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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 4 June 1974

laying down detailed provisions concerning transitional measures relating to activities, trade in and distribution of toxic products and activities entailing the professional use of such products including activities of intermediaries

(74/556/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 54 (2), 57, 63 (2), 66 and 235 thereof;

Having regard to the General Programme for the abolition of restrictions on freedom of establishment ⁽¹⁾ and in particular the second and third paragraphs of Title V thereof;

Having regard to the General Programme for the abolition of restrictions on freedom to provide services ⁽²⁾ and in particular the second and third paragraphs of Title VI thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽³⁾;

Having regard to the Opinion of the Economic and Social Committee ⁽⁴⁾;

Whereas, besides making provision for the abolition of restrictions, the General Programmes provide that it should be examined whether such abolition should be preceded, accompanied or followed by mutual recognition of diplomas, certificates and other formal qualifications, and by the coordination of laws, regulations and administrative provisions

concerning the taking up and pursuit of the activities in question, and whether, if need be, transitional measures should be adopted pending such recognition or coordination; whereas in addition certain Council Directives concerning the attainment of freedom of establishment and freedom to provide services provide for the adoption of directives concerning mutual recognition as regards activities relating to trade in and distribution of toxic products and activities entailing the professional use of such products;

Whereas in particular Council Directive No 64/427/EEC ⁽⁵⁾ of 7 July 1964 laying down detailed provisions concerning provided measures in respect of activities of self-employed persons in manufacturing and processing industries falling within ISIC Major Groups 23—40 (Industry and small craft industries) and as in Directive No 68/336/EEC ⁽⁶⁾ of 15 October 1968 laying down detailed provisions concerning provisional measures in respect of activities of self-employed persons in the food manufacturing and beverage industry (ISIC Major Groups 20 and 21) do not exclude the use of toxic products in the pursuit of the activities to which they apply; whereas the transitional measures provided in these Directives are accordingly also applicable to the use of such products where the pursuit of these activities so requires;

Whereas for activities relating to trade in and distribution of toxic products and activities entailing the professional use of such products including

⁽¹⁾ OJ No 2, 15. 1. 1962, p. 36/62.

⁽²⁾ OJ No 2, 15. 1. 1962, p. 32/62.

⁽³⁾ OJ No C 63, 28. 5. 1969, p. 21.

⁽⁴⁾ OJ No C 10, 27. 1. 1970, p. 23.

⁽⁵⁾ OJ No 117, 23. 7. 1964, p. 1863/64.

⁽⁶⁾ OJ No L 260, 22. 10. 1968, p. 12.

activities of intermediaries, certain Member States sometimes require persons engaged in any of these activities to possess certain abilities attested by formal qualifications or diplomas, whilst other Member States do not impose any specific requirements but merely subject the handling or storage of toxic products to certain special conditions; whereas it is not therefore possible to effect the coordination provided for at the same time as the abolition of discrimination; whereas such coordination must be effected at a later date;

Whereas, in the absence of immediate coordination, it nevertheless appears desirable to make it easier to attain freedom of establishment and freedom to provide services for the activities in question by the adoption of transitional measures of the kind envisaged in the General Programmes, in particular in order to avoid causing exceptional difficulties for nationals of Member States in which the taking up of such activities is not subject to any conditions;

Whereas, in order to prevent such difficulties arising, the main object of the transitional measures should be to allow, as sufficient qualification for taking up the activities in question in host Member States which have rules governing the taking up of such activities, the fact that the activity has been pursued in a Member State of the Community other than the host Member State for a reasonable and sufficiently recent period of time to ensure that the person concerned possesses professional knowledge equivalent to that required of the host Member State's own nationals in view of the dangerous effect which toxic products may have on the health of man, animals and plants either directly or indirectly through the environment;

Whereas, in view of the different characteristics of toxic products and of their varying degrees of toxicity with respect to human, animal and plant health, knowledge of the effects of any one of these products or experience in handling it cannot reasonably be considered as proof of equivalent competence for the distribution or professional use of other such products or all such products; whereas, therefore, the host Member State must have the power to limit the scope of the transitional measures to products which consist of the same active materials or which have similar effects on human, animal and plant health, either directly or indirectly through the environment;

Whereas, in so far as in Member States the taking up or pursuit of the activity in question is also dependent in the case of paid employees on the possession of general, commercial or professional knowledge or ability, this Directive should also

apply to this category of persons in order to remove an obstacle to the free movement of workers and thereby to supplement the measures adopted in Council Regulation (EEC) No 1612/68⁽¹⁾ of 15 October 1968 on freedom of movement for workers within the Community;

Whereas, for the same reason, the provisions laid down in respect of proof of good repute and proof of no previous bankruptcy should also be applicable to paid employees;

Whereas the main purpose of the measures provided for in this Directive will disappear once the coordination of conditions for the taking up and pursuit of the activities in question and the mutual recognition of diplomas, certificates and other formal qualifications have been achieved,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall adopt the transitional measures defined in this Directive in respect of establishment or provision of services in their territories by natural persons and companies or firms covered by Title I of the General Programmes (hereinafter called 'beneficiaries') wishing to pursue the activities referred to in paragraph 2 of this Article.

2. The activities referred to are those covered by Council Directive No 74/557/EEC⁽²⁾ of 4 June 1974 on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products.

This Directive also covers activities involving the professional use of toxic products in so far as such activities have been or will be liberalized by the following Directives:

- Council Directive No 65/1/EEC⁽³⁾ of 14 December 1964 laying down detailed provisions for the attainment of freedom to provide services in agriculture and horticulture;
- Council Directive No 667/654/EEC⁽⁴⁾ of 24 October 1967 laying down detailed provisions for the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons in forestry and logging;

⁽¹⁾ OJ No L 257, 19. 10. 1968, p. 2.

⁽²⁾ See page 5 of this Official Journal.

⁽³⁾ OJ No 1, 8. 1. 1965, p. 1/65.

⁽⁴⁾ OJ No 263, 30. 10. 1967, p. 6.

- Council Directive No 71/18/EEC⁽¹⁾ of 16 December 1970 laying down detailed provisions for the attainment of freedom of establishment in respect of self-employed persons providing agricultural and horticultural services;
- Council Directive No 74/...../EEC of concerning the attainment of freedom of establishment and the freedom to provide services in respect of various activities of self-employed persons (ex ISIC Major Group 01 to Major Group 85) as regards the activities covered by that Directive which fall within ISIC Group 859 and entail the use of toxic products.

3. The transitional measures shall also apply to persons pursuing as paid employees the activities referred to in paragraph 2, as shall Article 7 (1) to (4), of Council Directive No 74/557/EEC.

Article 2

Where, in a Member State, the taking up or pursuit of any activity referred to in the first subparagraph of Article 1 (2), is dependent on the possession of general, commercial or professional knowledge and ability, that Member State shall accept as sufficient evidence of such knowledge and ability the fact that the activity in question has been pursued in another Member State for any of the following periods:

- (a) five consecutive years in an independent capacity or in a managerial capacity, such activity not having ceased more than two years before the date when the application referred to in Article 4 (2) is made;
- (b) two consecutive years in an independent capacity or in a managerial capacity where the beneficiary possesses a certificate of ability and competence for the activity in question authorizing him to pursue the activities of trade in or distribution of toxic products in the Member State of origin or the Member State whence he comes;
- (c) three consecutive years in an independent capacity or in a managerial capacity where the beneficiary proves that for the activity in question he has received previous training attested by a certificate recognized by the State or regarded by the competent professional or trade body as fully satisfying its requirements;
- (d) three consecutive years in a non-independent capacity where the beneficiary possesses a certificate of ability and competence for the activity in question authorizing him to pursue the

activities of trade in or distribution of toxic products in the Member State of origin or the Member State whence he comes;

- (e) four consecutive years in a non-independent capacity where the beneficiary proves that for the activity in question he has received previous training, attested by a certificate recognized by the State or regarded by the competent professional or trade body as fully satisfying its requirements.

This Article only relates to trade in or distribution of packaged toxic products intended for delivery to the final user in their original packaging.

Article 3

Where, in a Member State, the taking up or pursuit of any activity referred to in the second subparagraph of Article 1 (2) is dependent on the possession of general, commercial, or professional knowledge and ability, that Member State shall accept as sufficient evidence of such knowledge and ability the fact that the activity in question has been pursued in another Member State for any of the following periods:

- (a) six consecutive years in an independent capacity or in a managerial capacity such activity not having ceased more than two years before the date when the application referred to in Article 4 (2) is made;
- (b) three consecutive years in an independent capacity or in a managerial capacity where the beneficiary possesses a certificate of ability and competence for the activity in question authorizing him to pursue activities entailing the professional use of toxic products in the Member State of origin or the Member State whence he comes;
- (c) four consecutive years in an independent capacity or in a managerial capacity where the beneficiary proves that for the activity in question he has received previous training, attested by a certificate recognized by the State or regarded by the competent professional or trade body as fully satisfying its requirements;
- (d) four consecutive years in a non-independent capacity where the beneficiary possesses a certificate of ability and competence for the activity in question authorizing him to pursue activities entailing the professional use of toxic products in the Member State of origin or the Member State whence he comes;
- (e) five consecutive years in a non-independent capacity where the beneficiary proves that for the

⁽¹⁾ OJ No L 8, 11. 1. 1971, p. 24.

activity in question he has received previous training, attested by a certificate recognized by the State or regarded by the competent professional or trade body as fully satisfying its requirements;

The provisions in (a), (c) and (e) are not applicable to activities entailing the professional use of certain highly toxic products given below:

- Hydrocyanic acid and its soluble salts,
- Hydrofluoric acid and its soluble salts,
- Acrylonitrile,
- Liquid compressed ammonium,
- Methyl bromide,
- Chloropicrin,
- Hydrogen phosphide and products liable to liberate it,
- Ethylene oxide,
- Carbon disulphide,
- Carbon tetrachloride,
- Trichloroacetonitrile.

For the purpose of applying the provisions in (b) and (d) to these highly toxic products, the certificate of ability and competence must state the product or products which the beneficiary is authorized to use in the Member State of origin or the Member State whence he comes.

In this case, the beneficiary's activity shall not have ceased more than two years before the date when the application referred to in Article 4 (2) is made.

Article 4

1. A person shall be regarded as having pursued an activity in a managerial capacity within the meaning of Articles 2 and 3 if he has pursued such an activity in an industrial or commercial undertaking in the occupational field in question:

- (a) as manager of an undertaking or manager of a branch of an undertaking; or
- (b) as deputy to the proprietor or to the manager of an undertaking, where such post involves responsibility equivalent to that of the proprietor or manager represented; or
- (c) in a managerial post with duties relating to trade in or distribution of toxic products and with responsibility for at least one department of the undertaking, or in a managerial post with responsibility for the use of the said products.

2. Proof that the conditions laid down in Articles 2 and 3 are satisfied shall be established by an attestation issued by the competent authority or body in the Member State of origin or Member State whence the person concerned comes, which the latter shall submit in support of his application for

authorization to pursue the activity or activities in question in the host Member States. Such attestation shall state, where appropriate, whether, in the Member State of origin or Member State whence the person concerned comes, authorization is limited to the taking up of activities relating to the distribution of toxic products or to activities entailing the professional use of such products, or whether certain toxic products are excluded from these latter activities.

3. Member States shall, within the time limit laid down in Article 7, designate the authorities and bodies competent to issue the certificates referred to in paragraph 2 and shall forthwith inform the other Member States and the Commission thereof.

Article 5

Where, in the Member State of origin or the Member State whence the person concerned comes, the formal qualifications laid down in Articles 2 and 3 or the attestations laid down in Article 4 (2) authorize only the taking up of activities relating to the distribution of toxic products or of activities entailing the professional use of such products, or exclude certain toxic products from these latter activities, the host Member State may apply the same limitations in its territory and also exclude from activities entailing the professional use of toxic products consisting of the same active material as products excluded by formal qualifications and attestations or involving similar risks for human, animal and plant health either directly or indirectly through the environment.

Article 6

This Directive shall remain applicable until the entry into force of provisions relating to the coordination of national rules concerning the taking up and pursuit of the activities in question.

Article 7

1. Member States shall bring into force the measures necessary to comply with this Directive within six months of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive, the Commission shall inform the other Member States thereof.

Article 8

This Directive is addressed to the Member States.

Done at Luxembourg, 4 June 1974.

For the Council
The President
J. ERTL

COUNCIL DIRECTIVE

of 4 June 1974

on the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons and of intermediaries engaging in the trade and distribution of toxic products

(74/557/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community and in particular Article 54 (2) and (3) and Article 63 (2) and (3) thereof;

Having regard to the General Programme for the abolition of restrictions on freedom of establishment ⁽¹⁾ and in particular Titles IV A and C thereof;

Having regard to the General Programme for the abolition of restrictions on freedom to provide services ⁽²⁾ and in particular Title V C thereof;

Having regard to Council Directive No 64/233/EEC ⁽³⁾ of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities related to wholesale trade;

Having regard to Council Directive No 64/224/EEC ⁽⁴⁾ of 25 February 1964 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of intermediaries in commerce, industry and small craft industries;

Having regard to Council Directive No 68/363/EEC ⁽⁵⁾ of 15 October 1968 concerning the attainment of freedom of establishment and freedom to provide services in respect of activities of self-employed persons engaged in the retail trade;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ⁽⁶⁾;

Having regard to the Opinion of the Economic and Social Committee ⁽⁷⁾;

Whereas the General Programmes provide for the abolition of all discriminatory treatment based on

nationality with regard to establishment and provisions of services

— in the area of activities of wholesale trade of intermediaries in commerce, industry and small craft industries, before the end of the second year of the second stage,

— in the area of activities of retail trade, after the end of the second year of the second stage of the transitional period and before the end of the second stage;

Whereas Directives No 64/223/EEC, No 64/224/EEC and No 68/363/EEC do not apply to the field of toxic products, the latter, on account of the particular problems posed by protection of public health, are governed by the provisions laid down by law, regulation or administrative action in the Member States;

Whereas Directives No 64/223/EEC and No 68/363/EEC mentioned above also do not apply to activities in respect of wholesale trade, intermediaries and retail trade of pathogens; whereas, however, besides pathogens classified as medicinal preparations for human or animal use in the sense of Council Directive No 65/65/EEC ⁽⁸⁾ of 26 January 1965, on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products, amended by Directive No 66/454/EEC ⁽⁹⁾ only pathogens called 'biological pesticides for use in agriculture' form the subject of the activities mentioned; whereas therefore, with regard to pathogens, the abolition of restrictions on freedom to provide services and freedom of establishment can be limited to trade and the distribution of such pesticides;

Whereas it has become evident that it is desirable and timely to take measures to regulate on a Community level the measures referred to in the two preceding recitals, taking into account the dangerous action which toxic products may have on the health of man, animals, and plants, either directly or indirectly through the environment;

Whereas the activities of intermediaries in commerce, industry and small craft industries are the subject of Directives No 64/224/EEC and No 68/363/EEC; whereas the activities of intermediaries in respect of toxic products and pathogens are excluded from the

⁽¹⁾ OJ No 2, 15. 1. 1962, p. 36/62.

⁽²⁾ OJ No 2, 15. 1. 1962, p. 32/62.

⁽³⁾ OJ No 56, 4. 4. 1964, p. 863/64.

⁽⁴⁾ OJ No 56, 4. 4. 1964, p. 869/64.

⁽⁵⁾ OJ No L 260, 22. 10. 1968, p. 1.

⁽⁶⁾ OJ No C 63, 28. 5. 1969, p. 21.

⁽⁷⁾ OJ No C 10, 27. 1. 1970, p. 23.

⁽⁸⁾ OJ No 22, 9. 2. 1965, p. 369/65.

⁽⁹⁾ OJ No 144, 5. 8. 1966, p. 2658/66.

scope of these Directives; whereas this Directive is also designed to liberalize the activities of intermediaries; whereas accordingly the terms 'trade and distribution' in this Directive include also the activities of intermediaries in these fields;

Whereas the General Programme for the abolition of restrictions on freedom of establishment provides that restrictions on the power to exercise the right to join professional or trade organizations must be abolished where the professional activities of the person concerned involve the exercise of this power;

Whereas this position of paid employees accompanying a person providing services or acting on his behalf will be governed by the provisions laid down in pursuance of Articles 48 and 49 of the Treaty;

Whereas separate Directives, applicable to all activities of self-employed persons, concerning the movement and residence of beneficiaries, and where necessary Directives on the coordination of the safeguards required by Member States of companies or firms for the protection of members and of others, have been or will be adopted;

Whereas in some Member States trade, distribution and professional use of toxic products are governed by rules relating to the taking up of that profession, while other States will, where necessary, implement such rules; whereas, therefore, certain special transitional measures, the purpose of which is to make it easier for nationals of other Member States to take up and pursue activities in the trade of toxic products, are the subject of a separate Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Member States shall abolish, in respect of natural persons and companies or firms covered by Title I of the General Programmes for the abolition of restrictions on freedom of establishment and freedom to provide services (hereinafter called 'beneficiaries'), the restrictions referred to in Title III of these General Programmes affecting the right to take up and pursue the activities mentioned in Article 2.

Article 2

1. This Directive shall apply to activities of self-employed persons in the trade and distribution of toxic products (substances and preparations) and of biological pesticides for use in agriculture which

have been excluded from the scope of Directive No 64/223/EEC under Article 2 (1) thereof, Directive No 64/224/EEC under Article 4 (1) fifth indent thereof, and Directive No 68/363/EEC Article 2 (1) thereof.

2. The products referred to in paragraph 1, because of the dangerous action which they may have on the health of man, animals and plants, are, according to the laws in the Member States, subject to separate provisions, (the products concerned are set out in the Annex). Amendments to these lists by a Member State shall be communicated to the Commission which will bring them to the attention of the Member States.

3. This Directive shall not apply to the trade and distribution of medicinal products as defined by Directive No 65/65/EEC, or to the commercial activities of itinerant traders, hawkers or pedlars.

Article 3

1. Restrictions in respect of the activities set out in Article 2 shall be abolished regardless of the description applied to the persons pursuing one of those activities.

2. The customary descriptions currently used in the Member States to define persons pursuing activities of intermediaries in commerce are those of Article 3 of Council Directive No 64/224/EEC.

Article 4

1. Member States shall in particular abolish the following restrictions:

- (a) those which prevent beneficiaries from establishing themselves or providing services in the host Member States under the same conditions and with the same rights as their nationals;
- (b) those existing by reason of administrative practices which result in treatment being applied to beneficiaries that is discriminatory by comparison with that applied to nationals.

2. The restrictions to be abolished shall include in particular those arising out of provisions which prevent or limit establishment of beneficiaries or provision of services by the latter by the following means:

(a) *in Belgium:*

the obligation to hold a *carte professionnelle* (Article 1, Law of 19 February 1965);

(b) in France:

- the obligation to hold a *carte d'identité d'étranger commerçant* (Décret-loi of 12 November 1938, Décret of 2 February 1939, Law of 8 October 1940, Law of 10 April 1954, Décret No 59—852 of 9 July 1959);
- exclusion from the right to renew commercial leases (Article 38 of Décret of 30 September 1953);

(c) in Luxembourg:

the limited period of validity of authorizations granted to foreign nationals (Article 21 of the Law of 2 June 1962).

Article 5

1. Member States shall ensure that beneficiaries have the right to join professional or trade organizations under the same conditions and with the same rights and obligations as their own nationals.

2. In the case of establishment, the right to join professional or trade organizations shall entail eligibility for election or appointment to high office in such organizations. However, such posts may be reserved for nationals where, in pursuance of any provision laid down by law or regulation, the organization concerned is connected with the exercise of official authority.

3. In the Grand Duchy of Luxembourg, membership of the *Chambre de commerce* and of the *Chambre des métiers* shall not give beneficiaries the right to take part in the election of the management organs of those Chambers.

Article 6

No Member States shall grant to any of its nationals who go to another Member State for the purpose of pursuing any activity referred to in Article 2, any aid liable to distort the conditions of establishment.

Article 7

1. Where a host Member State requires of its own nationals wishing to take up any activity referred to in Article 2 proof of good repute and proof that they have not previously been declared bankrupt, or proof of either one of these, that State shall accept as sufficient evidence, in respect of nationals of other Member States, the production of an extract from the 'judicial record' or, failing this, of an equivalent document issued by a competent judicial or administrative authority in the Member State of origin or the Member State whence the foreign national comes showing that these requirements have been met.

2. Where a host Member State imposes on its own nationals wishing to take up one of the activities referred to in Article 2, certain requirements as to good repute, and proof that such requirements are satisfied cannot be obtained from the document referred to in paragraph 1, that State shall accept as sufficient evidence in respect of nationals of other Member States a certificate issued by a competent judicial or administrative authority in the country of origin or in the country whence the foreign national comes, indicating that the requirements in question have been met. Such certificate shall relate to the specific facts regarded as relevant by the host country.

3. Where the country of origin or the country whence the foreign national comes does not issue the document referred to in paragraph 1 or the certificate referred to in paragraph 2 furnishing proof of good repute or proof of no previous bankruptcy, such proof may be replaced by a declaration on oath — or, in States where there is no provision for declaration on oath, by a solemn declaration — made by the person concerned before a competent judicial or administrative authority, or where appropriate a notary, in the country whence that person comes; such authority or notary will issue a certificate attesting the authenticity of the declaration on oath or solemn declaration. The declaration in respect of no previous bankruptcy may also be made before a competent professional or trade body in the said country.

4. Documents issued in accordance with paragraphs 1 and 2 may not be produced more than three months after their date of issue.

5. Member States shall, within the time limit laid down in Article 8, designate the authorities and bodies competent to issue the documents referred to in paragraphs 1 and 2 and shall forthwith inform the other Member States and the Commission thereof.

6. Where in the host Member State proof of financial standing is required, that State shall regard certificates issued by banks in the Member State of origin or in the country whence the foreign national comes as equivalent to certificates issued in its own territory.

Article 8

Member States shall adopt the measures necessary to comply with this Directive within six months of its notification and shall forthwith inform the Commission thereof.

Article 9

This Directive is addressed to the Member States.

Done at Luxembourg, 4 June 1974.

For the Council
The President
J. ERTL

ANNEX

The following categories of products referred to in Article 2 (2) are the subject of special arrangements in the Member States (as of 4 June 1974):

— *Belgium:*

Toxic substances and preparations

1. listed in the arrêté du Régent of 6 February 1946 (with amendments) regulating the preservation and supply of poisonous and toxic substances (in implementation of the law of 24 February 1921);
2. classified in categories 1 and 2 of the arrêté royal of 31 May 1958 regulating the preservation, trade in and use of pesticides and phytopharmaceutical products.

— *Denmark:*

1. (a) Venomous or toxic substances and harmful products referred to in the Annex to the Law No 119 of 3 May 1961 and referred to in the Decree (bekendtgørelse) No 305 of 9 October 1961 (made in execution of the latter) which establish the rules for the manufacture, receipt, storage and dispensing of these poisons and products;
- (b) Venomous or toxic substances and harmful products set out in Decree (bekendtgørelse) No 304 of 9 October 1961 establishing rules on the use of these poisons and products.
2. Products (phytopharmaceuticals, weed-killers, pesticides, plantgrowth regulators) set out in Law No 118 of 3 May 1961 and referred to in the Decrees (bekendtgørelser) made in application of that Law which provide that these products may not be marketed or used by the trade unless it is approved and classified by the Poisons Board (giftnevnet) and which also lay down detailed rules on the receipt, storage, packaging, labelling etc. of these products.
3. Products (phytopharmaceuticals, weedkillers, pesticides, plantgrowth regulators) referred to in the Decree (bekendtgørelse) of 25 September 1961 which provides that the authorization to use the products marked with an X usually conditional upon the user having taken a course in toxicology organized by the Poisons Board (giftuævnet).

— *Germany:*

Toxic substances and preparations classified in categories 1, 2 and 3 of the laws and regulations of Länder concerning the trade in and distribution of phythosanitary toxic products and products having toxic effects on plant health, and in paragraph 34

subparagraph 5 of the Commercial Code (Gewerbeordnung), version of 15 February 1963.

— *France:*

1. Poisonous substances listed in Tables A (toxic products) and C (dangerous products) of Section I of Décret 56—1197 of 26 November 1956 (Code de la Santé publique, Book V, Part 2, Title III, Chapter 1, Sections I and II, Articles R 5149 to 5168).
2. Noxious products for use in industry specified in the Code du travail, Book II, Title II, Articles 67, 2, 78, 79 and 80 and in the regulations and decrees issued pursuant to the implementation of these provisions.
3. Harmful products specified in the list of dangerous, unhealthy and unsuitable premises established in pursuance of Articles 5 and 7 of the Law of 19 December 1917.
4. Antiparasitic products for use in agriculture (Law of 2 November 1943 as amended by the Law of 30 July 1963; arrêté of 6 September 1954 on the approval of branded antiparasitic products for use in agriculture, supplemented by the arrêté of 6 February 1962).

— *Ireland:*

Poisons which are for the time being listed in Regulations under the Poisons Act, 1961, and the sale of which is prohibited except by certain authorized persons.

— *Italy:*

1. Toxic gases (Article 58 — single text of the Laws on Public Safety approved by the royal decree No 773 of 18 June 1931; royal decree No 147 of 9 January 1927; tables of toxic gases annexed to the Ministerial decree of 6 February 1935 and subsequent amendments thereof).
2. Poisonous substances for use in industry (Article 147 — single text of the Health Laws approved by the royal decree No 1265 of 27 July 1934).
3. Medico-surgical products (bactericides, germicides, and disinfectants) (royal decree No 3112 of 6 December 1928 and implementing regulation of the Law No 1070 of 23 June 1927, approved by the royal decree No 3112 of 6 December 1928) and medical products (phytopharmaceuticals and products intended for use as food preservatives) (Article 6 of the Law No 283 of 30 April 1962, amended by Article 4 of the Law No 441 of 26 February 1963, and regulations governing the production, trade in and sale of phytopharmaceuticals and products intended for use as food preservatives, approved by the decree of the President of the Republic No 1095 of 3 August 1968).

4. Ceruse (Law No 706 of 19 July 1961).

5. Benzol (Law No 245 of 5 March 1963).

6. Cosmetic products and dyes containing poisonous substances (Article 7 of the royal decree No 1938 of 30 October 1924).

— *Luxembourg:*

1. Trade in and distribution of certain products (Law of 25 September 1953 — Memorial No 62 of 10 October 1953).

2. Trade in and use of phytopharmaceutical products (pesticides for use in agriculture, plant growth regulators, preservatives, herbicides, micro-organisms and viruses as antiparasitic agents...) (Law of 20 February 1968, Memorial No 9 of 12 March 1968 — Grand-Ducal regulation of 29 May 1970, Memorial No 33 of 15 June 1970).

— *Netherlands:*

Toxic substances and preparations, Law (Bestrijdingsmiddelenwet of 1962).

— *United Kingdom:*

1. Poisons which for the time being are listed in the Poisons List Order and are subject to the Pharmacy and Poisons Act 1933 and to the Poisons Rules, or poisons in the Poisons Schedule which are subject to the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1967 and to the Poisons Regulations (Northern Ireland).
2. Substances covered by the Farm and Garden Chemicals Act 1967 and Regulations.
3. Substances covered by the Agriculture (Poisonous Substances) Act 1952 and Regulations.

COUNCIL DECISION

of 9 August 1974

concluding an Agreement between the European Economic Community and the World Food Programme on the supply of food aid in the form of butteroil for developing countries

(74/558/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 113, 114 and 228 thereof;

Having regard to the recommendation from the Commission;

Whereas, in Regulation (EEC) No 530/74 ⁽¹⁾, the Council decided to place at the disposal of the World Food Programme 15 000 metric tons of butteroil,

HAS DECIDED:

Article 1

On behalf of the Community, the Agreement between the European Economic Community and the World Food Programme on the supply of food aid in the form of butteroil for developing countries, the text of which Agreement is annexed hereto, is hereby concluded.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement and to confer upon them the necessary powers to bind the Community.

Done at Brussels, 9 August 1974.

For the Council
The President

B. DESTREMAU

⁽¹⁾ OJ No L 65, 7. 3. 1974, p. 1.

AGREEMENT

between the European Economic Community and the World Food Programme on the supply of butteroil as food aid to developing countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE WORLD FOOD PROGRAMME, a programme jointly undertaken by the United Nations Organization and the Food and Agricultural Organization of the United Nations,

of the other part,

WHEREAS the object of the World Food Programme is to make use of contributions received under the Programme to meet certain emergency food requirements and to carry out projects involving the use of foodstuffs for economic and social development;

WHEREAS there are stocks of butter available in the European Economic Community; whereas, to contribute towards achieving the objectives of the World Food Programme, the Community has decided to place at the latter's disposal a certain quantity of butteroil produced from such stocks;

HAVE DECIDED to conclude this Agreement and, for this purpose, have appointed as their plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

THE WORLD FOOD PROGRAMME:

WHO HAVE AGREED AS FOLLOWS:

Article I

The European Economic Community, hereinafter referred to as the 'Community', shall supply as a free gift to the World Food Programme, hereinafter referred to as the 'WFP', 15 000 metric tons of butteroil.

Article II

The WFP shall undertake to use the butteroil supplied as aid to implement emergency measures for economic and social development or food projects which shall be subject to prior approval by the Community.

Article III

1. For each delivery, the Community, taking into account the information received from the WFP,

shall notify the latter of the port or ports of shipment and the dates of availability at the said port or ports. This information shall be provided at least 30 days prior the availability date of the goods.

2. Only sea ports accessible to ocean-going vessels and utilized for international freight may be named as ports of shipment.

Article IV

1. The Community shall place the butteroil at the disposal of the WFP free of charge.

2. The butteroil supplied must at least meet the requirements as to the quality and packaging stipulated in Annex I, which is an integral part of the Agreement.

Article V

1. Deliveries shall be made in accordance with the procedure laid down in Annex II, which is an integral part of the Agreement.

2. The WFP shall take delivery of the goods and shall be responsible for their transport, insurance and distribution in the country of destination.

3. The Community shall make a contribution to the WFP towards the costs referred to in paragraph 2 of 79 units of account for each metric ton of butteroil accepted. It shall undertake to pay this amount within 60 days of each acceptance of delivery by the WFP.

unloaded and the dates on which unloading was completed;

(b) with regard to the use made of the products: periodic information on the progress made with emergency measures or projects for which Community assistance was provided, the use made of the products and the quantities distributed together with details on the methods of distributing the products, the number of beneficiaries and, in particular, the measures taken to prevent the products being drawn into commercial channels.

Article VI

The WFP undertakes to inform the Community of the conditions under which this Agreement is implemented. To this end, it shall make available to the Commission of the European Communities:

(a) with regard to transport: within a reasonable period after unloading, reports indicating the dates of arrival of the vessels at the ports of destination, quantities and qualities of goods

Article VII

The contracting parties shall, at the request of either, consult each other on any question concerning the implementation of this Agreement.

Article VIII

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, German, Italian and Spanish languages, each of these texts being equally authentic.

*ANNEX I***QUALITY AND PACKING****I. Quality requirements**

(a) *Characteristics of the product:*

Concentrated milk fats containing not less than 99.8 % of pure fats.

(b) *Standard composition:*

(Analysis at time of manufacture and packing)

— Moisture and non-fat milk substances: maximum 0.2 %

— Fats: minimum 99.8 %

— Free fatty acids: maximum 0.5 % (expressed as oleic acid)

— Peroxide level/kg: maximum 1 unit (in milliequivalents of active oxygen/kg)

— Taste: pure

— Smell: absence of smell extraneous to butteroil.

II. Packing

(a) *Type of packing:*

— 5 kg metal cans — 4 cans per carton

— 20 kg metal cans — 1 can per carton.

(b) *Marks:*

..... (port of unloading)

Butteroil — Gift of the European Economic Community — supplied by the World Food Programme.

ANNEX II
DELIVERY PROCEDURE

- On the basis of information received from the WFP, concerning transport, the Community shall, for each delivery, notify the WFP of the supplier(s) and shall indicate a period of 15 days within which the WFP may fix the date of delivery;
- If possible within 20 days, or in any case 10 clear days before the date laid down for each delivery, the WFP shall notify the supplier(s) of the estimated date for commencement of delivery;
- The WFP shall notify the supplier(s), not less than five days in advance, of the exact date for commencement of delivery. It shall establish the delivery schedule with the authorized Community representative;
- The goods shall be delivered by the Community to the place of shipment on the date indicated pursuant to the above conditions;
- Delivery shall be effected from the moment when the goods are set down at the point of export named by the Community and at the berth specified by the WFP or the latter's authorized representative;
- Should the Community fail to deliver the goods at the place and on the date specified, where the WFP has rendered delivery possible, any consequences resulting from this shall be borne by the Community. The WFP shall inform the Community of the delay within eight days, in writing;
- Should the WFP fail to take delivery of the goods at the place and on the date specified, where the Community has rendered delivery possible, the consequences resulting therefrom shall, except in the case of *force majeure*, be borne by the WFP. The Community shall inform the WFP of the delay within eight days, in writing;
- The Community and the WFP shall appoint one or more authorized representatives to implement the Agreement. The WFP shall appoint a representative in each port of shipment to deal with any matters requiring attention;
- On delivery of the goods, the WFP agent shall hand to the authorized Community representative a certificate of acceptance stating the port of shipment, date of acceptance, nature and quantity of the goods accepted, together with any comments on the quality of the goods.

Information on the signing of the Agreement between the European Economic Community and the World Food Programme (WFP) on the supply of food aid

The Agreement between the European Economic Community and the WFP on the supply of butteroil as food aid to developing countries, which the Council decided to conclude on 9 August 1974, was signed in Brussels on 24 September 1974, on behalf of the Council of the European Communities by:

Mr Louis Rabot, Director-General for Agriculture, Commission of the European Communities,

and on behalf of the WFP by:

Mr Francisco Aquino, Executive Director of the WFP.

COUNCIL DECISION

of 2 October 1974

on the conclusion of an Agreement between the European Economic Community and
Malta on the supply of butteroil and butter as food aid

(74/559/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in
particular Articles 113, 114 and 228 thereof;

Having regard to the recommendation from the Commission;

Whereas by Regulation (EEC) No 530/74 ⁽¹⁾ the Council decided to make 120 metric
tons of butteroil and 36.6 metric tons of butter available to Malta,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Economic Community and Malta on the supply
of butteroil and butter as food aid, the text of which is annexed hereto, is hereby
concluded on behalf of the Community.

Article 2

The President of the Council is hereby authorized to designate the persons empowered
to sign the Agreement, and to confer on them the powers necessary to bind the
Community.

Done at Luxembourg, 2 October 1974.

For the Council
The President

Christian BONNET

⁽¹⁾ OJ No L 65, 7. 3. 1974, p. 1.

AGREEMENT

between the European Economic Community and Malta on the supply of butteroil and butter as food aid

THE COUNCIL OF THE EUROPEAN COMMUNITIES,
of the one part,

THE GOVERNMENT OF MALTA,
of the other part,

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

THE GOVERNMENT OF MALTA,

WHO HAVE AGREED AS FOLLOWS:

Article I

The European Economic Community, hereinafter referred to as the 'Community', shall supply as a gift to Malta, hereinafter referred to as the 'country of destination', 120 metric tons of butteroil and 36.6 metric tons of butter of the quality and with the packaging specified in Annex I, which forms an integral part of this Agreement.

Article II

Deliveries shall be made in accordance with the arrangements set out in Annex II which forms an integral part of this Agreement.

Article III

The country of destination undertakes to make all the necessary arrangements for the transport and insurance of the delivered products from the point of delivery to their places of destination.

It undertakes to exercise the greatest care to ensure that the tendering arrangements for sea transport do not prejudice the free play of competition. Any problems arising in this connection shall be the subject of consultations under Article VIII of this Agreement.

Article IV

The country of destination undertakes to use the products received as aid for purposes of

consumption and to apply, for the sale of the products on its market, the prices normally charged on that market for products of comparable quality.

The proceeds from this sale shall be paid into a special account at the Treasury of that country and allocated to the financing of one or more development schemes in accordance with the procedure to be agreed between the recipient country and the Community.

Article V

The Contracting Parties undertake to implement this Agreement in such a way as to avoid any prejudice to the normal structure of domestic production and international trade. To this end, they shall take any measures required to ensure that aid supplies are in addition to, and do not replace, commercial transactions which might reasonably be expected in the absence of such supplies.

Article VI

The country of destination shall take all appropriate measures to prevent:

- the re-export of the products received as aid and of products derived from them;
- the export, commercially or otherwise, within six months from the date of the last delivery, either

of products obtained locally of the same kind as those received as aid or of any products derived from them.

Article VII

The country of destination undertakes to inform the Community of the circumstances surrounding the implementation of this Agreement. For this purpose, it shall provide the Commission of the European Communities with the following details:

1. immediately after the unloading of each cargo: port and date of arrival of vessel; nature, quantity and any observations as to the quality of the products unloaded; date on which unloading was completed; costs of sea transport and of insurance relating thereto;
2. every three months until the quantities received as aid have been fully used: quantities sold, how they have been sold, selling prices; normal selling costs on the market of the country of destination; insurance costs and, where appropriate, transport

costs from the port of discharge to the places of destination.

3. on 15 January every year until the special account has been fully used:
 - (a) state of this account (deposits and withdrawals) on 31 December of the preceding year;
 - (b) progress achieved in the project or projects, with an indication of the total amount of financing carried out at that stage.

Article VIII

At the request of either of them, the Contracting Parties shall consult each other on any questions concerning the implementation of this Agreement.

Article IX

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, German and Italian languages, each of these texts being authentic.

ANNEX I

BUTTEROIL

QUALITY AND PACKAGING REQUIREMENTS

I. Quality

(a) *Product characteristics:*

Concentrated milk fat containing no less than 99.8 % of pure fats.

(b) *Standard composition:*

(Analysis made at time of manufacture and packing)

- Moisture and non-fat ingredients of milk: not more than 0.2 %
- Fats: not less than 99.8 %
- Free fatty acids: not more than 0.5 % (expressed as oleic acid)
- Peroxide level/kg: not more than 1 unit
(in milli equivalents of active oxygen per kg)
- Taste: pure
- Smell: absence of smell extraneous to butteroil.

II. Conditions of packaging

- (a) Metal cans of 20 kg — 1 can per carton

- (b) Marking on the packaging (in English):

Butteroil — Gift of the European Economic Community to Malta.

BUTTER
QUALITY AND PACKAGING REQUIREMENTS

I. Quality**1. Unsalted butter**

- (a) Milkfat content: not less than 82 %
- (b) Water content: not more than 16 %
- (c) Must be obtained from pasteurized sour cream.

2. Salted butter

- (a) Milkfat content: not less than 80 %
- (b) Water content: not more than 16 %
- (c) Salt content: from 0.5 % to 2 %
- (d) Must be obtained from pasteurized cream (sweet).

II. Conditions of packaging

- (a) In 25 kg blocks
- (b) Packaging to be of resistant materials, designed to ensure protection of the butter throughout transport, warehousing and distribution
- (c) Marking on the packaging (in English):
Butter — Gift of the European Economic Community to Malta.

—
ANNEX II

ARRANGEMENTS REFERRED TO IN ARTICLE II OF THE AGREEMENT

CHAPTER I**General Provisions***Article 1*

Delivery shall be effected and all risk shall pass from the Community to the country of destination at the moment at which the goods are put down at the point of exportation named by the Commission of the European Communities at the berth specified by the country of destination or its agent referred to in Article 2 and under the terms specified in this Annex. Without prejudice to Articles 7 and 8 the Community shall bear all costs prior to delivery and the country of destination those after delivery.

Article 2

For the purpose of implementing the provisions of this Annex the Community shall appoint — if necessary for each consignment — an agent whose name and address it shall make known to the country of destination immediately following his appointment. For each port of shipment the country of destination shall appoint an agent whose name and address it shall make known to the Community with all dispatch and if possible before the appointment of the agent of the Community.

Article 3

Before implementing the procedure for appointing the agent of the Community referred to in Article 2, the Commission of the European Communities and the country of destination shall establish by joint agreement the period during which delivery must begin.

CHAPTER II**Obligations of the Community***Article 4*

Where the Community is not in a position to carry out delivery on the date, and, if applicable, according to the schedule laid down in Article 6, all costs arising for the country of destination — in particular demurrage void freight and dead freight — shall be borne by the Community.

The charges and the arrangements relating to demurrage laid down in the contract concluded between the country of destination and the carrier must have previously been agreed by the country of destination and the agent of the Community.

The other costs referred to in the first subparagraph shall be refunded by the Community only if they have been paid by the country of destination with the approval of the Community.

Article 5

Where it is impossible for the Community to supply all or part of the goods on the date and within the time limits provided for in Article 6 the agents of the Community and of the country of destination may, without prejudice to Article 4, agree on a new date and a new time limit for the delivery of all the goods or of the undelivered part thereof.

CHAPTER III

Obligations of the country of destination

Article 6

After contacting the Community, the country of destination shall procure to transport all the quantities provided for in Article I of the Agreement one or more vessels of dimensions corresponding to the normal capacity of the port of shipment; these vessels must be ready for loading on a date falling within the period referred to in Article 3.

The agent of the country of destination shall inform the Community of this date and of the date for commencement of delivery as soon as he knows them, if possible 20 days in advance and in any case 10 days before the date for commencement of delivery.

He shall establish with the agent of the Community the schedule according to which delivery shall take place.

Article 7

Where the country of destination is unable to begin loading on the date provided for in the first paragraph of Article 6, the agent of the country of destination shall inform the agent of the Community without delay.

In this event the agents of the Community and of the country of destination may agree on a new date for the

commencement of delivery and, if applicable, a new schedule. The costs arising from the delay in loading shall in all cases except *force majeure* be borne by the country of destination.

Should the new date provided for in the second subparagraph be more than 30 clear days after the date for loading provided for in the first paragraph of Article 6, the Community may dispose of the goods without prejudice to its commitment under Article I of this Agreement.

Article 8

Where the quantity made available for loading on a vessel cannot be loaded on board in its entirety, the country of destination shall inform the Community as soon as possible, and no later than 15 clear days after loading has been completed, whether it intends to accept or to renounce the balance.

In the former case the second and third paragraphs of Article 7 shall apply to the balance, if delivery has not yet taken place.

In the latter case the Community may consider that it has discharged its commitment to the country of destination under Article I of this Agreement and shall bear the cost resulting from renunciation.

In any event, after an interval of 15 clear days and in the absence of any notice on the part of the country of destination, renunciation shall be deemed to have taken place.

Article 9

Upon delivery of the goods, the country of destination shall hand over to the agent of the Community a certificate of acceptance stating the port of shipment, date of acceptance and the nature and quantity of the goods accepted, together with any comments on the quality of the goods.

Information on the signing of the Agreement between the European Economic Community and Malta on the supply of food aid

The Agreement between the European Economic Community and Malta on the supply of butteroil and butter as food aid, which the Council decided to conclude on 2 October 1974, was signed in Brussels on 3 October 1974, on behalf of the Council of the European Communities by:

Mr Emile Cazimajou, Minister Plenipotentiary, Chairman of the Committee of Deputy Permanent Representatives, and

Mr Durieux, Director for Development and Cooperation, Commission of the European Communities,

and on behalf of the Government of that country by:

Mr Anthony J. B. Soler, Counsellor, acting Chargé d'Affaires with the mission of that country to the European Communities.

COMMISSION

MEMORANDUM

of understanding between the United States of America, the European Atomic Energy Community (Euratom), the Kingdom of Belgium, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands in the field of nuclear science and technology information

(74/560/Euratom)

Preamble

Whereas nuclear research and development information is reported in a large body of documentation within the United States of America and the European Communities, and considerable efforts have been devoted by the United States Atomic Energy Commission (hereinafter referred to as USAEC) and the European Atomic Energy Community (Euratom) to the development of information systems to ensure ready access to nuclear documentation;

Whereas the Government of the United States of America and Euratom entered into agreements on 8 November 1958, and 11 June 1960, which provide for cooperation in the peaceful uses of atomic energy, including the exchange of unclassified information;

Whereas the United States of America, represented by the USAEC, the European Atomic Energy Community (Euratom), represented by the Commission of the European Communities (hereinafter referred to as the European Commission), the Kingdom of Belgium, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands — together hereinafter referred to as the parties — desire to cooperate in promoting the effective dissemination of scientific and technical information in the nuclear field,

THE PARTIES THEREFORE AGREE AS FOLLOWS:

Article I

Definitions

For the purposes of this Memorandum:

1. 'documentation': means unclassified scientific and technical literature appearing in any form, including but not limited to books, journal

articles, conference papers, theses, patents and reports;

2. 'non-conventional documentation': means forms of documentation not readily available for sale to the public, including but not limited to such forms as theses, patents and reports;
3. 'subject scope': means a limited number of specific areas or fields of science selected from the total range of scientific disciplines which delineate the topics or subject matter on which documentation is to be collected and exchanged pursuant to this Memorandum;
4. 'data file': means bibliographic citations, abstracts and indexes compiled from documentation within the subject scope and stored in machine-readable form, usually on magnetic computer tape.

Article II

Responsibilities of the parties

1. The parties undertake to coordinate their efforts in the collection, evaluation, processing, and dissemination of nuclear documentation generated in their respective territories, or, in the case of Euratom, in the execution of its research and development programme.
2. The parties shall exercise their best efforts to ensure that the collection and processing of relevant documentation are complete and timely.
3. The operational procedures and technical aspects relating to the implementation of this Memorandum, including but not limited to subject scope, tape formats, thesauri, and standards for preparing input into each other's information systems, shall be subject to agreement between the

USAEC and Euratom acting for itself and on behalf of the other parties. The parties recognize that such operational procedures and technical aspects will require periodic review and will be subject to revision to reflect changing interests of the parties, to take account of new developments in science and technology, or to achieve conformity with exchange arrangements similar to those provided for under this Memorandum which the parties may make with other countries or organizations. The parties expect that the reviews and revisions referred to above may be achieved through committees, task forces, or by other means of consultation among the parties of this and like exchange arrangements.

4. In developing the operational procedures and technical aspects relating to the implementation of this Memorandum, the parties will bear in mind the programme of the International Atomic Energy Agency to develop an International Nuclear Information System and the fact that other arrangements of a bilateral or multilateral nature are being undertaken by various nations for cooperation in the exchange of nuclear information. Accordingly, the parties shall seek to assure that the operational procedures and technical aspects developed through such bilateral and multilateral cooperation are compatible and will be conducive to a smooth and effective transition into the International Nuclear Information System.

5. The European Atomic Energy Community (Euratom), represented by the European Commission, shall:

- (i) scan all documentation reporting work supported in whole or in part with European Communities' funds originally published in the European Communities, and select therefrom all documentation which falls within the subject scope;
- (ii) prepare abstracts in the English language of the documentation thus selected;
- (iii) index the selected documentation in the English language using the agreed-upon thesaurus of keywords;
- (iv) provide to the USAEC abstracts and indexes of the selected documentation, along with appropriate bibliographic citations (initially in typed form, to be changed as soon as practical into a mutually agreed-upon machine-readable form), and copies of all non-conventional documentation in printed or microfiche form.

6. The Governments of the Kingdom of Belgium, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands shall:

- (i) scan all documentation originally published in respectively in Belgium, in the Federal Republic of Germany, in Italy, in Ireland, in Luxembourg and in the Netherlands, and select therefrom all documentation which falls within the subject scope;
- (ii) prepare abstracts in the English language of the documentation thus selected;
- (iii) index the selected documentation in the English language using the agreed-upon thesaurus of keywords;
- (iv) provide to the USAEC abstracts and indexes of the selected documentation along with appropriate bibliographic citations (initially in typed form, to be changed as soon as practical into a mutually agreed-upon machine-readable form), and copies of all non-conventional documentation in printed or microfiche form.

7. The USAEC shall:

- (i) scan all documentation originally published in the United States of America and select therefrom all documentation which falls within the subject scope;
- (ii) prepare abstracts in the English language of the documentation thus selected;
- (iii) index the selected documentation in the English language using the agreed-upon thesaurus of keywords;
- (iv) provide to the other parties abstracts and indexes of the selected documentation, along with appropriate bibliographic citations (initially in typed form, to be changed as soon as practical into a mutually agreed-upon machine-readable form), and copies of all non-conventional documentation in printed or microfiche form.

8. Each of the parties shall bear the expenses of its activities under this Memorandum.

Article III

Use of the data file

1. Each party has the exclusive right to establish terms and conditions for use of the data file within its territory.

2. Each party has the exclusive right to establish terms and conditions for use of its own contributions to the data file outside the territories of the other parties.

3. Should any of the parties negotiate an arrangement for input to the data file by another country or international organization, the negotiating party shall employ its best efforts to assure that the other parties to this Memorandum have the right to use within their territories such additional input to the data file.

4. The application or use of any information exchanged or transferred between the parties under

this Memorandum shall be the responsibility of the parties receiving it, and the other party does not warrant the accuracy or completeness of such information, nor the suitability of such information for any particular use or application.

Article IV

Duration

This Memorandum shall remain in force for a period of three years after signature by the parties and may be extended by mutual agreement of the parties. Any party may, upon six months' notice, terminate its participation under this Memorandum.

In witness whereof, the undersigned representatives have signed this Memorandum of Understanding.

Done at Brussels on the nineteenth day of September in the year one thousand nine hundred and seventy-four, in eight copies, in the Danish, Dutch, English, French, German and Italian languages, each text being equally authentic.

For the Government of the United States of America:

J. GREENWALD

For the European Atomic Energy Community:

Commission of the European Communities

G. SCHUSTER R. APPELYARD

For the Government of the Kingdom of Belgium:

J. van der MEULEN

For the Government of the Federal Republic of Germany:

E. BOEMKE

For the Government of Ireland:

B. DILLON

For the Government of the Italian Republic:

G. BOMBASSEI de VETTOR

For the Government of the Grand Duchy of Luxembourg:

J. DONDELINGER

For the Government of the Kingdom of the Netherlands:

E. KORTHALS ALTES
