonal variations and climatic influences;

- (e) 'abnormal increase' in trade in petroleum products means an increase in deliveries from one Member State to one or more other Member States which is not justified by an increase in demand due to economic, cyclical and/or seasonal factors, being either new movements relative to the traditional pattern or quantities additional to those traditionally traded and recorded over the base period.

The Commission may apply to the data in respect of preceding periods a percentage correcting factor in order to take into account economic growth and other cyclical and seasonal phenomena;

- (f) 'maintenance of traditional trade patterns' means maintenance of the pattern of trade between Member States as recorded over the base period.

#### Article 2

1. Where, pursuant to Article 1 of the abovementioned Decision 77/186/EEC, the Commission decides to make trade in petroleum products subject to a system of licences, the Member States concerned shall issue all export licences for which application is made by exporters.

All applications for export licences are to be made to the competent national authority and are to contain the requisite information concerning the proposed export.

Export licences shall be issued at the latest five working days from the date of receipt of the application by the competent national authority.

2. All applications for export licences shall include an undertaking by the exporter to import the goods, or to have them imported, into the Member State of destination indicated in the application.

3. Licences shall indicate in particular:

- the issuing authority (name and address),
- the serial number,
- the exporter (name and address in full),
- the importer (name and address in full),
- the exporting Member State,
- the importing Member State,
- the type of product, in accordance with the NIMEXE description,
- the quantity (in tonnes),
- the fob price (per tonne), save as otherwise decided by the Commission at the request of a Member State,
- the period of validity.

4. Applications for export licences and the licences themselves shall be made on forms in accordance with the model annexed hereto, save as otherwise decided by the Commission at the request of a Member State. The forms shall be printed on white paper 210 × 297 mm in size. The Member States shall be responsible for having the said forms printed.



5. Applications for export licences shall be retained by the issuing authority, who will remit or send the export licence to the exporter.

6. Export shall be subject to the production of an export licence at the customs office at the time of completion of customs export formalities for the goods in question.

The customs office shall stamp the export licence and send it without delay to the issuing authority as soon as the goods have been effectively exported from the geographical territory of the exporting Member State or placed under customs transit arrangements for transport to the Member State of destination.

7. Article 1 of Decision 77/186/EEC shall not apply to deliveries from stocks held in one Member State on behalf of another Member State under bilateral agreements.

#### Article 3

1. The Commission shall convene the group provided for in Article 3 of Directive 73/238/EEC <sup>(1)</sup> within 48 hours of receiving from the Member State concerned a request for the application of Articles 2 and 3 of Decision 77/186/EEC and shall take a decision at the latest 72 hours following the convening of such group.

In taking its decision, the Commission shall take into account in particular:

- the general oil-supply situation,
- the supply situation in the Member States concerned,
- the oil-import shortfalls of the Member States concerned,
- the measures to restrict consumption taken in the Member States concerned,
- the measures to restrict consumption taken at Community level,
- the existing commitments of the Member States.

2. Any Member State which pursuant to Article 2 of Decision 77/186/EEC requests the Commission for authorization to suspend the issue of export licences must support its request with statistics demonstrating the existence of an abnormal increase in its trade with one or more Member States.

3. The Commission may, where it establishes the existence of a supply shortfall of at least 7% for a Member State, authorize that State to suspend the issue of export licences pursuant to Article 3 of Decision 77/186/EEC.

#### Article 4

1. The Commission will establish the necessary contacts with the undertakings supplying the Community with crude oil and petroleum products with a view to the provision of general information on the crude oil and petroleum products supply situation and appropriate technical assistance should the need arise.

2. The Commission may in certain circumstances authorize companies to form themselves into a consultative group for the industry in order to facilitate and accelerate the contacts mentioned in paragraph 1.

#### Article 5

1. Member States shall before the end of each quarter communicate to the Commission all the information required in order to determine in respect of the previous quarter:

- (a) the normal consumption of crude oil and petroleum products of each Member State;
- (b) internal Community trade in crude oil and petroleum products, broken down by supplying Member State and destination,

2. To enable it to assess the situation, the Commission may request the Member States to make the communications provided for in paragraph 1 more frequently and in respect of shorter periods.

#### Article 6

Where Article 1 of the abovementioned Decision is applied, Member States shall, at the latest on the third and 18th day of each month, following notification by the Commission of a decision to make trade between Member States subject to surveillance, communicate to the Commission the information about trade patterns collected during the preceding half month.

The information, subdivided according to licences issued and licences used, shall be broken down by exporter and shall indicate in particular:

- the exporter,
- the importer,
- the exporting Member State,
- the importing Member State,

(1) OJ No L 228, 16. 8. 1973, p. 1.

- the product,
- the quantity (in tonnes),
- the fob price (per tonne), save as otherwise decided by the Commission at the request of a Member State, according to Article 2 (3),
- the period of validity.

*Article 7*

1. Information forwarded pursuant to this Decision shall be treated as confidential. This provision shall not prevent the distribution of general information or of summaries not containing particulars concerning individual undertakings.

2. Information communicated to the Commission pursuant to Article 6 may be used only for the purposes laid down in Decision 77/186/EEC.

*Article 8*

This Decision is addressed to the Member States.

Done at Brussels, 28 September 1978.

*For the Commission*

Guido BRUNNER

*Member of the Commission*

**EUROPEAN COMMUNITIES**

1. Exporter (full name and address)	2. Licence No (*)	3. Date of expiry (*)	
<b>INTRA-COMMUNITY TRADE IN PETROLEUM PRODUCTS</b>			
<b>EXPORT LICENCE</b>			
4. Consignee (full name and address)	5. Exporting Member State		6. Member State of destination
<p><b>NOTES</b></p> <p>1. This application must be typewritten.</p> <p>2. This application may cover a maximum of three petroleum products for export.</p> <p>3. The applicant must complete all spaces not marked with an asterisk (*).</p> <p>4. Where the applicant is a legal person the signatory in space 13 must give his name, forename and status after his signature.</p>			
7. Serial number and product description	8. NIMEXE code	9. Quantity (tonnes)	10. Price fob (tonne)
11. Issuing authority (*)	12. Licence issued on (*)		
	[Signature]		[Stamp]
<p><b>13. DECLARATION BY THE EXPORTER</b></p> <p>I, the undersigned exporter of the petroleum products described herein, undertake to dispatch or cause to be dispatched, the said products to the Member State named in space 6.</p> <p align="right">At .....</p> <p align="right">[Signature]</p>			
14. For the use of the issuing authority only (*)			

**EUROPEAN COMMUNITIES**

1. Exporter (full name and address)	2. Licence No (*)	3. Date of expiry (*)
	<b>INTRA-COMMUNITY TRADE IN PETROLEUM PRODUCTS</b>	
4. Consignee (full name and address)	<b>EXPORT LICENCE</b>	
	5. Exporting Member State	6. Member State of destination

**NOTES**

1. This licence is valid for one export transaction to the Member State named in box 6.
2. The exporting formalities must be completed by the expiry date at the latest.
3. This licence and the export declaration relating to the products for export must be submitted together to the customs office where exporting formalities are carried out.
4. The customs office referred to in note 3 will complete the part 'For customs use only' once the products have been put under the customs transit regime or have left the national territory destined for the Member State designated in box 6.

7. Serial number and product description	8. NIMEXE code	9. Quantity (tonnes)	10. Price fob (tonne)

11. Issuing authority (*)	12. Licence issued on (*)
	(Signature) <span style="float: right;">(Stamp)</span>

**FOR CUSTOMS USE ONLY**

Quantity (tonnes)			Price fob		
Product No 1	Product No 2	Product No 3	Product No 1	Product No 2	Product No 3

The above quantities (tonnes) of petroleum products:  
 — have been put under a customs transit regime (1)  
 — have left the national territory for the Member State designated in box 6 of the present licence (1)

Export document: type ..... No ..... dated .....

(1) Delete as appropriate.

(Signature)

(Stamp)

COMMISSION REGULATION (EURATOM) No 2014/76

of 23 July 1976

on the support of projects concerning uranium prospecting programmes within the territories of the Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 70 thereof,

Whereas the importance of uranium in supplying energy for the Community and the Community's dependence on imports of uranium make it a fundamental objective of a common energy policy to secure conditions ensuring long-term supplies;

Whereas the expansion of uranium prospecting programmes within the territories of the Member States tend by their nature to improve the security of supplies and could be a means of achieving such a policy;

Whereas in the first instance it is for mining industry itself to finance such activities; whereas the Community should however, in view of the high risk inherent in such activities, provide for the possibility of granting support;

Whereas projects concerning uranium prospecting programmes within the territories of the Member States, which are of prime importance in ensuring the Community supply of the uranium, would benefit from such support; whereas this support should be of a financial character;

Whereas, in view of the need to confine such support to that which is strictly essential, the Commission must be able to avail itself of all means of evaluating, case by case, what benefits may be derived from such projects and whether they are consistent with the objectives of the common energy policy,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Commission may, in accordance with the conditions laid down hereinafter, grant support for the carrying out of projects concerning uranium prospecting programmes (Annex A) intended to identify new sources of uranium within the territories of the Member States and which could make a major contribution in ensuring the Community's supply of uranium.

*Article 2*

The responsibility for each of the projects supported must devolve upon a Member State or a natural or a legal person constituted in Member States in accordance with the laws in force there.

If the creation of a legal entity to undertake a project could involve additional costs for the participating firms, such a project may be carried out by simple cooperation between natural or legal persons. In this case, these persons shall be jointly and severally liable for the obligations resulting from Community support.

*Article 3*

The support granted to a project shall take the form of the Commission's participation in the financing of this project as part of the appropriations made for this purpose in the general budget of the Communities.

*Article 4*

1. Any project emanating from a Member State or from any other source shall be submitted for examination by the Commission.
2. Every project must be accompanied by a report which shall give:
  - (a) the natural or legal person responsible for the project, his financial situation and technical capacities;
  - (b) the measures of support, agreed to or anticipated, by the Member States for the implementation of the project;
  - (c) a detailed description of the project, according to Annex B and especially:
    - the nature and extent of the risks involved in the project,
    - the cost of the project and the methods of financing for its implementation,
    - any other factor justifying the nature and the extent of the support which the Commission proposes should be granted to the project, especially if the project includes technological innovations,
    - the time-scale for the project.

*Article 5*

The Commission shall determine the level and the conditions of the support referred to in Article 3.

*Article 6*

Each beneficiary of such support shall periodically submit to the Commission reports on the progress of work on the project and on the expenditure involved in its implementation.

The Commission shall at all times be able to exercise technical and financial control on the implementation of the project.

*Article 7*

This Regulation shall enter into force on the 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, 23 July 1976.

*For the Commission*

Henri SIMONET

*Vice-President*

## ANNEX A

### Examples of prospecting activities

(Article 1)

Prospecting as included in Article 70 of the Euratom Treaty will be treated from the point of view of eligibility of proposals as covering:

1. Regional uranium exploration i.e.
  - Regional airborne programmes
  - Regional ground surveys
2. Local uranium evaluation programme i.e.
  - Detailed surveys, airborne and ground
  - Drilling
  - Tunnelling
3. Evaluation of uranium occurrences i.e.
  - Detailed drilling
  - Ore processing and mine plant feasibility studies

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## ANNEX B

### Project description

(Article 4)

1. Name of project and organizations involved.
  2. Financial status, technical expertise and availability of personnel of the company managing the programme.
  3. Object and type of programme (including whether joint venture, initial reconnaissance, etc.).
  4. Geographical location.
  5. Geology of area (i.e. stratigraphy, petrography, tectonics, anomalies — especially radiometric, mineralization).
  6. Details of previous investigations already carried out with special reference to radiometric studies.
  7. Details of mineral rights over the project area.
  8. Details of other rights of significance to project (i.e. access, land ownership, etc.).
  9. Environmental impact.
  10. Programme of work envisaged (including number of skilled/unskilled personnel involved).
  11. Detailed operational project costs including costs of any new material purchased.
  12. Percentage of funding that is required.
  13. Possibility for financing of that part of the programme not covered by paragraph 12.
  14. Economic merits of programme.
  15. Will the programme proceed if Community funding is not available.
  16. Calendar of work and financial commitment.
-

## COUNCIL DECISION

of 29 March 1977

empowering the Commission to issue Euratom loans for the purpose of contributing to the financing of nuclear power stations

(77/270/Euratom)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 2, 172 and 203 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(2)</sup>,

Whereas the use of nuclear energy can reduce the Community's excessive dependence on external sources of energy and thus improve the terms on which energy is imported;

Whereas, under present technical and economic conditions, the use of nuclear energy for the production of electricity is economically advantageous and more satisfactory than the use of petroleum products;

Whereas the additional investment required for nuclear plant by comparison with conventional plant, combined with the costs arising out of the increase in the price of petroleum products which affect the operating costs of existing conventional power stations, means that electricity producers are being forced to borrow more;

Whereas Article 2 (c) of the Treaty gives the Community the task of facilitating investment and ensuring, particularly by encouraging ventures on the part of undertakings, the establishment of the basic installations necessary for the development of nuclear energy in the Community; whereas, if a contribution is to be made to the financing of nuclear power stations, arrangements must be made for borrowing and lending; whereas such action appears to be necessary if the objective set out in Article 2 (c) of the Treaty is to be attained, although the Treaty does not provide for the powers necessary for that purpose;

Whereas in view of the large amount of capital required the financing potential should be increased; whereas it appears that the Community can provide a substantial amount of aid in this field;

Whereas the Community has a duty to employ all the means at its disposal to facilitate the attainment of the aims adopted under the new common energy policy strategy,

HAS DECIDED AS FOLLOWS:

### Article 1

The Commission is hereby empowered to issue loans, on behalf of the European Atomic Energy Community (Euratom) and within amounts fixed by the Council, the proceeds of which will be lent for the purpose of financing investment projects relating to the industrial production of electricity in nuclear power stations and to industrial fuel cycle installations.

The Commission shall borrow no more than the amounts of the loans for which it has received applications.

Borrowing transactions and the lending transactions related thereto shall be expressed in the same currency and carried out on the same terms as regards the repayment of principal and the payment of interest. The costs incurred by the Community in concluding and carrying out each transaction shall be borne by the beneficiary undertakings concerned.

### Article 2

The terms of loans to be issued shall be negotiated by the Commission in the best interests of the Community having regard to the conditions on capital markets and in accordance with the constraints imposed by the duration of the loans to be granted.

### Article 3

The Commission shall decide on the grant of each loan. Its decisions shall be based in particular on the principle that preference will be given to the use of resources under the most profitable conditions in installations of optimum size.

Loans shall be guaranteed in the manner customary in banking practice.

(1) OJ No C 157, 14. 7. 1975, p. 35.

(2) OJ No C 248, 29. 10. 1975, p. 8.



*Article 4*

The Commission shall inform the Council and the European Parliament at regular intervals of the revenue and expenditure transactions arising out of the contracting and servicing of Euratom loans issued and granted. Each year it shall submit a review of its borrowing policy together with the budget estimates.

1973 applicable to the general budget of the European Communities<sup>(1)</sup>.

Done at Brussels, 29 March 1977.

*Article 5*

Financial control and auditing shall be carried out in accordance with the Financial Regulation of 25 April

*For the Council*

*The President*

T. BENN

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<sup>(1)</sup> OJ No L 116, 1. 5. 1973, p. 1.

**COUNCIL DECISION**

of 29 March 1977

**on the implementation of Decision 77/270/Euratom empowering the Commission to issue Euratom loans for the purpose of contributing to the financing of nuclear power stations**

(77/271/Euratom)

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

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

Having regard to Council Decision 77/270/Euratom of 29 March 1977 empowering the Commission to issue Euratom loans for the purpose of contributing to the financing of nuclear power stations (1), and in particular Article 1 thereof,

Whereas the maximum amount of the loans which the Commission is empowered to issue on behalf of the European Atomic Energy Community should be fixed at 500 million European units of account;

Whereas the Commission should inform the Council accordingly when the total value of the transactions effected has reached 300 million European units of account, so that the Council may decide, in the light of experience gained, on the fixing of a new amount,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Loans as provided for in Article 1 of Decision 77/270/Euratom may be contracted for amounts the total of which shall not exceed 500 million European units of account; the European unit of account is defined in Decision 75/250/EEC (2).

When the total value of the transactions effected reaches 300 million European units of account, the Commission shall inform the Council which, acting unanimously, shall decide on the fixing of a new amount as soon as possible.

Done at Brussels, 29 March 1977.

*For the Council*

*The President*

T. BENN

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(1) See page 9 of this Official Journal.

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(2) OJ No L 104, 24. 4. 1975, p. 35.

COMMISSION REGULATION (EURATOM) No 3227/76

of 19 October 1976

concerning the application of the provisions on Euratom safeguards

THE COMMISSION OF THE EUROPEAN  
COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 77, 78, 79 and 81 thereof,

Having regard to the approval of the Council,

Whereas Commission of the European Atomic Energy Community Regulation No 7 established the implementing procedures for the declarations required by Article 78 of the Treaty <sup>(1)</sup>,

Whereas Commission of the European Atomic Energy Community Regulation No 8 <sup>(2)</sup> defined the nature and the extent of the requirements referred to in Article 79 of the Treaty;

Whereas, in view of the increasing quantities of nuclear materials produced, used and carried in the Community and the development of trade in these materials, it is essential, in order to ensure the effectiveness of safeguards, that the nature and the extent of the requirements referred to in Article 79 of the Treaty and laid out in Regulation No 8 referred to above, be defined and brought up to date in the light of experience particularly with regard to the transportation of, or commerce in these materials;

<sup>(1)</sup> OJ No 15, 12. 3. 1959, p. 298/59, and communication on the numbering of EAEC Regulations (OJ No 34, 29. 5. 1959, p. 649/59).

<sup>(2)</sup> OJ No 34, 29. 5. 1959, p. 651/59.

Whereas, moreover, the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the European Atomic Energy Community (Euratom) concluded on 5 April 1973 an Agreement (hereinafter called 'the Agreement') with the International Atomic Energy Agency in implementation of Article III (1) and (4) of the Treaty on the non-proliferation of nuclear weapons;

Whereas the Agreement contains a particular undertaking entered into by the Community concerning the application of safeguards on source and special fissile materials on the territories of the Community. Member States which have no nuclear weapons of their own and which are parties to the Treaty on the non-proliferation of nuclear weapons and, in conjunction with the Community, to the Agreement signed on 5 April 1973 with the International Atomic Energy Agency (hereinafter called 'the Member States party to the Agreement');

Whereas the implementation of this undertaking requires the establishment of particular procedures for the application of safeguards on the territories of the Member States party to the Agreement in order to amplify the provisions of the aforementioned Regulations No 7 and No 8;

Whereas, moreover, the procedures foreseen by this Agreement are in conformity with those devised in the course of a very wide-ranging international negotiation conducted, in view of the provisions of paragraphs 1 and 4 of Article III of the Treaty on the non-proliferation of nuclear weapons, with the International Atomic Energy Agency, the result of which has been approved by the Board of Governors of that organization, and that these procedures are based on the most modern developments in the field of safeguards;

Whereas, accordingly, it is opportune to define new procedures for the application of the provisions of Chapter VII of the Treaty;

Whereas the Community, the United Kingdom and the International Atomic Energy Agency have signed on 6 September 1976 an Agreement comprising a particular commitment which concerns the application of safeguards to source and special fissile materials on the territory of the United Kingdom;

Whereas it is appropriate to arrange for particular provisions relative to the accounting system and the presentation of records concerning ores;

Whereas, on the territories of the Member States not party to the Agreement, some installations or parts thereof as well as certain materials are liable to be involved in the production cycle for defence needs, therefore it is appropriate to specify particular safeguard procedures to take account of these circumstances;

Whereas, for clarity's sake, and particularly to make the respect of safeguard Regulations easier for those concerned, it is appropriate to codify these Regulations in a single text,

HAS ADOPTED THIS REGULATION:

## PART I

### BASIC TECHNICAL CHARACTERISTICS AND PARTICULAR SAFEGUARD PROVISIONS

#### DECLARATION OF THE TECHNICAL CHARACTERISTICS

##### *Article 1*

Any person or undertaking setting up or operating an installation for the production, separation or other use of source materials or special fissile materials or for the processing of irradiated nuclear fuels shall declare to the Commission the basic technical characteristics of the installation, on the basis of the relevant questionnaire given in Annex I hereto.

Any person or undertaking responsible for the storage of source materials or special fissile materials shall be subject to the provisions of the first paragraph.

##### *Article 2*

Where the basic technical characteristics of an installation have already been communicated to the Commission, the declarations specified in the said Article 1 may be made by reference to such earlier communication, provided that any additional information required by the questionnaire referred to

in Article 1 is supplied within 30 days from the date on which this Regulation comes into force.

The basic technical characteristics of new installations shall be declared as laid down in Article 1 at least 45 days before the first consignment of nuclear material is due to be received.

##### *Article 3*

The 'particular safeguard provisions' referred to in Article 7 shall specify those important changes in the basic technical characteristics for which advance notification is required.

Any other changes in the basic technical characteristics shall be communicated to the Commission, together with the first inventory change report made after the modification is complete.

##### *Article 4*

On receipt of a reasoned request, the Commission may allow additional time for the completion of the declarations required in the preceding Articles.

#### Article 5

The provisions of Article 1 shall not apply to persons or undertakings holding only nuclear materials exempted from the declaration requirements as provided for by Article 22.

### PROGRAMME OF ACTIVITIES

#### Article 6

The persons or undertakings referred to in Article 1 shall also communicate to the Commission, for the planning of its safeguard activities, the following information:

- (a) annually, an outline programme of activities drawn up in accordance with the 'particular safeguard provisions' referred to in Article 7, the first communication being made on the basis of the guidelines given in Annex X, at the same time as that of the basic technical characteristics referred to in Article 1;
- (b) at least 40 days before beginning the taking of a physical inventory, the programme for such work;
- (c) at least 40 days before starting to shut down a batch-loaded reactor for reloading, the programme in respect of such shutting down unless otherwise provided in the 'particular safeguard provisions' referred to in Article 7.

Any change affecting programmes for the taking of physical inventories or for the shutting down of reactors to reload shall be communicated to the Commission without delay.

### PARTICULAR SAFEGUARD PROVISIONS

#### Article 7

Acting on the declarations of basic technical characteristics and on the information communicated in pursuance of Article 6, the Commission shall specify in the 'particular safeguard provisions' the procedures by which the persons or undertakings concerned shall meet the requirements in relation

to safeguards imposed on them. Among others these procedures shall include:

- (a) the designation of the material balance areas and the selection of those strategic points which are key measurement points for determining the flow and stocks of nuclear materials;
- (b) the procedures for keeping records of nuclear materials for each material balance area and for drawing up reports;
- (c) the frequency of and procedures for drawing up physical inventories for accounting purposes as part of safeguard measures;
- (d) containment and surveillance measures, in accordance with the modalities agreed upon with the plant operators;
- (e) sample-taking by the plant operator solely for safeguard purposes.

The 'particular safeguard provisions' shall also lay down the content of subsequent communications required under Article 6 of this Regulation as well as the conditions requiring advance notification of shipments and receipts of nuclear material.

The Commission will reimburse the person or undertaking concerned the cost of those special services which are provided for in the 'particular safeguard provisions', or which are provided because of a special request of the Commission or of the inspectors and on the basis of an agreed estimate. The extent and modality of the reimbursement will be fixed between the parties concerned and will be reviewed periodically as necessary.

#### Article 8

The 'particular safeguard provisions' referred to in Article 7 shall be drawn up by means of an individual decision of the Commission after consultation with the person or undertaking concerned and the appropriate Member State.

The person or undertaking affected by any individual decision of the Commission will be notified thereof, and a copy of such notification will be transmitted to the Member State concerned.

## PART II

### ACCOUNTING SYSTEM

#### *Article 9*

The persons and undertakings referred to in Article 1 shall maintain a system of accounting for and control of nuclear materials. This system shall include accounting and operating records and, in particular, information on the quantities, nature, form and composition of these materials in accordance with the requirements of Article 21, their actual location, the particular safeguarding obligation, and the way in which the persons or undertakings concerned have stated that they intend to use such materials, in accordance with their own decisions, as well as the shipper or recipient when materials are transferred.

The system of measurements on which the records are based shall comply with the most recent international standards or shall be equivalent in quality to those standards. On the basis of these records it must be possible to establish and justify the communications addressed to the Commission in the form and at the intervals laid down in Articles 12 to 21. Records shall be retained for a period of at least five years.

#### ACCOUNTING RECORDS

##### *Article 10*

The accounting records shall show in respect of each material balance area:

- (a) all inventory changes, so as to permit a determination of the book inventory at any time;
- (b) all measurement and counting results that are used for determination of the physical inventory;
- (c) all corrections that have been made in respect of inventory changes, book inventories and physical inventories.

For all inventory changes and physical inventories the accounting records shall show, in respect of each batch of nuclear material, material identification, batch data and source data. These records shall account separately for uranium, thorium and plutonium in each batch of nuclear material. Moreover for each inventory change, the date of the

inventory change and, when appropriate, the dispatching material balance area and the receiving material balance area or the recipient, shall be indicated.

#### OPERATING RECORDS

##### *Article 11*

The operating records shall include, if appropriate, for each material balance area:

- (a) those operating data which are used to establish changes in the quantities and composition of the nuclear material;
- (b) the data obtained from the calibration of tanks and instruments and from sampling and analysis, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) a description of the sequence of actions taken in preparing for, and in taking, a physical inventory in order to ensure that it is correct and complete;
- (d) a description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might have occurred.

#### ACCOUNTING AND SPECIAL REPORTS

##### *Article 12*

The persons and undertakings referred to in Article 1 shall provide the Commission with accounting reports and, when appropriate, with special reports.

The accounting reports shall set forth the information available on the date of reporting and must be corrected at a later date if necessary.

On a reasoned request by the Commission, further details or explanations in connection with these reports shall be supplied normally within three weeks of that request.

## Initial inventory

## Article 15

### Article 13

The persons and undertakings referred to in Article 1 shall transmit to the Commission an initial book inventory of all nuclear materials which for any reason they have in their possession within 15 days of the last day of the month in which this Regulation comes into force. This inventory shall describe the situation on the last day of that month. The form set out in Annex IV to this Regulation shall be used for this purpose.

## Inventory change report

### Article 14

For each material balance area, the persons and undertakings referred to in Article 1 shall transmit to the Commission inventory change reports in respect of all nuclear materials in accordance with the specimen set out in Annex II. The reports shall identify the materials and give batch data for each batch thereof, the date of the inventory change and, when appropriate, the dispatching material balance area and the receiving material balance area or the recipient.

The reports concerning transfers shall also indicate for receipts the intended use, pursuant to Article 9, and for dispatches the use made of the nuclear materials in the reporting installation. Unless otherwise defined in the 'particular safeguard provisions' referred to in Article 7, no declaration of use is mandatory for transfers between different material balance areas of the same installation.

These reports showing inventory changes, book inventories and corrections shall be sent as soon as possible and, in any case, within 15 days after the end of the month in which the inventory changes occur or are known, either periodically in a consolidated list or individually. For months in which no inventory changes occur, the persons or undertakings concerned may simply send in the form intended for the inventory change report carrying the indication that the situation remained unchanged. Small inventory changes, such as transfers of samples for purposes of analysis, may be grouped, as laid down in the 'particular safeguard provisions' referred to in Article 7 for the installation concerned, in order that they may be reported as a single inventory change.

The reports referred to in Article 14 shall be accompanied by concise notes:

- (a) explaining the inventory changes on the basis of the operating data contained in the operating records provided for in Article 11 (a) of this Regulation;
- (b) describing as specified in the 'particular safeguard provisions' referred to in Article 7, the planned operational programme for the installation concerned and, in particular, the taking of a physical inventory.

If the required information is contained in documents which already exist, copies of such documents may take the place of the concise notes.

## Material balance report and physical inventory listing

### Article 16

For each material balance area, the persons and undertakings referred to in Article 1 shall transmit to the Commission, in accordance with the specimen set out in Annex III to this Regulation, material balance reports showing:

- (a) beginning physical inventory;
- (b) inventory changes (first increases, then decreases);
- (c) ending book inventory;
- (d) ending physical inventory;
- (e) material unaccounted for.

A physical inventory, in accordance with the specimen set out in Annex IV, listing all batches separately giving, *inter alia*, identification of the materials and giving batch data for each batch thereof and the use, pursuant to Article 9, which the persons or undertakings concerned intend to make of the materials, shall be attached to each material balance report.

These reports shall be transmitted as soon as possible and in any case within 30 days from the date on

which a physical inventory was taken, unless otherwise specified in the 'particular safeguard provisions' referred to in Article 7.

### Special reports

#### Article 17

The persons and undertakings referred to in Article 1 shall transmit to the Commission a special report whenever the circumstances mentioned in Articles 18 and 27 arise.

The type of information to be dealt with in such reports shall be specified in the 'particular safeguard provisions' referred to in Article 7.

The special reports and further details or explanations which may be requested by the Commission in connection with these reports shall be supplied without delay.

#### Article 18

A special report must be made without delay:

- (a) if, as a result of any unusual incident or circumstances, it is believed that there has been or might be a loss of nuclear material in excess of the limits specified for these purposes in the 'particular safeguard provisions' referred to in Article 7; or
- (b) if the containment has unexpectedly changed from that specified in the 'particular safeguard provisions' referred to in Article 7, to a point where an unauthorized removal of nuclear material has become possible.

The abovementioned obligations shall devolve upon the persons and undertakings concerned as soon as they have become aware of any such loss or sudden change in the containment conditions, or of anything which leads them to believe that there has been such an occurrence. The causes shall also be stated as soon as they are known.

### Detailed rules of application

#### Article 19

In respect of reactors, the obligations laid down in Articles 10 to 16 shall apply under the following conditions.

As far as nuclear transformations are concerned, calculated data will be reported in the inventory change report at the latest when irradiated fuel is transferred from the reactor material balance area. In addition, where appropriate, other procedures for recording and reporting nuclear transformations shall be specified in the 'particular safeguard provisions' referred to in Article 7.

#### Article 20

Nuclear materials subject to particular safeguard obligations entered into by the Community in an Agreement concluded with a non-Member State or an international organization shall, unless otherwise stipulated by such Agreement, be identified separately for each obligation in the following notifications:

- (a) initial book inventory (Article 13);
- (b) inventory change reports, but excluding book inventories (Article 14);
- (c) physical inventory listings (Article 16); and
- (d) intended imports and exports (Articles 24 and 25).

Unless specifically prohibited in the Agreement referred to above, such separation shall not preclude the physical mixing of materials.

This Article shall not apply to the Agreement or to any other Agreement concluded by the Community and a Member State with the International Atomic Energy Agency.

#### Article 21

- (a) In any notification referred to in this Regulation, quantities of source materials shall be expressed in kilogrammes and quantities of special fissile materials in grammes.
- (b) The corresponding material accounting records shall be kept in the units referred to in (a) of this Article or in smaller units. They shall be kept in such a manner as to render them trustworthy and, in particular, to comply with current practices in the Member States.
- (c) In the notifications provided for above, quantities may be rounded down to the nearest unit when the first decimal is 0 to 4 and rounded up when the first decimal is 5 to 9.



(d) Unless otherwise provided for in the 'particular safeguard provisions' referred to in Article 7:

- (i) notifications shall indicate the total weight of the elements contained: uranium, thorium or plutonium and also, for enriched uranium, the total weight of the fissile isotopes. The isotopic composition of plutonium, if recorded at the installation for operational needs, shall be made available to the Commission on request;
- (ii) separate line entries in inventory change reports and in physical inventory listings and separate material balance reports must be used for the following categories of nuclear material:
  - depleted uranium,
  - natural uranium,
  - uranium enriched up to 20%,
  - uranium enriched above 20%,
  - plutonium,
  - thorium.

#### DEROGATIONS AND EXEMPTIONS

##### Article 22

(a) In order to take account of any particular circumstances in which safeguarded materials are used or produced, the Commission may, in the 'particular safeguard provisions' referred to in Article 7, grant producers and users of nuclear materials a derogation from the rules governing

the form and frequency of notification provided for in this Regulation.

The Commission may so decide especially in the case of installations holding only small quantities which are kept in the same state for long periods.

(b) At the request of the persons or undertakings concerned in accordance with the form set out in Annex VIII, the Commission may exempt the following materials from declaration, provided that they are not processed or stored together with non-exempted nuclear materials:

- special fissile materials which are used in quantities of the order of a gramme or less as sensing components in instruments;
- plutonium with an isotopic concentration of plutonium-238 in excess of 80%,
- nuclear materials which are used exclusively in non-nuclear activities.

If the conditions for exemption cease to be fulfilled, the exemption shall be rescinded. The person or undertaking concerned shall inform the Commission in accordance with the form set out in Annex IX that the conditions for exemption no longer exist.

##### Article 23

This Regulation shall not apply to holders of finished products used for non-nuclear purposes which incorporate nuclear materials that are virtually irrecoverable.

### PART III

#### TRANSFERS: IMPORTS/EXPORTS

##### Article 24

(a) The persons and undertakings referred to in Article 1 which export source or special fissile materials to a non-Member State shall give advance notification to the Commission of every such export. Similarly, advance notification shall be given to the Commission:

- in the case of any export from a Member State party to the Agreement to a Member State not party to the Agreement, and

- in the case of any export from the United Kingdom to a Member State party to the Agreement.

However, advance notification is required only:

- (i) where the consignment exceeds one effective kilogramme;
- (ii) where the 'particular safeguard provisions' referred to in Article 7 so specify, in the case of installations habitually transferring

large total quantities of materials to the same State, even though no single consignment exceeds one effective kilogramme.

- (b) Such notification shall be given after the conclusion of the contractual arrangements leading to the transfer and in any case in time to reach the Commission eight working days before the material is to be prepared for shipment.
- (c) Such notification shall be given in accordance with the form set out in Annex V to this Regulation and shall state, *inter alia*,
- the identification and, if possible, the expected quantity and composition of the material to be transferred, and the material balance area from which it will come,
  - the State to which the nuclear material is to be sent,
  - the dates on and locations at which the nuclear material will be prepared for shipment,
  - the approximate dates of dispatch and arrival of the nuclear material,
  - the use which the persons or undertakings concerned had made of the nuclear material.
- (d) If so required for reasons of physical protection, special arrangements concerning the form and transmission of such notification may be agreed upon with the Commission.

#### Article 25

- (a) The persons and undertakings referred to in Article 1 which import source or special fissile materials from a non-member State shall give advance notification to the Commission of every such import. Similarly, advance notification shall be given to the Commission:
- in the case of any import into a Member State party to the Agreement from a Member State not party to the Agreement, and
  - in the case of any import into the United Kingdom from a Member State party to the Agreement.

However, advance notification is required only:

- (i) where the consignment exceeds one effective kilogramme;
- (ii) where the 'particular safeguard provisions' referred to in Article 7 so specify, in the case of installations to which large total quantities of materials are habitually

transferred from the same State, even though no single consignment exceeds one effective kilogramme.

- (b) Such notification shall be given as far in advance as possible of the expected arrival of the nuclear material and, in any case, on the date of receipt and in time to reach the Commission five working days before the material is unpacked.
- (c) Such notification shall be given in accordance with the form set out in Annex VI and shall state, *inter alia*:
- the identification and, if possible, the expected quantity and composition of the material,
  - the expected date of arrival, the location where and the date on which the nuclear material is expected to be unpacked.
- (d) If so required for reasons of physical protection, special arrangements concerning the form and transmission of such notification may be agreed upon with the Commission.

#### Article 26

When persons or undertakings not subject to Article 1 decide to export or import nuclear materials referred to in Articles 24 and 25, these persons or undertakings are required to make the notifications foreseen in Articles 24 and 25.

#### Article 27

A special report as provided for in Article 17 shall be prepared by the persons or undertakings covered by Articles 24 and 25 if, following exceptional circumstances or an incident, they have received information that nuclear materials have been or appear to be lost, particularly when there has been a considerable delay during transfer. In the same circumstances persons or undertakings covered by Article 26 are also required to inform the Commission.

#### Article 28

Any change of date in the preparation for shipment, in the shipment or in the unpacking of nuclear materials with respect to the dates given in the notifications provided for in Articles 24 and 25, but not a change that gives rise to special reports, shall be communicated without delay, with an indication of the revised dates, if known.

## PART IV

### SPECIFIC PROVISIONS

#### ORE PRODUCERS

##### *Article 29*

Any person or undertaking extracting ores on the territory of a Member State shall keep accounting records thereof. These records must indicate, in particular, the tonnage and average uranium and thorium content of the ore extracted and of the stock at the mine, and proof of shipment, stating the date, consignee, and quantity. Such records shall be kept for at least five years.

##### *Article 30*

No later than the end of January each year, producers of ores shall inform the Commission, in accordance with the form set out in Annex VII, of the amount of material dispatched from each mine during the previous year.

##### *Article 31*

Any person or undertaking exporting ores to non-Member States shall inform the Commission thereof, in accordance with the form set out in Annex VII, on the actual date of dispatch.

#### CARRIERS

##### *Article 32*

Any person or undertaking engaged, within the territories of the Member States, in carrying or temporarily storing source or special fissile materials during shipment may accept them or hand them over only against a duly signed and dated receipt. This shall state the names of the parties handing over and receiving the materials and the quantities carried,

together with the nature, form and composition of the materials.

If so required for reasons of physical protection, the specification of the materials transferred may be replaced by a suitable identification of the consignment. Such identification shall be traceable to records held by the persons and undertakings referred to in Article 1 and showing the specification mentioned.

Such documents shall be kept by the contracting parties for at least one year.

##### *Article 33*

Documents and papers already held and compiled by persons or undertakings in accordance with existing regulations which apply to them on the territory of the Member States in which they operate may take the place of the documents and receipts provided for in Article 32, provided that such documents and papers contain all the required information.

#### INTERMEDIARIES

##### *Article 34*

Every intermediary whatsoever, in particular authorized agents, brokers, commission or business agents, taking part in the conclusion of any contract for the supply of nuclear materials shall keep all documents relating to the transactions performed by him or on his behalf for at least one year after the expiry of the contract. Such documents shall mention the names of the contracting parties, the date of the contract, the quantity, nature, form and composition together with the origin and destination of the materials.

## PART V

### SPECIFIC PROVISIONS APPLICABLE IN THE TERRITORIES OF MEMBER STATES WHICH ARE NUCLEAR WEAPON STATES

#### Article 35

1. The provisions of this Regulation shall not apply:
  - (a) to installations or parts of installations which have been assigned to meet defence requirements and which are situated on the territory of a Member State not party to the Agreement; or
  - (b) to nuclear materials which have been assigned to meet defence requirements by that Member State.
2. For nuclear materials, installations or parts of installations which are liable to be assigned to meet defence requirements and which are situated on the territory of a Member State not party to the Agreement, the extent of the application of this Regulation and the procedures under it shall be defined by the Commission in consultation and in agreement with the Member State concerned, taking into account the provisions of the second paragraph of Article 84 of the Treaty.
3. It is understood in any event that:
  - (a) the provisions of Articles 1 to 4, 7 and 8 shall apply to installations or parts of installations which at certain times are operated exclusively with nuclear materials liable to be assigned to meet defence requirements but at other times are operated exclusively with civil nuclear materials;
  - (b) the provisions of Articles 1 to 4, 7 and 8 shall apply, with exceptions for reasons of national security, to installations or parts of installations to which access could be restricted for such reasons but which produce, treat, separate, reprocess or use in any other way simultaneously both civil nuclear materials and nuclear materials assigned or liable to be assigned to meet defence requirements;
  - (c) the provisions of Articles 6, and 9 to 37 shall apply in relation to all civil nuclear materials situated in installations or parts of installations as referred to in subparagraphs (a) and (b) above.

## PART VI

### FINAL PROVISIONS

#### DEFINITIONS

#### Article 36

For the purposes of this Regulation:

- (a) 'The Agreement' means the Agreement concluded on 5 April 1973 between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the European Atomic Energy Community (Euratom) with the International Atomic Energy Agency, in implementation of paragraphs 1 and 4 of Article III of the Treaty on the non-proliferation of nuclear weapons.
- (b) 'Member State party to the Agreement' means the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg or the Kingdom of the Netherlands.
- (c) 'Member State not party to the Agreement' means France or the United Kingdom.
- (d) 'Non-Member State' means any State which is not a member of the European Atomic Energy Community.
- (e) 'Special fissile materials' means plutonium-239; uranium-233; uranium enriched in uranium-235 or uranium-233, and any substance containing

one or more of the foregoing isotopes and such other fissile materials as may be specified by the Council, acting by a qualified majority on a proposal from the Commission; the expression 'special fissile materials' does not, however, include source materials nor ores or ore waste.

- (f) 'Uranium enriched in uranium-235 or uranium-233' means uranium containing uranium-235 or uranium-233 or both in an amount such that the abundance ratio of the sum of these isotopes to isotope 238 is greater than the ratio of isotope 235 to isotope 238 occurring in nature. 'Enrichment' means the ratio of the combined weight of uranium-233 and uranium-235 to the total weight of the uranium under consideration.
- (g) 'Source materials' means uranium containing the mixture of isotopes occurring in nature; uranium whose content in uranium-235 is less than the normal; thorium; any of the foregoing in the form of metal, alloy; chemical compound or concentrate; any other substance containing one or more of the foregoing in such a concentration as shall be specified by the Council, acting by a qualified majority on a proposal from the Commission, and any other material which the Council may determine, acting by a qualified majority on a proposal from the Commission. The words 'source materials' shall not be taken to include ores or ore waste.
- (h) 'Ores' means any ore containing, in such average concentration as shall be specified by the Council acting by a qualified majority on a proposal from the Commission, substances from which the source materials defined above may be obtained by the appropriate chemical and physical processing.
- (i) 'Nuclear materials' means any ore, source and special fissile material as defined in paragraphs (e), (f), (g) and (h) above.
- (j) 'Nature' of a material means natural uranium, depleted uranium, uranium enriched in uranium-235 or uranium-233, thorium or plutonium, depending on the case.
- (k) 'Batch' means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of

specifications or measurements. The nuclear material may be in bulk form or contained in a number of identifiable items.

- (l) 'Batch data' means the total weight of each element of nuclear material and, in the case of plutonium and uranium, the isotopic composition when appropriate. For reporting purposes the weights of individual items in the batch shall be added together before rounding to the nearest unit.
- (m) 'Book inventory' of a material balance area means the algebraic sum of the most recent physical inventory of that material balance area and of all inventory changes that have occurred since that physical inventory was taken.
- (n) 'Correction' means an entry in an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.
- (o) 'Effective kilogramme' means a special unit used in safeguarding nuclear material. The quantity in effective kilogrammes is obtained by taking:
- (i) for plutonium, its weight in kilogrammes;
  - (ii) for uranium with an enrichment of 0.01 (1%) and above, its weight in kilogrammes multiplied by the square of its enrichment;
  - (iii) for uranium with an enrichment below 0.01 (1%) and above 0.005 (0.5%), its weight in kilogrammes multiplied by 0.0001; and
  - (iv) for depleted uranium with an enrichment of 0.005 (0.5%) or below, and for thorium, its weight in kilogrammes multiplied by 0.00005.
- (p) 'Inventory change' means an increase or decrease, in terms of batches, of nuclear material in a material balance area.
- (q) 'Key measurement point' means location where nuclear material appears in such a form that it may be measured to determine material flow or

inventory. Key measurement points thus include, but are not limited to, inputs and outputs (including measured discards) and storages in material balance areas.

(r) 'Material balance area' means an area such that:

(i) the quantity of nuclear material in each transfer into or out of each material balance area can be determined; and

(ii) the physical inventory of nuclear material in each material balance area can be determined when necessary in accordance with specified procedures,

in order that the material balance may be established.

(s) 'Material unaccounted for' means the difference between physical inventory and book inventory.

(t) 'Physical inventory' means the sum of all the measured or derived estimates of batch quantities of nuclear material on hand at a given time within a material balance area, obtained in accordance with specified procedures.

(u) 'Shipper/receiver difference' means the difference between the quantity of nuclear material in a batch as stated by the shipping material balance area and as measured at the receiving material balance area.

(v) 'Source data' means those data, recorded during measurement or calibration or used to derive empirical relationships, which identify nuclear material and provide batch data. Source data may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.

(w) 'Strategic point' means a location selected during examination of design information where, under normal conditions and when combined with the information from all 'strategic points' taken

together, the information necessary and sufficient for the implementation of safeguard measures under the Agreement is obtained and verified; a 'strategic point' may include any location where key measurements related to material accountancy are made and where containment and surveillance measures are executed.

#### INSTALLATIONS CONTROLLED FROM OUTSIDE THE COMMUNITY

##### Article 37

Where an installation is controlled by a person or undertaking established outside the Community, any obligations imposed by this Regulation shall devolve upon the local management of the installation.

#### ANNEXES

##### Article 38

The Annexes to this Regulation form an integral part thereof. The Commission may make minor technical adjustments thereto.

#### ENTRY INTO FORCE

##### Article 39

This Regulation shall enter into force 15 days after its publication in the *Official Journal of the European Communities*.

Without prejudice to Article 40, Commission of the European Atomic Energy Community Regulations No 7 and No 8 are hereby repealed.

##### Article 40

Articles 9 to 16, 19 and 21 of this Regulation shall apply as from the adoption of the 'particular safeguard provisions' referred to in Article 7.

Until the adoption of those provisions, Articles 2, 5, 7, 8 and 10 of the abovementioned Regulation No 8 shall continue to apply.

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

Done at Brussels, 19 October 1976.

*For the Commission*  
*The President*  
François-Xavier ORTOLI

ANNEX I

QUESTIONNAIRE FOR THE DECLARATION OF THE BASIC TECHNICAL  
CHARACTERISTICS OF THE INSTALLATIONS

A. REACTORS

Date .....

IDENTIFICATION OF THE INSTALLATION

1. Name.
2. Location, exact address with telephone and telex numbers.
3. Owner (legally responsible body or individual).
4. Operator (legally responsible body or individual).
5. Present status (in operation or expected date of entry into operation).
6. Purpose and type of installation.
7. Operating mode of installation influencing its throughput. (Shift system adopted, approximate dates of operating periods in year, etc.)
8. Layout of installation site. Map showing perimeters and premises of the installation in the form of a site layout; buildings, roads, rivers, railways, etc.
9. Layout of installation:
  - (a) structural containment, fences and access routes;
  - (b) incoming material storage area;
  - (c) reactor area;
  - (d) test and experiment area, laboratories;
  - (e) outgoing material storage area;
  - (f) nuclear material waste disposal.

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**NB:** 1. Pursuant to Article 79 of the Treaty those subject to safeguard requirements shall notify the authorities of the Member State concerned of any communication they make to the Commission pursuant to Article 78.

2. The reply 'not applicable' can be given to questions which are not applicable. The Commission is still entitled to request any additional information it considers necessary in connection with the relevant questionnaire.

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This questionnaire, duly completed and signed, should be forwarded to the Commission of the European Communities, Euratom Safeguards Directorate, 'Jean Monnet' Building, Kirchberg, Luxembourg (Grand Duchy of Luxembourg).



10. Additional main installation data:

- (a) rated thermal output per reactor for continuous operation;
- (b) source and special fissionable material;
- (c) initial core enrichments;
- (d) moderator;
- (e) coolant.

GENERAL ARRANGEMENT OF THE INSTALLATION, INCLUDING FEATURES RELATING TO MATERIAL ACCOUNTANCY, CONTAINMENT AND SURVEILLANCE

Description of nuclear material (\*)

- 11. Fuel element and/or assembly outline drawing in sufficient detail to indicate general structure with overall dimensions. (Element is the smallest contained fuel unit; assembly is the combination of elements to a handling unit such as cluster or bundle. Provisions for element exchange should be shown if applicable and indication given if this is a routine operation.)
- 12. Fuel material (including material in control or shim assemblies if applicable):
  - (a) chemical composition or major alloy constituents;
  - (b) average enrichment per assembly;
  - (c) nominal weight of fuel material per assembly with design tolerances.
- 13. Cladding material.
- 14. Method of identifying individual fuel elements and/or assemblies if applicable.
- 15. Other nuclear material used in the installation (state briefly material, purpose and way of using material, e.g. booster rods).

Flow of nuclear material

- 16. Flowsheet showing points where nuclear material is identified or measured, material balance areas and inventory locations used for material accountancy and estimated range of inventories of nuclear material in these areas under normal operating conditions.
- 17. Expected nominal fuel cycle data including (as applicable):
  - (a) reactor core loading;
  - (b) expected burn-up;
  - (c) annual refuelling amount;
  - (d) refuelling interval (on-load or off-load);
  - (e) approximate forecast of throughput and inventory and of receipts and shipments.

(\*) Items 11 to 14 are to be answered for each type of assembly in the installation. Terminology consistent with item 11 should be used.

### Handling of nuclear material

18. Layout and general arrangement drawings of fresh fuel storage, and description of packaging.
19. Layout and general arrangement drawings of fresh fuel preparation and/or assay room and reactor loading area.
20. General arrangement drawings of fuel transfer equipment for fresh and irradiated fuel, including refuelling machines or equipment.
21. General arrangement drawing of reactor vessel, location of core and openings in vessel, method of fuel handling in vessel.
22. Sketch of core showing the general disposition, lattice, form, pitch and dimensions of core, reflector, location, shapes and dimensions of control elements, experimental and/or irradiation positions.
23. Number and size of channels for fuel elements or assemblies and for control elements in the core.
24. Spent fuel storage:
  - (a) general arrangement drawings of storage site;
  - (b) method of storage;
  - (c) design capacity of storage;
  - (d) equipment for handling irradiated fuel;
  - (e) minimum cooling time before shipment of irradiated fuel;
  - (f) drawing and description of shipping cask for irradiated fuel (as required to explore the possibility of sealing).
25. Nuclear material testing area (if applicable):
  - (a) brief description of the nature of the activities performed;
  - (b) description of major equipment (e.g. hot cell, fuel element decladding and dissolution equipment);
  - (c) description of shipping containers for nuclear material and packaging of waste and scrap (as required to explore the possibility of sealing);
  - (d) storage of unirradiated and irradiated nuclear material;
  - (e) layout and general arrangement drawings for the above, if not covered elsewhere.

### Coolant data

26. Coolant flow diagrams as required for heat balance calculations (indicating pressure, temperatures and mass flow rates at major points).

## NUCLEAR MATERIAL ACCOUNTANCY AND CONTROL

### Accountancy system

27. Nuclear material control and accountancy system (describe item and/or mass accountancy system, including relevant assay measurement methods used with assessed accuracies, supplying specimen blank forms used in all control and accountancy procedures). Length of preservation of such records should be stated.

**Physical inventory**

28. Description of procedures, scheduled frequency, methods of operator's physical inventory taking (both for item and/or mass accountancy including main assay methods), expected accuracy; access to nuclear material in the core and to irradiated nuclear material outside the core, expected radiation levels.

**OTHER INFORMATION RELEVANT TO APPLICATION OF SAFEGUARDS**

29. Organization of material accountancy and control.
30. Information on the health and safety rules which have to be observed and with which the inspectors must comply at the installation.

## B. CRITICAL (AND ZERO ENERGY) INSTALLATIONS

Date .....

### IDENTIFICATION OF THE INSTALLATION

1. Name.
2. Location, exact address with telephone and telex numbers.
3. Owner (legally responsible body or individual).
4. Operator (legally responsible body or individual).
5. Present status (in operation or expected date of entry into operation).
6. Purpose and type of installation.
7. Operating mode of installation influencing its throughput. (Shift system adopted, approximate dates of operating periods in year, etc.)
8. Layout of installation site. Map showing perimeters and premises of the installation in the form of site layout; buildings, roads, rivers, railways, etc.
9. Layout of installation:
  - (a) structural containment, fences and access routes;
  - (b) nuclear material storage area(s);
  - (c) fuel element assembling area, laboratories, etc.;
  - (d) critical assembly proper (\*).
10. Additional main installation data (\*):
  - (a) maximum expected operating power and/or neutron flux;
  - (b) main type(s) of nuclear material and enrichment;
  - (c) moderator;
  - (d) reflector, blanket;
  - (e) coolant.

### GENERAL ARRANGEMENT OF THE INSTALLATION, INCLUDING FEATURES RELATING TO MATERIAL ACCOUNTANCY, CONTAINMENT AND SURVEILLANCE

#### Description of nuclear material

11. Description by means of drawings or otherwise of all nuclear material in the installation showing:
  - (a) all types of units including normal handling units;
  - (b) chemical composition or main alloy constituents;

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(\*) To be provided for each critical assembly if more than one in the installation.

- (c) form and dimensions;
- (d) enrichment;
- (e) nominal weight of nuclear material with design tolerances;
- (f) cladding material; and
- (g) method(s) of identifying units.

#### **Location and handling of nuclear material**

12. Description by means of layout and general arrangement drawings or otherwise of:
  - (a) nuclear material storage and assembly areas and critical assembly(ies) proper (inventory locations);
  - (b) the estimated range of inventories of nuclear material in these locations;
  - (c) the physical arrangement of equipment used for assembling, testing and measuring nuclear material; and
  - (d) the routes of nuclear material.
13. Sketch of critical assembly core showing core support structure, shielding and heat removal arrangements with description (to be provided for each critical assembly if more than one in the installation).

#### **NUCLEAR MATERIAL ACCOUNTANCY AND CONTROL**

##### **Accountancy system**

14. Description of the nuclear material control and accountancy system (describe item and/or mass accountancy system, including main assay methods used with assessed accuracies), supplying specimen blank forms used in all control and accountancy procedures. Length of preservation of such records should be stated.

##### **Physical inventory**

15. Description of procedures, scheduled frequency, methods of operator's physical inventory taking (both for item and/or mass accountancy including main assay methods), expected accuracy; access to nuclear material in the core and to irradiated nuclear material outside the core, expected radiation levels.

#### **OTHER INFORMATION RELEVANT TO APPLICATION OF SAFEGUARDS**

16. Organization of material accountancy and control.
17. Information on the health and safety rules which have to be observed and with which the inspectors must comply at the installation.

## C. CONVERSION, FABRICATION AND REPROCESSING PLANTS

Date .....

### IDENTIFICATION OF THE INSTALLATION

1. Name.
2. Location, exact address with telephone and telex numbers.
3. Owner (legally responsible body or individual).
4. Operator (legally responsible body or individual).
5. Present status (in operation or expected date of entry into operation).
6. Purpose and type of installation.
7. Operating mode of installation influencing its throughput. (Shift system adopted, approximate dates of operating times in year, etc.)
8. Layout of installation site. Map showing perimeters and premises of the installation in the form of a site layout; buildings, roads, rivers, railways, etc.
9. Layout of installation:
  - (a) structural containment, fences and access routes;
  - (b) routes followed by nuclear material;
  - (c) incoming nuclear material storage;
  - (d) each main processing area and process laboratory;
  - (e) test or experimental areas;
  - (f) outgoing nuclear material storage;
  - (g) waste disposal facilities;
  - (h) analytical laboratory.

### GENERAL ARRANGEMENT OF THE INSTALLATION, INCLUDING FEATURES RELATING TO MATERIAL ACCOUNTANCY, CONTAINMENT AND SURVEILLANCE

#### Flow, location and handling of nuclear material

10. Flowsheet showing points where nuclear material is identified or measured, material balance areas and inventory locations used for material accountancy and estimated range of inventories of nuclear material in these areas under normal operating conditions. The description should include (if applicable):
  - (a) batch size or flow rate;
  - (b) method of storage or packing;
  - (c) storage capacity;
  - (d) general forecasts of throughput and inventory and of receipts and shipments.

11. In addition to item 10 above, feed storage areas for reprocessing plants should be described by a general arrangement drawing showing:
  - (a) locations for fuel elements and handling equipment;
  - (b) type of fuel elements including nuclear material content and enrichment.
12. In addition to item 10 above, the description of the recycle stage of the process should include if available:
  - (a) duration of temporary storage;
  - (b) schedules for external recycling (if applicable).
13. In addition to item 10 above, the description of the discard stage of the process should include the discard method (disposal or storage).
14. Under equilibrium conditions for each flowsheet referred to in items 10 and 16 and assuming the modes of operation in item 7, state:
  - (a) the nominal throughput per year;
  - (b) the in-process inventory based on design capacity.
15. Describe the normal procedures adopted for complete or partial clean-out of the plant. Include description of special sampling and measurement points associated with the clean-out procedure and subsequent physical inventory taking, if not described in item 10 above.

#### Description of nuclear material

16. Describe, by means of flowsheets or otherwise, the estimated flow and inventory of all nuclear material for storage and process areas. The description should include:
  - (a) physical and chemical form;
  - (b) content range or expected upper limits for each category of solid or liquid discard material;
  - (c) enrichment range.

#### NUCLEAR MATERIAL ACCOUNTANCY AND CONTROL

##### Accounting system

17. Description of the accountancy system used to record and report accountancy data and establish material balances, supplying specimen forms used in all procedures. Length of preservation of such records should be stated.
18. Indicate when and how often material balances are made, including any during campaigns. Describe method and procedure for adjustment of accounts after a physical inventory taking.
19. Describe procedure for handling shipper/receiver differences and method of adjustment of accounts.
20. Describe procedure for making corrections to accounts due to procedural or clerical mistakes and the effect on shipper/receiver differences, if applicable.

#### Physical inventory

21. Reference is made to item 15. Identify the items of equipment on the flowsheets of items 10 and 16 to be regarded as containers for nuclear material under physical inventory conditions. State the timing of physical inventory taking during the campaign.

#### Methods for measurement, sampling and analysis

22. Method of establishing each measurement at the point indicated should be described; equations or tables used and calculations made to determine actual quantities of weights or volumes should be identified. Recording of data automatically or manually should be stated. Method of and practical procedures for sampling for each point indicated should be described.
23. Analytical methods used for accountancy purposes should be described. Reference to a manual or report would be suitable.

#### Control of measurement accuracy

24. Describe measurement quality control programme relevant for material accounting including programmes (together with accuracy values) for the continuing appraisal of analytical, weight, volume and sampling precisions and biases, and for the calibration of associated equipment; method of calibrating the measuring equipment referred to in item 23; type and quality of standards used for analytical methods referred to in item 23; type of analytical equipment used, method of calibration and frequency.

#### Statistical evaluation

25. Describe methods of statistical evaluation of data accumulated in measurement control programmes for the evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty (i.e. determination of the random and systematic errors of the measurements and the associated limits of error; statistical procedures used to combine individual measurement error estimates to obtain the overall limits of error for S/R differences, the book inventory, the physical inventory and MUF).

#### OTHER INFORMATION RELEVANT TO APPLICATION OF SAFEGUARDS

26. Organization of material accountancy and control.
27. Information on the health and safety rules which have to be observed and with which the inspectors must comply at the installation.



## D. STORAGE INSTALLATIONS (\*)

Date .....

### IDENTIFICATION OF THE INSTALLATION

1. Name.
2. Location, exact address with telephone and telex numbers.
3. Owner (legally responsible body or individual).
4. Operator (legally responsible body or individual).
5. Present status (in operation or expected date of entry into operation).
6. Purpose and type of installation.
7. Layout of installation. Structural containment, fences and access routes, if appropriate.

### GENERAL ARRANGEMENT OF THE INSTALLATION, INCLUDING FEATURES RELATING TO MATERIAL ACCOUNTANCY, CONTAINMENT AND SURVEILLANCE

#### Description of nuclear material

8. Description by means of drawings or otherwise of all nuclear material in the installation showing:
  - (a) all types of units including normal handling units;
  - (b) chemical composition or main alloy constituents;
  - (c) form and dimensions;
  - (d) enrichment;
  - (e) nominal weight of nuclear material with design tolerances;
  - (f) cladding materials;
  - (g) methods of identifying units.

#### Locations and handling of nuclear material

9. Description by means of layout and general arrangement drawings or otherwise of:
  - (a) nuclear material storage areas (inventory locations);
  - (b) the estimated range of inventories of nuclear material in these locations;
  - (c) nuclear material storage and/or shipping containers;
  - (d) the routes and equipment used for movement of nuclear material, if applicable.

---

(\*) Separate installations not normally associated with enrichment, conversion, fabrication, reactors, and chemical re-processing and recovery installations.

NUCLEAR MATERIAL ACCOUNTANCY AND CONTROL

Accountancy system

10. Description of the nuclear material control and accountancy system (describe item and/or mass accountancy system, including main assay methods used with assessed accuracies), supplying specimen blank forms used in all control and accountancy procedures.

Physical inventory

11. Description of procedures, scheduled frequency, methods of operator's physical inventory taking (both for item and/or mass accountancy including main assay methods), and expected accuracy.

OTHER INFORMATION RELEVANT TO APPLICATION OF SAFEGUARDS

12. Organization of material accountancy and control.
13. Information on the health and safety rules which have to be observed and with which the inspectors must comply at the installation.

## E. ISOTOPE SEPARATION PLANTS

Date .....

### IDENTIFICATION OF THE INSTALLATION

1. Name.
2. Location, exact address with telephone and telex numbers.
3. Owner (legally responsible body or individual).
4. Operator (legally responsible body or individual).
5. Present status (in operation or expected date of entry into operation).
6. Building schedule (if installation not in operation):
  - (a) date building starts;
  - (b) date of installation acceptance;
  - (c) commissioning date.
7. Purpose and type of installation (nominal separation capacity, enrichment facilities, etc.).
8. Operating mode of installation influencing its throughput. (Shift system adopted, approximate dates of operating times in year, etc.)
9. Layout of installation site. Map showing perimeters and premises of the installation in the form of a site layout; buildings, roads, rivers, railways, etc.
10. Layout of installation:
  - (a) structural containment, fences and access routes;
  - (b) containment of certain parts of the installation;
  - (c) routes followed by nuclear material;
  - (d) incoming nuclear material storage;
  - (e) each main processing area and process laboratory, including weighing and sampling area, decontamination, purification and feed areas, etc.;
  - (f) test or experimental areas;
  - (g) outgoing nuclear material storage;
  - (h) waste disposal facilities;
  - (i) analytical laboratory.

### GENERAL ARRANGEMENT OF THE INSTALLATION, INCLUDING FEATURES RELATING TO MATERIAL ACCOUNTANCY, CONTAINMENT AND SURVEILLANCE

#### Flow, location and handling of nuclear material

11. Description by means of diagrams or otherwise of storage areas and process areas. The description should include (if applicable):

- (a) sampling and measuring points;
  - (b) batch size and/or flow rate;
  - (c) method of storage or packing;
  - (d) storage capacities.
12. In addition to item 11 above, the description of the installation should include:
- (a) separation capacity;
  - (b) enrichment techniques or methods;
  - (c) possible points for feed, product and tails;
  - (d) recycling facilities;
  - (e) type and size of UF<sub>6</sub> cylinders used and filling and emptying methods.
13. Power consumption should be given, where necessary.
14. Each diagram should indicate, under equilibrium conditions:
- (a) nominal throughput per year;
  - (b) physical inventory of in-process materials;
  - (c) material loss rate owing to leakage, decomposition, deposition, etc.;
  - (d) arrangements for regular plant maintenance (periodic shutdown or continuous component replacement, etc.).
15. Describe special sampling and measurement points associated with decontamination of off-process equipment for maintenance or replacement.
16. Describe process waste disposal point, including disposal method, storage period, type of disposal, etc.

#### Description of nuclear material

17. Describe, by means of flowsheets or otherwise, the estimated flow and inventory of all nuclear material for storage and process areas. The description should include:
- (a) physical and chemical form;
  - (b) enrichment range for feed, product and tails;
  - (c) content range or expected upper limits for each category of solid or liquid discard material.

### NUCLEAR MATERIAL ACCOUNTANCY AND CONTROL

#### Accountancy system

18. Description of the accountancy system used to record and report accountancy data and to establish material balances, supplying specimen forms used in all procedures.
19. Indicate when and how often material balances are made, including any during campaigns. Describe method and procedure for adjustment of accounts after a physical inventory taking.
20. Describe procedure for handling shipper/receiver differences and method of adjustment of accounts.

21. Describe procedure for making corrections to accounts due to procedural or clerical mistakes and the effect on shipper/receiver differences, if applicable.

#### Physical inventory

22. Identify the items of equipment on the flowsheets of items 11 and 17 to be regarded as containers for nuclear material under physical inventory conditions. State the timing of physical inventory taking.

#### Methods for measurement, sampling and analysis

23. Refer to the flowsheets of items 11 and 17 for location of sampling and measurement points.
24. Method of establishing each measurement at the point indicated should be described; equations or tables used and calculations made to determine actual quantities of weights or volumes should be identified. Recording of data automatically or manually should be stated. Method of and practical procedures for sampling for each point indicated should be described. Indicate number of samples taken and rejection criteria.
25. Analytical methods used for accountancy purposes should be described. Reference may be made to a manual or report.

#### Control of measurement accuracy

26. Describe programmes for the continuous appraisal of weight, volume and sampling precision and biases and for the calibration of associated equipment.
27. Describe type and quality of standards used for analytical methods referred to in paragraph 25, type of analytical equipment used, method of calibration and frequency.

#### Statistical evaluation

28. Describe statistical evaluation programmes for data accumulated in control programmes for weight, volume, sampling and analytical measurements (i.e. determination of the random and systematic errors of the measurements and associated limits of error); statistical methods used to combine individual measurement error estimates to obtain the overall limits of error for S/R differences, the book inventory, the physical inventory and MUF.

#### OTHER INFORMATION RELEVANT TO APPLICATION OF SAFEGUARDS

29. Organization of material accountancy and control.
30. Information on the health and safety rules which have to be observed and with which the inspectors must comply at the installation.

**F. INSTALLATIONS USING NUCLEAR MATERIAL IN QUANTITIES EXCEEDING ONE EFFECTIVE KILOGRAMME**

Date .....

For any installation of a type not referred to in Sections A to E using more than one effective kilogramme per annum, the questionnaire includes the following:

- identification of the installation;
- general arrangement of the installation, including features relating to material accountancy, containment and surveillance;
- nuclear material accountancy and control system, including techniques for physical inventory taking;
- other information relevant to the application of safeguards.

The information required under these headings is, as applicable, the same as described in the questionnaires for the types of installations coming under Sections C, D and E.

G. OTHER INSTALLATIONS (\*)

Date .....

IDENTIFICATION OF THE INSTALLATION AND OF THE NUCLEAR MATERIAL

1. Name
2. Location, exact address with telephone and telex numbers.
3. Owner (legally responsible body or individual).
4. Operator (legally responsible body or individual).
5. Type of nuclear material.
6. Description of containers used for storage and handling (as required to explore the possibility of sealing).
7. Description of the use of the nuclear material.

NUCLEAR MATERIAL ACCOUNTANCY AND CONTROL

8. General description of the existing and proposed procedures for nuclear material accountancy and control, including procedures for physical inventory taking.
9. Organization of material accountancy and control.

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(\*) The term 'other' denotes all the installations not covered by Sections A to F, and where nuclear material in quantities not exceeding one effective kilogramme is habitually used.

MBA (2)				
1	2	3	4	5
I				

COMMISSION OF THE EUROPEAN COMMUNITIES  
EURATOM SAFEGUARDS

ANNEX II

**INVENTORY CHANGE REPORT**

Reporting installation

Reporting period

(1) .....

from ..... to .....

Corresponding installation

(1) .....

Date			KAP Measurement Type of inventory change	Corresponding MBA	Batch designation	Number of items	Material description	Element	Weight of element						Isotope	Weight of fissile isotopes						Unit Obligation	Use	Corresponding information	Entry Correction	Original date												
D	M	Y							(1)	(2)	(3)	(4)	(5)	(6)		(7)	(8)	(9)	(10)	(11)	(12)					(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	D	M	Y

Remarks (25)

Isotopic data (23)				
U-233	U-234	U-235	U-236	U-238
Pu-238	Pu-239	Pu-240	Pu-241	Pu-242

Concise notes (24)

Date and place of dispatch of report .....

Name and position of responsible signatory .....

Signature .....



## EXPLANATORY NOTES

(1) **Installation:**

Name and address of the reporting installation and, in the event of a transfer, name and address of the corresponding installation (receiver in the case of shipment and shipper in the case of receipt).

(2) **MBA:**

Code of the reporting material balance area. This code is notified to the installation concerned in the particular safeguard provisions.

(3) **Date:**

Day, month and year on which the change in inventory occurred.

(4) **KMP:**

Key measurement point. The codes are notified to the installation concerned in the particular safeguard provisions. The code relevant to the inventory change reported should be used.

(5) **Measurement:**

The basis on which the quantity of nuclear material reported was established has to be indicated. One of the following codes must be used as appropriate: }

Measured	Estimated	Explanation
M	E	In the reporting material balance area
N	F	In another material balance area
T	G	In the reporting material balance area when the weights have already been given in a previous inventory change report or physical inventory listing
L	H	In another material balance area when the weights have already been given in a previous inventory change report or physical inventory listing for the present material balance area

(6) **Type of inventory change:**

The type of inventory change must be reported. One of the following codes must be used:

Keyword	Code	Explanation
Receipt	RD	Receipt of nuclear material from a material balance area within the Community

Keyword	Code	Explanation
Import	RF	Import of nuclear material from outside the Community
Receipt from non-safeguarded activity	RN	Receipt of nuclear material from a non-safeguarded activity (Article 35)
Shipment	SD	Transfer of nuclear material to a material balance area within the Community
Export	SF	Export of nuclear material outside the Community
Shipment to non-safeguarded activity	SN	Transfer of nuclear material to a non-safeguarded activity (Article 35)
Measured discards	LD	Quantity of nuclear material, measured or estimated on the basis of measurements, which has been disposed of from processing in such a way that it is not suitable for further nuclear use. The quantity of nuclear material involved is to be subtracted from the inventory of the material balance area
Transfer to retained waste	TW	Quantity of waste, measured or estimated on the basis of measurements, which has been transferred to a specific location within the material balance area, from which it could be retrieved. The quantity of nuclear material involved is to be subtracted from the inventory of the material balance area. (Retained waste is understood to include nuclear material which is regarded economically irrecoverable by current technology)
Retransfer from retained waste	FW	Retransfer of a quantity of nuclear material from the retained waste category to the inventory of the material balance area. This applies whenever nuclear material in the retained waste category is removed from the specific location within the material balance area either for processing at the material balance area or for shipment from the material balance area

Keyword	Code	Explanation
Discard from retained waste	WD	Transfer of a quantity of nuclear material from the retained waste category to measured discards. This inventory change replaces the two inventory changes 'Retransfer from retained waste (FW)' and 'Measured discards (LD)'. The quantity of nuclear material involved does not affect the inventory of the material balance area
Accidental loss	LA	Irretrievable and inadvertent loss of a known quantity of nuclear material as the result of an operational accident
Exemption	EU	Exemption of a quantity of nuclear material from declaration (Article 22). The quantity of nuclear material involved is to be subtracted from the inventory of the material balance area
De-exemption	DU	De-exemption of a quantity of nuclear material previously exempted from declaration (Article 22). The quantity of nuclear material involved is to be added to the inventory of the material balance area
Category change	CC	Accountancy transfer of a quantity of nuclear material from one category (Article 21) to another
Rebatching	RB	Accountancy transfer of a quantity of nuclear material from one batch to another. To be used only if batch-follow-up is required in the particular safeguard provisions
Change in particular obligation	CR	Accountancy transfer of a quantity of nuclear material from one particular safeguard obligation (Article 20), to which the nuclear material is subject, to another
Change in use	CU	Accountancy transfer of a quantity of nuclear material from one use (Article 9), to which the material was assigned, to another
Nuclear transformation	NT	Increase or decrease in the quantity of nuclear material due to nuclear transformation, e.g. by fission, capture or radioactive decay

Keyword	Code	Explanation
Shipper/receiver difference	DI	Shipper/receiver difference (Article 36 (u))
New measurement	NM	Quantity of nuclear material accounted for in the material balance area being the difference between a newly measured quantity and the quantity formerly accounted for, and which is neither a shipper/receiver difference nor a correction  (Information under this heading will include differences resulting from physical inventories taken by the plant operator for his own purposes)
Roundings	RA	Rounding adjustment to make the sum of rounded quantities reported in a given period coincide with the ending book inventory of the material balance area, if appropriate
Ending book inventory	BA	Book inventory at the end of a month, separate for each category of nuclear material
No change	NC	No inventory change during the month

(7) **Corresponding MBA:**

For certain inventory changes listed below, the code of the corresponding material balance area must be reported.

(a) *Receipt (RD):*

Code of the shipping material balance area.

(b) *Import (RF):*

Code of the exporting material balance area (if unknown, the country code of the exporting State is sufficient).

(c) *Shipment (SD):*

Code of the receiving material balance area.

(d) *Export (SF):*

Code of the importing material balance area (if unknown, the country code of the importing State is sufficient).

(8) **Batch designation:**

The batch designation may be chosen by the operator, however:

(a) in the case of the inventory change 'Receipt (RD)', the batch designation chosen by the shipper must be used;

(b) a batch designation must not be used again for another batch in the same material balance area;

(c) if batch-follow-up is required in the particular safeguard provisions, the same batch designation as previously used for that batch must be repeated. No two batches with the same batch designation must exist at the same time in the material balance area (the batch designation can be changed in this case using the inventory change 'Rebatching (RB)').

(9) Number of items:

The number of similar items of which the batch consists must be reported. If an inventory change consists of several entry lines, the number of items in the batch is given by the sum of the number of items in the single entry lines.

For concise notes consisting of several entry lines, these columns should be used for numbering in sequential order, see (24).

(10) Material description:

The following codes must be used. They must be used in the order of the following categories:

(a) Form (columns 32 and 33):

Main category	Subcategory	Code
Ores	—	OR
Concentrates	—	YC
Uranium hexafluoride (UF <sub>6</sub> )	—	U6
Uranium tetrafluoride (UF <sub>4</sub> )	—	U4
Solutions	Nitrate	LN
	Fluoride	LF
	Other	LO
Powder	Homogeneous	PH
	Heterogeneous	PN
Ceramics	Pellets	CP
	Spheres	CS
	Other	CO
Metal	Pure	MP
	Alloys	MA
Fuel	Rods, pins	ER
	Plates	EP
	Bundles	EB
	Assemblies	EA
	Other	EO
Sealed sources	—	QS
Small quantities	—	SS
Samples		
Scrap	Homogeneous	SH
	Heterogeneous (cleanouts, clinkers, sludges, fines, other)	SN

Main category	Subcategory	Code
Solid waste	Hulls	AH
	Mixed (plastics, gloves, papers, etc.)	AM
	Contaminated equipment	AC
	Other	AO
Liquid waste	Low active	WL
	Medium active	WM
	High active	WH

(b) *Type of container or fuel element (column 34):*

Type of container	Code
Cylinder	C
Pack	P
Drum	D
Discrete fuel unit	S
Bird cage	B
Bottle	F
Tank or other container	T
Other	O

(c) *State of nuclear material (column 35):*

State	Code
Fresh nuclear material	F
Irradiated nuclear material	I
Retained waste	W
Irrecoverable material	N
Recoverable material	R

(11) Element:

The following categories of nuclear material must be used:

Category	Code
Depleted uranium	D
Natural uranium	N
Low enriched uranium (up to and including 20% enrichment)	L
High enriched uranium (above 20% enrichment)	H
Plutonium	P
Thorium	T

If a batch contains more than one category of nuclear material, separate entry lines must be used for each category.

(12) Weight of element:

The weight of the element referred to in (11) must be reported. The following units should be used: at least grammes of plutonium and enriched uranium, at least kilogrammes of thorium, natural uranium and depleted uranium. Nevertheless, the decimal digits appearing in the accounting records could be reported. In the case of the inventory changes 'Nuclear transformation (NT)', 'Shipper/receiver difference (DI)', 'New measurement (NM)' and 'Roundings (RA)', the quantities decreasing the inventory must be marked with a minus in front of the figure.

(13) Unit:

The unit of the weight of element must be identified if it is different from the standard units indicated in (12). Use the code K for kilogrammes or the code G for grammes.

(14) Isotope:

This code indicates the kind of fissile isotopes involved and should only be reported in the case the weight of fissile isotopes is reported. The following codes should be used:

Code	Explanation
G	U-235
K	U-233
J	U-235 plus U-233

(15) Weight of fissile isotopes:

Unless otherwise stated in the particular safeguard provisions, the weight of fissile isotopes must only be reported for enriched uranium and category changes involving enriched uranium. The same unit as for the corresponding weight of element should be used. The remarks under (12) concerning the sign of the figure apply also here.

(16) Unit:

The unit of the weight of fissile isotopes must be identified if it is different from the standard units indicated in (15). Use the code K for kilogrammes or the code G for grammes.

(17) Obligation:

Indication of the particular safeguard obligation assumed by the Community under an Agreement concluded with a third non-member State or an international organization, to which the nuclear material is subject (Article 20). The Commission will communicate to the installations the appropriate codes and any subsequent modifications.

(18) Use:

Indication, by means of a two character code, of the use of the nuclear material (Article 9). The indication of the use mandatory only for transfers into and out of an installation (Article 14). The code to be applied should be defined by the installation concerned under the following conditions:

- (a) all nuclear materials assigned to the same use must be identified by the same code;
- (b) the significance of a code which is used for the first time must be communicated to the Commission in advance;
- (c) different uses must be identified by means of different codes;
- (d) if, within the same installation, the nuclear material is assigned to another use than previously reported, this change has to be reported by means of the inventory change 'Change in use (CU)'.

(19) Corresponding information:

For certain inventory changes, listed below, corresponding information must be reported.

(a) *Category change (CC):*

Code of the category of nuclear material before the change. (The corresponding code after the change must be reported in (11)).

(b) *Change in particular obligation (CR):*

Code of the particular safeguard obligation, to which the nuclear material is subject, before the change. (The corresponding code after the change must be reported in (17)).

(c) *Change in use (CU):*

Code of the use, to which the nuclear material was assigned, before the change. (The corresponding code after the change must be reported in (18)).

(d) *Rebatching (RB):*

Batch designation before rebatching which applies only if batch-follow-up is required in the particular safeguard provisions and the operator wishes to change an existing batch designation. (The batch designation after the rebatching must be reported in (8)).



(20) **Entry:**

This column is provided solely for the indication of particular entry lines and must be completed only in the following cases:

Code	Explanation
I	The entry line contains the isotopic composition, see (23)
N	The entry line contains a concise note, see (24)

(21) **Correction:**

Corrections have to be made by deleting the wrong entry line(s) and adding the correct one(s). The following codes must be used:

Code	Explanation
D	Deletion. The entry line to be deleted must be repeated in its entirety (up to and including column 73), except (3) which must show the date on which the deletion was made in the accounting records
A	Addition. The correct entry line must be reported in its entirety (up to and including column 73). In (3), the date on which the addition was made to the accounting records, must be reported

(22) **Original date:**

In the case of a correction, the day, month and year, on which the entry line to be corrected was originally made, must be reported.

(23) **Isotopic data:**

If so specified in the particular safeguard provisions, the percentage by weight of the isotopes should be reported. An accuracy of at least two decimal places is required. The information in (2) to (4), (6), and (8) to (11) of the entry line, to which the isotopic data refer, must be repeated in the relevant columns of this entry line.

(24) **Concise notes:**

An explanation of an inventory change should be given (Article 15 of this Regulation). The information in (2) to (6), (8), (10) and (11) of the entry line, to which the concise note refers, must be repeated in the relevant columns of this entry line.

Concise notes can also be reported under (25) on a separate sheet.

(25) **Remarks:**

Space available to the operator.

## GENERAL REMARKS CONCERNING THE COMPLETION OF THE REPORT FORMS

1. In the case of transfer of nuclear material, the shipper must provide the receiver with all the necessary information for the inventory change report.
2. In the cases referred to in (19), the differences are reported directly in a single entry line (direct accounting). However, the operator is free to report additional information as line entries for example to show the derivation of these differences provided that he codes this information in an agreed manner.
3. All the appropriate columns should be completed. The information should be entered in the correct spaces.
4. If the Commission has so agreed, reports may be produced by computer and may be sent to the Commission in computer readable form, provided that all the information required by this Regulation is included in them.
5. If numerical data contain fractions of units, the decimal point should be used to separate the decimal places.
6. The following 54 characters may be used: the 26 capital letters A to Z, figures 0 to 9 and the characters 'plus', 'minus', 'slash', 'asterisk', 'space', 'equal', 'greater than', 'less than', 'point', 'comma', 'open bracket', 'close bracket', 'colon', 'dollar', 'per cent', 'quotation mark', 'semi-colon' and 'question mark'. The letter 'O' should be slashed to avoid confusion with the figure '0'.
7. Pursuant to Article 79 of the Treaty, those subject to safeguard requirements shall notify the authorities of the Member State concerned of any communications they make to the Commission pursuant to that Article.
8. The forms, duly completed and signed, should be forwarded to the Commission of the European Communities, Euratom Safeguards Directorate, 'Jean Monnet' Building, Kirchberg, Luxembourg (Grand Duchy of Luxembourg).

ANNEX III

COMMISSION OF THE EUROPEAN COMMUNITIES  
EURATOM SAFEGUARDS

MATERIAL BALANCE REPORT

MBA					Date					
(4)					D	M	Y			
1	2	3	4	5	6	7	8	9	10	11
M										

(1) Installation : .....  
 (2) Start of reporting period : .....  
 (3) Category : .....

Inventory information	Element	Weight of element												Unit Isotope	Weight of fissile isotopes								Unit Conversion	Remarks				
		(8)													(11)										(12) (13)		(14)	
(6)	(7)	14	15	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	74		

Date and place of dispatch of report ..... Name and position of responsible signatory ..... Signature .....

## EXPLANATORY NOTES

(1) **Installation:**

Name and address of the reporting installation.

(2) **Start of reporting period:**

Date on which the reporting period starts, i.e. at 00.00 hrs on the day following the day on which the previous physical inventory was taken.

(3) **Category:**

Category of nuclear material, for which the material balance report is established.

(4) **MBA:**

Code of the reporting material balance area. This code is notified to the installation concerned in the particular safeguard provisions.

(5) **Date:**

Day, month and year on which the present physical inventory was taken. The reporting period closes at 24.00 hrs on that date.

(6) **Inventory information:**

The different types of inventory information should be entered, if appropriate, in the sequence indicated below. The following codes must be used:

Keyword	Code	Explanation
Beginning physical inventory	PB	Physical inventory at the beginning of the reporting period
Inventory changes (for codes see (6) of Explanatory Notes to Annex II)		For each type of inventory change, one consolidated entry line has to be made for the entire reporting period (first increases, then decreases)
Ending book inventory	BA	Book inventory at the end of the reporting period
Ending physical inventory	PE	Physical inventory at the end of the reporting period
Material unaccounted for	MF	Material unaccounted for. Must be calculated as 'Ending physical inventory (PE)' minus 'Ending book inventory (BA)'

(7) **Element:**

Separate material balance reports have to be established for each category of nuclear material. The codes given in (11) of the Explanatory Notes to Annex II must be used.

(8) to (12):

Explanatory Notes (12), (13), (14), (15) and (16) to Annex II are applicable.

(13) **Correction:**

Corrections have to be made by deleting the wrong entry line(s) and adding the correct one(s). The following codes must be used:

Code	Explanation
D	Deletion. The entry line to be deleted must be repeated in its entirety (up to and including column 73)
A	Addition. The correct entry line must be reported in its entirety (up to and including column 73)

(14) **Remarks:**

Space available to the operator.

**GENERAL REMARKS CONCERNING THE COMPLETION OF THE REPORT FORMS**

General remarks 3, 4, 5, 6, 7 and 8 at the end of the Explanatory Notes to Annex II are applicable *mutatis mutandis*.



EXPLANATORY NOTES

(1) **Installation:**

Name and address of the reporting installation.

(2) **MBA:**

Code of the reporting material balance area. This code is notified to the installation concerned in the particular safeguard provisions.

(3) **Date:**

Day, month and year on which the physical inventory was taken reflecting the situation at 24.00 hrs.

(4) **KMP:**

Key measurement point. The codes are notified to the installation concerned in the particular safeguard provisions.

(5) **Measurement:**

Explanatory Note (5) to Annex II is applicable.

(6) **Batch designation:**

If batch-follow-up is required in the particular safeguard provisions, the batch designation previously used for that batch in an inventory change report or in a previous physical inventory listing must be repeated.

(7) to (16):

Explanatory Notes (9), (10), (11), (12), (13), (14), (15), (16), (17) and (18) to Annex II are applicable.

(17) **Correction:**

Corrections have to be made by deleting the wrong entry line(s) and adding the correct one(s). The following codes must be used:

Code	Explanation
D	Deletion. The entry line to be deleted must be repeated in its entirety (up to and including column 73)
A	Addition. The correct entry line must be reported in its entirety (up to and including column 73)

(18) **Remarks:**

Space available to the operator.

GENERAL REMARKS CONCERNING THE COMPLETION OF THE REPORT FORMS

If on the date the physical inventory was taken there is no nuclear material in the material balance area, only (1), (2), (3) and (9) above should be completed on the report.

General remarks 3, 4, 5, 6, 7 and 8 at the end of the Explanatory Notes to Annex II are applicable *mutatis mutandis*.

—



COMMISSION OF THE EUROPEAN COMMUNITIES  
EURATOM SAFEGUARDS

ADVANCE NOTIFICATION OF EXPORTS OF NUCLEAR MATERIAL

- (1) Material balance area  
Code : .....
- (2) Installation: Installation :  
(Shipper) (Receiver)  
.....  
.....
- (3) Quantities: .....
- (4) Chemical composition: .....
- (5) Enrichment or isotopic composition: .....
- (6) Physical form: .....
- (7) Number of items: .....
- (8) Description of containers and seals: .....
- (9) Shipment identification data: .....
- (10) Means of transport: .....
- (11) Location where material will be stored or prepared: .....
- (12) Last date when material can be identified: .....
- (13) Approximate dates of dispatch: .....  
Expected dates of arrival: .....
- (14) Use: .....
- (15) International agreement: .....  
— Commission authorization: .....  
— Intervention of Supply Agency: .....

Name and position of responsible signatory:

.....

Date and place of dispatch of notification:

.....

Signature: .....

## EXPLANATORY NOTES

- (1) Code of the reporting material balance area notified to the installation concerned in the particular safeguard provisions.
- (2) Name, address and country of the installation shipping and of the installation receiving the nuclear material. In the case of export out of the United Kingdom, the receiver of ultimate destination should also be indicated where applicable.
- (3) The total weight of the elements shall be identified in kilogrammes for natural and depleted uranium and for thorium, and in grammes for enriched uranium and plutonium. The weight of fissile isotopes shall be identified, if applicable.
- (4) Chemical composition shall be identified.
- (5) If applicable, the degree of enrichment or the isotopic composition shall be identified.
- (6) Use the description of materials as laid out in Annex II (10) to this Regulation.
- (7) The number of items included in the shipment shall be identified.
- (8) Description (type) of containers, including features that would permit sealing.
- (9) Shipment identification data (e.g. container markings or numbers).
- (10) Indicate, as applicable, the means of transport.
- (11) Indicate the location within the material balance area where the nuclear material is prepared for shipping and can be identified, and where its quantity and composition can if possible be verified.
- (12) Last date when material can be identified and when its quantity and composition can if possible be verified.
- (13) Approximate dates of dispatch and of expected arrival at destination.
- (14) Indicate the use to which the nuclear material has been assigned.
- (15) Give in particular as appropriate :
  - the Agreement concluded by the Community with a non-Member State or an international organization under which the material is transferred;
  - the Commission authorization under Article 59 of the Treaty;
  - the date on which the contract was concluded or considered as concluded by the Supply Agency and any useful references;
  - for jobbing contracts (Article 75 of the Treaty) and for contracts for the supply of small quantities of material (Article 74 of the Treaty and Commission Regulation No 17/66/Euratom, as amended by Regulation (Euratom) No 3137/74), date of notification to the Supply Agency and any useful references.

---

**NB:** Pursuant to Article 79 of the Treaty, those subject to safeguard requirements shall notify the authorities of the Member State concerned of any communications they make to the Commission pursuant to that Article.

This form, duly completed and signed, must be forwarded to the Commission of the European Communities, Euratom Safeguards Directorate, 'Jean Monnet' Building, Kirchberg, Luxembourg (Grand Duchy of Luxembourg).

ANNEX VI

COMMISSION OF THE EUROPEAN COMMUNITIES  
EURATOM SAFEGUARDS

ADVANCE NOTIFICATION OF IMPORTS OF NUCLEAR MATERIAL

- (1) Material balance area  
Code: .....
- (2) Installation: Installation:  
(Receiver) (Shipper)  
.....  
.....
- (3) Quantities: .....
- (4) Chemical composition: .....
- (5) Enrichment or isotopic composition: .....
- (6) Physical form: .....
- (7) Number of items: .....
- (8) Description of containers and seals: .....
- (9) Means of transport: .....
- (10) Date of arrival: .....
- (11) Location where materials will be unpacked .....
- (12) Date(s) when material will be unpacked: .....
- (13) — International agreement: .....
- Intervention of Supply Agency: .....

Name and position of responsible signatory:  
.....

Date and place of dispatch of notification:  
.....

Signature: .....

## EXPLANATORY NOTES

- (1) Code of the reporting material balance area notified to the installation concerned in the particular safeguard provisions.
- (2) Name, address and country of the installation receiving and of the installation shipping the nuclear material.
- (3) The total weight of the elements shall be identified in kilogrammes for natural and depleted uranium and for thorium, and in grammes for enriched uranium and plutonium. The weight of fissile isotopes shall be identified if applicable.
- (4) Chemical composition shall be identified.
- (5) If applicable, the degree of enrichment or the isotopic composition shall be identified.
- (6) Use the description of materials as laid out in Annex II (10) to this Regulation.
- (7) The number of items included in the shipment shall be identified.
- (8) Description (type) of containers, and if possible, of the seals affixed.
- (9) Indicate as applicable, the means of transport.
- (10) Expected or actual date of arrival in the reporting material balance area.
- (11) Indicate the location within the material balance area where the material will be unpacked and can be identified and where its quantity and composition can be verified.
- (12) Date(s) when material will be unpacked.
- (13) Give in particular as appropriate:
  - the Agreement concluded by the Community with a non-Member State or an international organization under which the material is transferred;
  - the date on which the contract was concluded or considered as concluded by the Supply Agency and any useful references;
  - for jobbing contracts (Article 75 of the Treaty) and for contracts for the supply of small quantities of material (Article 74 of the Treaty and Commission Regulation No 17/66/Euratom, as amended by Regulation (Euratom) No 3137/74), date of notification to the Supply Agency and any useful references.

---

**NB:** Pursuant to Article 79 of the Treaty, those subject to safeguard requirements shall notify the authorities of the Member State concerned of any communications they make to the Commission pursuant to that Article.

This form, duly completed and signed, must be forwarded to the Commission of the European Communities, Euratom Safeguards Directorate, 'Jean Monnet' Building, Kirchberg, Luxembourg (Grand Duchy of Luxembourg).

ANNEX VII

COMMISSION OF THE EUROPEAN COMMUNITIES  
EURATOM SAFEGUARDS

(1) DECLARATION OF ORE SHIPMENTS/EXPORTS

(2) Undertaking: .....

(3) Mine: ..... (4) Code: .....

Year: .....

Date	Consignee	Quantity contained in kg:		Remarks
		of uranium	of thorium	

Date and place of dispatch of declaration:

.....

Name and position of responsible signatory:

.....

Signature: .....

## EXPLANATORY NOTES

- (1) The declaration of shipments is to be made at the latest at the end of January of each year for the previous year separately for each consignee. The declaration of export is to be made for each export at the date of shipment.
- (2) Name and address of the reporting undertaking.
- (3) Name of the mine in respect of which the declaration is made.
- (4) Code of the mine as notified to the undertaking by the Commission.

---

**NB:** Pursuant to Article 79 of the Treaty, those subject to safeguard requirements shall notify the authorities of the Member State concerned of any communications they make to the Commission pursuant to that Article.

This form, duly completed and signed, must be forwarded to the Commission of the European Communities, Euratom Safeguards Directorate, 'Jean Monnet' Building, Kirch-Luxembourg (Grand Duchy of Luxembourg).

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ANNEX VIII

COMMISSION OF THE EUROPEAN COMMUNITIES  
EURATOM SAFEGUARDS

REQUEST FOR EXEMPTION FROM DECLARATION OF NUCLEAR MATERIAL

- (1) Date: .....
- (2) Installation: ..... (3) Material balance area  
Code: .....
- (4) Quantities: .....
- (5) Category of nuclear material: .....
- (6) Chemical composition: .....
- (7) Enrichment or isotopic composition: .....
- (8) Physical form: .....
- (9) Number of items: .....
- (10) Location where material is now present: .....
- (11) Reason: (a) sensing components  
(b) Pu with Pu-238 > 80 %  
(c) non-nuclear activities
- (12) Intended use: .....
- (13) Particular obligation: .....
- (14) Approximate date of transfer: .....  
Date and place of dispatch of request: .....  
Name and position of responsible signatory: .....
- Signature: .....

---

Exemption granted as above

Date: .....

Name and position of responsible signatory granting the exemption: .....

Signature: .....  
(For the Commission)

## EXPLANATORY NOTES

- (1) Date on which the exemption is requested.
- (2) Name, address and country of the installation requesting the exemption.
- (3) Code of the requesting material balance area notified to the installation in the particular safeguard provisions.
- (4) Total weight of the elements in kilogrammes for natural and depleted uranium and thorium, and in grammes for enriched uranium and plutonium. Weight of fissile isotopes, if applicable.
- (5) Categories of nuclear materials as laid down in Annex II (11).
- (6) Chemical composition shall be identified.
- (7) Degree of enrichment or isotopic composition, if applicable.
- (8) Description of materials as laid down in Annex II (10).
- (9) Number of items constituting the materials.
- (10) Location within the material balance area where the nuclear material is now stored.
- (11) Delete the reasons which do not apply.
- (12) Indication of the intended use to which the nuclear material requested for exemption is assigned.
- (13) Indication of particular safeguard obligation to which the nuclear material is subject, if applicable. Use the codification as laid down in Annex II (17) to this Regulation.
- (14) The approximate date of transfer out of the material balance area (for sensing components) or transfer to non-nuclear use shall be given, if applicable.

---

**NB:** Pursuant to Article 79 of the Treaty, those subject to safeguard requirements shall notify the authorities of the Member State concerned of any communications they make to the Commission pursuant to that Article.

This form, duly completed and signed, must be forwarded to the Commission of the European Communities, Euratom Safeguards Directorate, 'Jean Monnet' Building, Kirchberg, Luxembourg (Grand Duchy of Luxembourg).



ANNEX IX

COMMISSION OF THE EUROPEAN COMMUNITIES  
EURATOM SAFEGUARDS

DE-EXEMPTION OF NUCLEAR MATERIAL PREVIOUSLY EXEMPTED FROM  
DECLARATION

(1) Date: .....

(2) Installation: ..... (3) Material balance area  
..... Code: .....

(4) Quantities: .....

(5) Category of nuclear materials: .....

.....

(6) Chemical composition: .....

(7) Enrichment or isotopic composition: .....

(8) Physical form: .....

(9) Number of items: .....

(10) Location where material is now present: .....

(11) Date of de-exemption: .....

(12) Exemption granted on: .....

(13) Intended use: .....

Date and place of dispatch of communication: .....

Name and position of responsible signatory: .....

.....

Signature: .....

## EXPLANATORY NOTES

- (1) Date on which the de-exemption is communicated.
- (2) Name, address and country of the installation communicating the de-exemption.
- (3) Code of the communicating material balance area notified to the installation concerned in the particular safeguard provisions.
- (4) Total weight of the elements in kilogrammes for natural and depleted uranium and thorium, and in grammes for enriched uranium and plutonium. Weight of the fissile isotopes, if applicable.
- (5) Categories of nuclear materials as laid down in Annex II (11).
- (6) Chemical composition shall be identified.
- (7) Degree of enrichment or isotopic composition, if applicable.
- (8) Description of materials as laid down in Annex II (10).
- (9) The number of items constituting the materials.
- (10) Location within the material balance area where the nuclear material is now stored.
- (11) Date from which de-exemption shall be applied.
- (12) Date on which exemption from declarations in respect of the nuclear material in question had been granted.
- (13) Indication of the use to which the nuclear material is assigned.

---

**NB:** Pursuant to Article 79 of the Treaty, those subject to safeguard requirements shall notify the authorities of the Member State concerned of any communications they make to the Commission pursuant to that Article.

This form, duly completed and signed, must be forwarded to the Commission of the European Communities, Euratom Safeguards Directorate, 'Jean Monnet' Building, Kirchberg, Luxembourg (Grand Duchy of Luxembourg).

ANNEX X

COMMISSION OF THE EUROPEAN COMMUNITIES  
EURATOM SAFEGUARDS

**GUIDELINES FOR THE COMMUNICATION OF THE OUTLINE PROGRAMME  
OF ACTIVITIES WITH REFERENCE TO ARTICLE 6 OF THIS REGULATION**

Communications should, if possible, cover the succeeding two years.

In particular, communications should indicate:

- types of operations, e.g. proposed campaigns with indication of type and quantity of fuel elements to be fabricated or reprocessed, enrichment programmes, reactor operating programmes, with planned shutdowns;
- expected schedule of arrival of materials, stating the amount of material per batch, the form (UF<sub>6</sub>, UO<sub>2</sub>, fresh or irradiated fuels, etc.), expected type of container or packaging;
- dates by which quantity of material in products is expected to be determined and dates of dispatch;
- dates and duration of physical inventory taking.

---

**NB:** Pursuant to Article 79 of the Treaty, those subject to safeguard requirements shall notify the authorities of the Member State concerned of any communications they make to the Commission pursuant to that Article.

This communication, duly completed and signed, must be forwarded to the Commission of the European Communities, Euratom Safeguards Directorate, 'Jean Monnet' Building, Kirchberg, Luxembourg (Grand Duchy of Luxembourg).

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## ANNEXES I and II

161-162

ANNEX I: Agreements between the EEC and non-Community countries (updated to 31 December 1978)\*

Country	Commercial regime (1)	Date of entry into force	Expiry date	Comments	OJ
<u>EUROPE</u>					
Austria	FT	1.1.73	unlimited	Commercial agreement for the progressive establishment (1977) of a free trade area.	L300, 30.12.72
Finland	FT	1.1.74	unlimited	Commercial agreement for the progressive establishment (1977) of a free trade area.	L328, 28.11.73
Greece	CU	1.11.62 1.7.75	unlimited	- In preparation for accession. - Interim agreement (application of provisions concerning trade in the additional protocol signed 28.4.75).	No 26, 18.2.62  L123, 15.5.75
Iceland	FT	1.4.73	unlimited	Commercial agreement for the progressive establishment (1977) of a free trade area.	L301, 31.12.72
Norway	FT	1.7.73	unlimited	as above	L171, 27.6.73
Portugal	FT	1.1.73	unlimited	as above	L301, 31.12.72
Spain	PA	1.10.70	6 years minimum	Further agreement under negotiation with a view to establishing a free trade area	L182, 16.8.70
Sweden	FT	1.1.73	unlimited	Commercial agreement for the progressive establishment (1977) of a free trade area.	L300, 30.12.72

(1) CU = Customs Union, FT = Free Trade Area, PA = Preferential Agreement, NPA = Non Preferential Agreement.

ANNEX 1: (cont'd)

Country	Commercial regime (1)	Date of entry into force	Expiry date	Comments	OJ
Switzerland	FT	1.1.73	unlimited	Commercial agreement for the progressive establishment (1977) of a free trade area	L300, 30.12.72
Turkey	CU	1.12.64	unlimited	- In preparation for accession	No 217, 29.12.72
		1.1.74		- Interim agreement (application of the provisions on trade of the additional protocol signed 30.6.73)	L293, 28.12.72
		1.12.77		- Supplementary protocols required by accession of new Member States to the Community.	L361, 31.12.77
Yugoslavia	NPA	1.9.73	5 years renewable	Trade (non preferential) and cooperation agreement	L224, 13.8.73

\*The complete texts of these agreements are reprinted in the "Collection of Agreements concluded by the European Communities", five volumes, published in 1978 jointly by the Commission and Council.

(1) CU = Customs Union, FT = Free Trade Area, PA = Preferential Agreement, NPA = Non Preferential Agreement

Country	Commercial regime (1)	Date of entry into force	Expiry date	Comments	OJ
<u>MEDITERRANEAN</u>					
Algeria	PA	1.11.78	unlimited	Cooperation agreement covering trade, industry, technology and finance.	L263, 27.9.78
Cyprus	FT	1.6.73	first stage extended to 31.12.79 by additional protocol initialled on 22.6.77	- Association agreement preparatory to joining Customs Union. - A financial protocol and economic cooperation under negotiation.	L133, 21.5.73
Egypt	PA	1.11.78	unlimited	Cooperation agreement covering trade, industry, technology and finance.	L266, 27.9.78
Israel	FT	1.7.75	unlimited unlimited	Additional protocol to the agreement between EEC and Israel - protocol covering financial cooperation	L136, 28.5.75 L270, 27.9.78
Jordan	PA	1.11.78	unlimited	Cooperation agreement covering trade, industry, technology and finance	L268, 27.9.78
Lebanon	PA	1.11.78	unlimited	as above	L267, 27.9.78

(1) CU = Customs Union, FT = Free Trade Area, PA = Preferential Agreement, NPA = Non Preferential Agreement.

Country	Commercial regime (1)	Date of entry into force	Expiry date	Comments	OJ
Malta	FT	1.4.71	first stage extended to 31.12.80 by additional protocol initialled on 29.6.77	<ul style="list-style-type: none"> <li>- Association agreement preparatory to joining Customs Union.</li> <li>- Financial protocol signed 4.3.76</li> <li>- Protocol extending agreement to agriculture and cooperation came into force 1.6.76</li> </ul>	L61, 14.3.71
Morocco	PA	1.11.78	unlimited	Cooperation agreement covering trade, industry, technology and finance.	L264, 27.9.78
Syria	PA	1.11.78	unlimited	as above	L269, 27.9.78
Tunisia	PA	1.11.78	unlimited	as above	L265, 27.9.78

(1) CU = Customs Union, FT = Free Trade Area, PA = Preferential Agreement, NPA - Non Preferential Agreement



Country	Commercial regime (1)	Date of entry into force	Expiry date	Comments	OJ
<u>NORTH AMERICA</u>					
Canada	NPA	1.10.76	unlimited	Cooperation agreement covering trade, industry, technology and finance.	L260, 24.9.76
Mexico	NPA	1.11.75	5 years renewable	Framework agreement on commercial cooperation	L247, 23.9.75
<u>CARIBBEAN (2)</u>					
Netherlands Antilles	FT	1.10.64	unlimited	Fixes a ceiling for imports of oil products refined in the Netherlands Antilles	(No 150, 1.10.64 L282, 28.12.70)
<u>SOUTH AMERICA</u>					
Argentina	NPA	1.1.72	renewable	Non preferential trade agreement	L249, 10.11.71
Brazil	NPA	1.8.74	renewable	as above	L102, 11.4.74
Uruguay	NPA	1.8.74	renewable	as above	L209, 31.7.74

(1) CU = Customs Union, FT = Free Trade Agreement, PA = Preferential Agreement, NPA = Non Preferential Agreement.

(2) The Lomé Convention (entered into force: 1.4.1976; expiry date: 1.3.1980 - see OJ L25, 30.1.76) includes preferential trade agreements. Angola, Benin, Cameroon, the Central African Empire, Chad, Congo (Brazzaville), Gabon, Ghana, Guinea, Ivory Coast, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo and Zaïre are among the signatories.

Country	Commercial régime (1)	Date of entry into force	Expiry date	Comments	OJ
<u>ASIA</u>					
India	NPA	1.4.74	5 years renewable	Framework agreement on commercial cooperation	L82, 27.3.74
Sri Lanka	NPA	1.12.75	5 years renewable	as above	L247, 23.9.75
Bangladesh	NPA	1.12.75	5 years renewable	as above	L319, 19.11.76
China	NPA	1.06.78	5 years renewable	Non preferential trade agreement	L123, 11.5.78

(1) CU = Customs Union, FT = Free Trade Area, PA = Preferential Agreement, NPA = Non Preferential Agreement

ANNEX II: Euratom Cooperation Agreements (updated to 31.12.78)\*

1. Argentina

Agreement between the European Atomic Energy Community (Euratom) and the Government of the Argentine Republic for cooperation concerning the peaceful uses of nuclear energy (63/68/Euratom) No 186/2966  
21.12.63

2. Brazil

Agreement between the European Atomic Energy Community (Euratom) and the Government of the United States of Brazil for cooperation concerning the peaceful uses of nuclear energy (69/95/Euratom) L97/7  
31.3.69

3. Canada

Agreement between the Government of Canada and the European Atomic Energy Community (Euratom) for cooperation in the peaceful uses of atomic energy No 60/1165  
24.11.59

Amendment to the Agreement of 6 October 1959, in the form of an exchange of letters between the European Atomic Energy Community (Euratom) and the Government of Canada for cooperation in the peaceful uses of atomic energy L65/16  
8.3.78

4. United States of America

Agreement between the European Atomic Energy Community (Euratom) and the Government of the United States of America No 17/309  
19.3.59

Agreement for cooperation between the Government of the United States of America and the European Atomic Energy Community (Euratom) concerning peaceful uses of atomic energy No 17/312  
19.3.59

\*The complete texts of these Agreements are reprinted in the "Collection of Agreements concluded by the European Communities" in five volumes published in 1978 jointly by the Commission and the Council.

Additional agreement for cooperation between the United States of America and the European Atomic Energy Community (Euratom) concerning peaceful uses of atomic energy

No 31/668  
29.4.61

Amendment to the agreement for cooperation of November 8, 1958, between the European Atomic Energy Community (Euratom) and the Government of the United States of America

72/2038  
8.8.62

Amendment to the additional agreement for cooperation of June 11, 1960, between the European Atomic Energy Community (Euratom) and the Government of the United States of America

No 72/2045  
8.8.62

Amendment to the additional agreement for cooperation of June 11, 1960, as amended, between the United States of America and the European Atomic Energy Community (Euratom)

No 163/2586  
21.10.64

Amendment to the additional agreement for cooperation of 11 June 1960 between the European Atomic Energy Community (Euratom) and the Government of the United States of America

L139/24  
22.5.74

5. Sweden

Agreement for cooperation between the European Atomic Energy Community (Euratom) and Sweden in the field of controlled thermo-nuclear fusion and plasmas physics

L162/28  
23.6.76

6. Switzerland

Agreement for cooperation between the European Atomic Energy Community (Euratom) and the Swiss Confederation in the field of controlled thermonuclear fusion and plasma physics (published by order of the Council; signed on the 10th September 1978; to enter into force after ratification by Switzerland in early 1979.)

L242/1  
4.9.78

7. I.A.E.A.

Euratom/IAEA Agreement within the framework of the Non-Proliferation Treaty (signed on the 5th April 1973, entered into force on the 21 February 1977)

L51/1  
22.2.78  
L74/40  
16.3.78

The Framework Cooperation Agreement between Euratom and the IAEA (entered into force on 1 January 1976)

L329/28  
23.12.75

8. O.E.C.D./I.E.A.

Agreement for cooperation between Euratom and the International Energy Agency of the OECD in the field of energy research and development

—

European Communities — Commission

**Community energy policy**  
**Texts of the relevant legislation (Supplement No.1 — 1978)**

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This first supplement to the collection of secondary legislation of the European Communities on energy matters updates to 31 December 1978 the basic work published in 1976 by the Directorate General for Energy. It includes the texts of resolutions, regulations, directives and decisions currently in force published in the Official Journal in 1977 and 1978. The introduction gives a survey of new legislation. To make it easier to look at the texts the summary index gives the entire contents included in the basic collection and in this supplement.

A list, also up to date, of agreements reached in the energy field between the European Communities and third countries, and a list of Euratom cooperation agreements, appear in the annexe.

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