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II

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COUNCIL

COUNCIL DECISION

of 9 October 1978

adopting a second three-year plan of action in the field of scientific and technical information and documentation

(78/887/EEC)

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 ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas a resolution was adopted by the Council and the representatives of the Member States meeting within the Council on 24 June 1971 with a view to coordinating the action of Member States regarding scientific and technical information and documentation (STID) ⁽³⁾;

Whereas, under Article 2 of the Treaty, the Community shall have as one of its tasks that of promoting throughout the Community the harmonious development of economic activities and a continuous and balanced expansion;

Whereas the proliferation of information systems and their rapid but disparate progress as a result of the

competition among both public and private ventures make the establishment of the European network envisaged by the resolution of 24 June 1971 a matter of urgency;

Whereas the results achieved by the initial three-year plan of action in the field of scientific and technical information and documentation, adopted by Decision 75/200/EEC ⁽⁴⁾, justify the setting up of this network which should effectively contribute to the achievement of the abovementioned objectives of the Treaty;

Whereas the Treaty has not provided the necessary powers;

Whereas the Council resolution of 14 January 1974 concerning an initial outline programme for the European Communities in the field of science and technology ⁽⁵⁾ emphasizes particularly that, whenever it proves necessary or desirable that non-member countries, particularly European ones, should be associated in these projects, steps should be taken to make this possible;

Whereas the Scientific and Technical Information and Documentation Committee (STIDC) and the Scientific and Technical Research Committee (CREST) have delivered their opinions on the Commission proposal,

⁽¹⁾ OJ No C 85, 10. 4. 1978, p. 49.

⁽²⁾ OJ No C 18, 23. 1. 1978, p. 13.

⁽³⁾ OJ No C 122, 10. 12. 1971, p. 7.

⁽⁴⁾ OJ No L 100, 21. 4. 1975, p. 18.

⁽⁵⁾ OJ No C 7, 29. 1. 1974, p. 6.

HAS DECIDED AS FOLLOWS:

Article 3

Article 1

A second Community plan of action in the field of scientific and technical information and documentation as set out in Annex I is hereby adopted for a period of three years with effect from 1 January 1978. The ceiling for expenditure commitments shall be fixed at 9.5 million European units of account, the European unit of account being defined by the relevant Financial Regulations.

Article 2

The Commission shall implement the plan of action, assisted by the Scientific and Technical Information and Documentation Committee (STIDC), the duties and method of operation of which are defined in Annex II. This Committee and the Scientific and Technical Research Committee (CREST) shall be kept regularly informed by the Commission of the progress of the work. The Commission shall also submit each year to the Council and the European Parliament a full report on the subject which will be incorporated in the general report.

1. In accordance with Article 228 of the Treaty, the Community may conclude cooperation agreements with third countries participating in the European Conference of Postal and Telecommunications Administrations (CEPT). In principle, such agreements shall be concerned with the extension of Euronet and shall determine the conditions for the connection of the terminals and host computers of this network and the related technical arrangements. Exceptionally, however, they might also be concerned with other aspects of the plan of action.

2. The Commission shall be authorized to negotiate the cooperation agreements referred to in paragraph 1 after having sought the opinion of the STIDC for this purpose in accordance with Annex II (3) (c).

Done at Luxembourg, 9 October 1978.

For the Council

The President

H.-J. VOGEL

ANNEX I

SECOND THREE-YEAR PLAN OF ACTION IN THE FIELD OF SCIENTIFIC AND TECHNICAL INFORMATION AND DOCUMENTATION

The plan's major objectives are the following:

1. To turn Euronet into a public operational on-line information network

Continuing to turn Euronet into a public operational on-line information network is to be a top-priority action in the period 1978-80. Moreover, the data transmission network should be improved and transformed into a public telecommunications network falling under the authority of European postal and telecommunications administrations. The network should enable users to gain direct access via their own terminals to information of all kinds in data bases mounted on a number of computers at centres of expertise widely distributed in member countries. Among the essential activities to be undertaken are:

- the preparatory launching of the telecommunications facilities,
- technical assistance and adaptation work relating to the connection of host computers and user terminals,
- commercial exploitation of the postal and telecommunications network,
- linking up to other networks,
- developing cooperation with the postal and telecommunications administrations.

Priority will be given to extending and improving the network to maintain easy and equal access for users in all the Member States.

2. To develop a market for scientific and technical information within the Community

This section of the action plan aims at stimulating the development of a genuine, prosperous and healthy Community information market, in accordance with the EEC Treaty and the Council resolution of 24 June 1971, with the prime objective of attending to the interests of the user. Major efforts will be made to:

- promote cooperation between existing information services in the Community, especially with a view to rationalization, improved quality and reduction of overall cost, within a framework of free competition,
- assist the user to exploit effectively the various types and sources of information available, in order to contribute to the achievement of the social and economic goals of the Community,
- improve access to information for small and medium-sized undertakings so that the creation within the Community of a market in scientific and technical information leads on the one hand to harmonized conditions of competition, whilst on the other, in the common interest, it renders all scientific and technical findings available for use by the greatest possible number of undertakings.

Activities to be undertaken will include investigation of user needs, user support by research services, promotion of the network, preparation of information systems and sectoral information services and participation in international information activities.

3. To promote technology and methodology for improving information services, with special emphasis on improving those of Euronet

In accordance with the Council resolution of 24 June 1971 which called for coordination among the Member States with regard to technological progress in the field of the science and processing of

documentation, this part of the action plan aims primarily at building on certain important work already under way and at ensuring that user interests are safeguarded in the context of emerging technological developments in so far as they affect on-line access to scientific and technical information. Particular areas considered for action include in particular assistance to the user with regard to using the different systems available via the network, support for the preparation of information exchange standards, the promotion of information exchange on information technology, STID aspects of multilingual systems and cooperation with postal and telecommunications administrations in developing standards for Euronet.

The action to be taken to achieve the above objectives will be carried out mainly on the basis of contracts with competent organizations in the Member States and could, in certain conditions, be extended to organizations in third countries.

ANNEX II

DUTIES AND METHOD OF OPERATION OF THE SCIENTIFIC AND TECHNICAL
INFORMATION AND DOCUMENTATION COMMITTEE (STIDC)

1. Without prejudice to the responsibility taken on by the Commission in carrying out the second three-year plan of action in the field of scientific and technical information and documentation on science and technology, the STIDC shall contribute by its opinions to the optimum execution of the plan.
2. Under the second plan of action, the Commission shall consult the STIDC on all measures which it intends to take for:
 - (a) turning Euronet into a public operational on-line information network;
 - (b) the development of a market in information within the Community;
 - (c) the promotion of technology and methodology in order to improve information services, in particular those of Euronet.
3. The Commission shall also seek the opinion of the STIDC on:
 - (a) preparing for future work in this field;
 - (b) coordinating the second plan of action with related programmes, and with the multilingual programme in particular;
 - (c) conducting negotiations with non-Community institutions, such as institutions in third countries and the responsible telecommunications bodies under contract to set up Euronet.
4. The STIDC should also be asked to give an opinion on:
 - (a) the detailed working out of policies, and priorities;
 - (b) the annual preparation of budgets and allocation of approved appropriations;
 - (c) the determination of the aims of, and the overall budgets for, projects;
 - (d) the specification of work to be done and the determination of criteria for the selection of contractors;
 - (e) the choice of contractors and the supervision of the projects.
5. The STIDC shall give opinions which shall be prepared by the secretariat and submitted for the approval of the Committee. Any member of the Committee may request that his point of view be recorded in these opinions. These opinions shall be forwarded to the Commission and a copy sent to the Council.
6. The STIDC shall lay down, in agreement with the Commission, the procedure for examining the measures referred to under 2, 3 and 4. This procedure should not interrupt the carrying out of the plan of action, particularly in the case of emergencies. In order to provide for flexible management, certain tasks shall be delegated to working parties.
7. The Commission shall periodically submit a report to the STIDC on the measures taken and the results obtained.
8. The STIDC shall consist of two representatives from each Member State, appointed for three years. The Member States may also appoint two alternate members.
9. The STIDC shall adopt its own rules of procedure.
10. The Commission shall provide the secretariat of the STIDC.
11. The provisions of this Annex shall neither modify the other tasks assigned to the STIDC in the resolution of 24 June 1971 nor its advisory relationship to CREST.

COUNCIL DECISION

of 9 October 1978

adopting a European Economic Community concerted project in the field of analysis of organic micropollutants in water.

(78/888/EEC)

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 ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas by virtue of Article 2 of the Treaty the Community has as its task the promotion throughout the Community of a harmonious development of economic activities, a continuous and balanced expansion and an accelerated raising of the standard of living;

Whereas in the declaration of 22 November 1973 ⁽³⁾ the Council approved the principles and objectives of a Community environmental policy and the general description of the action to be undertaken at Community level; whereas in the resolution of 17 May 1977 ⁽⁴⁾ the Council approved the continuation and implementation of a Community policy and action programme on the environment;

Whereas in its Decision 76/311/EEC ⁽⁵⁾ the Council adopted an environmental research programme;

Whereas in its Decision 77/488/EEC, Euratom ⁽⁶⁾ the Council adopted a research programme for the Joint Research Centre;

Whereas in the resolution of 14 January 1974 on an initial outline programme of the European Communities

in the field of science and technology ⁽⁷⁾, the Council stressed that appropriate use should be made of the whole range of ways and means available, including concerted projects, and that whenever it proved desirable that third countries, particularly European ones, should be associated in these projects, steps should be taken to make this possible;

Whereas in its resolution of 14 January 1974 on *inter alia* the coordination of national policies in the field of science and technology ⁽⁸⁾, the Council entrusted the Community institutions with the task of gradually ensuring such coordination, aided by the Scientific and Technical Research Committee (CREST);

Whereas a research project on the analysis of organic micropollutants in water, carried out under an Agreement signed on 23 November 1971 within the framework of European Cooperation in the Field of Scientific and Technical Research (COST) (COST project 64 b), produced very encouraging results;

Whereas a concerted Community research project in the field of analysis of organic micropollutants in water, continuing and extending COST project 64b, will contribute effectively to the achievement of the above-mentioned aims, in particular with regard to the reduction of environmental pollution;

Whereas the Member States intend, as part of the rules and procedures applicable to their national programmes, to carry out the research described in Annex I, and are prepared to integrate such research into a process of coordination at Community level over a period of four years;

Whereas the execution of such research as described in Annex I will require a financial contribution of about eight million European units of account from the Member States and from the Community;

Whereas the Treaty does not provide the specific powers necessary for this purpose;

Whereas CREST has given its opinion on the Commission proposal,

⁽¹⁾ OJ No C 108, 8. 5. 1978, p. 56.

⁽²⁾ Opinion delivered on 1 June 1978 (not yet published in the Official Journal).

⁽³⁾ OJ No C 112, 20. 12. 1973, p. 1.

⁽⁴⁾ OJ No C 139, 13. 6. 1977, p. 1.

⁽⁵⁾ OJ No L 74, 20. 3. 1976, p. 36.

⁽⁶⁾ OJ No L 200, 8. 8. 1977, p. 4.

⁽⁷⁾ OJ No C 7, 29. 1. 1974, p. 6.

⁽⁸⁾ OJ No C 7, 29. 1. 1974, p. 2.

HAS DECIDED AS FOLLOWS:

Article 1

The Community shall implement over a period of four years a concerted project in the field of analysis of organic micropollutants in water (hereinafter referred to as 'the project').

The project shall consist in coordination at Community level of the research described in Annex I and forming part of the national research programmes of the Member States and of the research programme of the Community.

Article 2

The Commission shall be responsible for coordination.

Article 3

The maximum financial contribution by the Community to such coordination shall be 480 000 European units of account, the European unit of account being as defined by the Financial Regulations applicable.

One member of staff shall be assigned to the coordination of the project.

Article 4

To facilitate the execution of the project, a Concerted Action Committee on the Analysis of Organic Micropollutants in Water, hereinafter referred to as 'the Committee', shall be established.

A project leader shall be appointed by the Commission in agreement with the Committee. The project leader shall, in particular, assist the Commission in its task of coordination.

The terms of reference and the composition of the Committee are laid down in Annex II. The Committee shall draw up its own rules of procedure. Its secretariat shall be provided by the Commission.

Article 5

1. In accordance with a procedure to be laid down by the Commission in agreement with the Committee, the Member States participating in the project and the Community shall exchange regularly all useful information concerning the execution of the research covered

by the project. They shall provide the Commission with all information relevant for coordination purposes. They shall also endeavour to provide the Commission with information on similar research planned or carried out by bodies for which they are not responsible. Any information shall be treated as confidential if so requested by the Member State which provides it.

2. The Commission shall prepare annual progress reports on the basis of the information supplied, and shall forward them to the Member States and the European Parliament.

3. At the end of the coordination period the Commission, in agreement with the Committee, shall forward to the Member States and the European Parliament a general report on the execution and results of the project. The Commission shall publish this report six months after it has been forwarded to the Member States, unless a Member State objects. In this case the report shall be distributed, at their request, solely to the institutions and undertakings whose research or production activities justify access to the results of the research covered by the project. The Commission may make arrangements to ensure that the report remains confidential and is not divulged to third parties.

Article 6

1. In accordance with Article 228 of the Treaty, the Community may conclude an agreement with non-member States involved in European Cooperation in the Field of Scientific and Technical Research (COST) to ensure that the Community project and the corresponding programmes of these States are harmonized.

2. The Commission is hereby authorized to negotiate the agreement referred to in paragraph 1 in accordance with the conclusions approved by the Council on 18 July 1978 concerning European Cooperation in the Field of Scientific and Technical Research (COST).

Article 7

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 9 October 1978.

For the Council

The President

H.-J. VOGEL

[illegible]

*ANNEX II***TERMS OF REFERENCE AND COMPOSITION OF THE CONCERTED PROJECT COMMITTEE
ON THE ANALYSIS OF ORGANIC MICROPOLLUTANTS IN WATER**

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

COUNCIL DECISION

of 9 October 1978

adopting a European Economic Community joint project in the field of physico-chemical behaviour of atmospheric pollutants

(78/889/EEC)

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 ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas by virtue of Article 2 of the Treaty the Community has as its task the promotion throughout the Community of a harmonious development of economic activities, a continuous and balanced expansion and an accelerated raising of the standard of living;

Whereas in the declaration of 22 November 1973 ⁽³⁾ the Council approved the principles and objectives of a Community environmental policy and the general description of the action to be undertaken at Community level; whereas in the resolution of 17 May 1977 ⁽⁴⁾ the Council approved the continuation and implementation of a Community policy and action programme on the environment;

Whereas in its Decision 76/311/EEC ⁽⁵⁾ the Council adopted an environmental research programme;

Whereas in its Decision 77/488/EEC, Euratom ⁽⁶⁾ the Council adopted a research programme for the Joint Research Centre;

Whereas in its resolution of 14 January 1974 on an initial outline programme of the European Communities in the field of science and technology ⁽⁷⁾, the Council

stressed that appropriate use should be made of the whole range of ways and means available, including concerted projects, and that whenever it proved desirable that third countries, particularly European ones, should be associated in these projects, steps should be taken to make this possible;

Whereas in its resolution of 14 January 1974 on *inter alia* the coordination of national policies in the field on science and technology ⁽⁸⁾, the Council entrusted the Community institutions with the task of gradually ensuring such coordination, aided by the Scientific and Technical Research Committee (CREST);

Whereas a research project on the physico-chemical behaviour of sulphur dioxide in the atmosphere carried out under an Agreement signed on 23 November 1971 within the framework of European Cooperation in the Field of Scientific and Technical Research (COST) (COST project 61a), produced very encouraging results;

Whereas a concerted Community research project in the field of physico-chemical behaviour of atmospheric pollutants, continuing and extending COST project 61a, will contribute effectively to the achievement of the abovementioned aims, in particular with regard to the reduction of environmental pollution;

Whereas the Member States intend, as part of the rules and procedures applicable to their national programmes, to carry out the research described in Annex I, and are prepared to integrate such research into a process of coordination at Community level over a period of four years;

Whereas the execution of such research as described in Annex I will require a financial contribution of about eight million European units of account from the Member States and from the Community;

Whereas the Treaty does not provide the specific powers necessary for this purpose;

Whereas CREST has given its opinion on the Commission proposal,

⁽¹⁾ OJ No C 108, 8. 5. 1978, p. 56.

⁽²⁾ Opinion delivered on 1 June 1978 (not yet published in the Official Journal).

⁽³⁾ OJ No C 112, 20. 12. 1973, p. 1.

⁽⁴⁾ OJ No C 139, 13. 6. 1977, p. 1.

⁽⁵⁾ OJ No L 74, 20. 3. 1976, p. 36.

⁽⁶⁾ OJ No L 200, 8. 8. 1977, p. 4.

⁽⁷⁾ OJ No C 7, 29. 1. 1974, p. 6.

⁽⁸⁾ OJ No C 7, 29. 1. 1974, p. 2.

HAS DECIDED AS FOLLOWS:

Article 1

The Community shall implement, over a period of four years, a concerted project in the field of physico-chemical behaviour of atmospheric pollutants (hereinafter referred to as 'the project'). The project shall consist in coordination at Community level of the research described in Annex I and forming part of the national research programmes of the Member States and of the research programme of the Community.

Article 2

The Commission shall be responsible for coordination.

Article 3

The maximum financial contribution by the Community to such coordination shall be 500 000 European units of account, the European unit of account being as defined by the Financial Regulations applicable.

Two members of staff shall be assigned to the coordination of the project.

Article 4

To facilitate the execution of the project, a Concerted Action Committee on the Physico-Chemical Behaviour of Atmospheric Pollutants, hereinafter referred to as 'the Committee', shall be established.

A project leader shall be appointed by the Commission in agreement with the Committee. The project leader shall, in particular, assist the Commission in its task of coordination.

The terms of reference and the composition of the Committee are laid down in Annex II. The Committee shall draw up its own rules of procedure. Its secretariat shall be provided by the Commission.

Article 5

1. In accordance with a procedure to be laid down by the Commission in agreement with the Committee, the Member States participating in the project and the Community shall exchange regularly all useful information concerning the execution of the research covered by the project. They shall provide the Commission with all

information relevant for coordination purposes. They shall also endeavour to provide the Commission with information on similar research planned or carried out by bodies for which they are not responsible. Any information shall be treated as confidential if so requested by the Member State which provides it.

2. The Commission shall prepare annual progress reports on the basis of the information supplied, and shall forward them to the Member States and the European Parliament.

3. At the end of the coordination period the Commission, in agreement with the Committee, shall forward to the Member States and the European Parliament a general report on the execution and results of the project. The Commission shall publish this report six months after it has been forwarded to the Member States, unless a Member State objects. In this case the report shall be distributed, at their request, solely to the institutions and undertakings whose research or production activities justify access to the results of the research covered by the project. The Commission may make arrangements to ensure that the report remains confidential and is not divulged to third parties.

Article 6

1. In accordance with Article 228 of the Treaty, the Community may conclude an agreement with non-member States involved in European Cooperation in the Field of Scientific and Technical Research (COST) to ensure that the Community project and the corresponding programmes of these States are harmonized.

2. The Commission is hereby authorized to negotiate the agreement referred to in paragraph 1 in accordance with the conclusions approved by the Council on 18 July 1978 concerning European Cooperation in the Field of Scientific and Technical Research (COST).

Article 7

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

Done at Luxembourg, 9 October 1978.

For the Council

The President

H.-J. VOGEL

ANNEX I

**CONTRIBUTIONS BY THE MEMBER STATES AND THE JOINT RESEARCH CENTRE (JRC)
TO THE CONCERTED PROJECT BY RESEARCH TOPICS**

Research topics	Division of research work								
	B	D	DK	F	I	IRL	NL	UK	JRC
1. Studies on the conversion and transport of atmospheric pollutants:									
(a) laboratory studies		X		X	X	X	X	X	X
(b) field studies	X	X	X	X	X		X	X	X
(c) modelling		X			X		X		X
2. Studies on the elimination and absorption of atmospheric pollutants	X			X	X			X	

ANNEX II

**TERMS OF REFERENCE AND COMPOSITION OF THE CONCERTED PROJECT COMMITTEE
ON THE PHYSICO-CHEMICAL BEHAVIOUR OF ATMOSPHERIC POLLUTANTS**

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

COMMISSION

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 ⁽¹⁾, 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,

⁽¹⁾ 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 ⁽¹⁾ 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 (*)	
	INTRA-COMMUNITY TRADE IN PETROLEUM PRODUCTS		
	EXPORT LICENCE		
4. Consignee (full name and address)	5. Exporting Member State		6. Member State of destination
	NOTES		
1. This application must be typewritten. 2. This application may cover a maximum of three petroleum products for export. 3. The applicant must complete all spaces not marked with an asterisk (*). 4. Where the applicant is a legal person the signatory in space 13 must give his name, forename and status after his signature.			
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)
13. DECLARATION BY THE EXPORTER			
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.			
At			
(Signature)			
14. For the use of the issuing authority only (*)			

EUROPEAN COMMUNITIES

1. Exporter (full name and address)	2. Licence No (*)	3. Date of expiry (*)	
	INTRA-COMMUNITY TRADE IN PETROLEUM PRODUCTS		
4. Consignee (full name and address)	EXPORT LICENCE		
	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)	(Stamp)

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 DIRECTIVE

of 28 September 1978

adapting to technical progress the Annexes to Council Directives 75/106/EEC and 76/211/EEC on prepackaging

(78/891/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 71/316/EEC of 26 July 1971 on the approximation of the laws of the Member States relating to common provisions for both measuring instruments and methods of metrological control ⁽¹⁾, as amended by the Act of Accession ⁽²⁾, and in particular Articles 17, 18 and 19 thereof,

Having regard to Council Directive 75/106/EEC of 19 December 1974 on the approximation of the laws of Member States relating to the making-up by volume of certain prepackaged liquids ⁽³⁾,

Having regard to Council Directive 76/211/EEC of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products ⁽⁴⁾,

Whereas the implementation of the provisions of Directive 76/211/EEC has shown the need for a revision of the tolerable negative errors and the classification of products;

Whereas a simpler classification of prepackaged products is bound to facilitate their preparation for sale and offer the consumer a wider choice of prepackaged products;

Whereas the markings on small prepackages can in certain cases be less than the height specified in Directives 75/106/EEC and 76/211/EEC and yet still be sufficiently visible and legible;

Whereas modern statistical control methods make it possible to reduce the extent of the sampling plans specified in these two Directives;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of Directives Designed to Eliminate Technical Barriers to Trade in the Measuring Instruments Sector,

Article 1

Sections 3.1, 4 and 5 of Annex I to Directive 75/106/EEC are replaced by the corresponding sections in Annex I to this Directive.

Article 2

Sections 2.4, 3.1 and 5 of Annex I to Directive 76/211/EEC are replaced by the corresponding sections in Annex II to this Directive.

Sections 2.5 and 2.6 are deleted.

Article 3

Annexes II to Council Directives 75/106/EEC and 76/211/EEC are replaced, up to and including Sections 2.2, by the text set out in Annex III to this Directive.

Article 4

1. The Member States shall adopt the laws, regulations and administrative provisions needed in order to comply with this Directive in such a way that these take effect on 1 January 1980.

They shall forthwith inform the Commission thereof.

2. Member States shall ensure that the text of the provisions of internal law which they adopt in the field covered by this Directive is communicated to the Commission.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 28 September 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 202, 6. 9. 1971, p. 1.

⁽²⁾ OJ No L 73, 27. 3. 1972, p. 14.

⁽³⁾ OJ No L 42, 15. 2. 1975, p. 1.

⁽⁴⁾ OJ No L 46, 21. 2. 1976, p. 1.

ANNEX I

AMENDMENTS TO ANNEX I TO COUNCIL DIRECTIVE 75/106/EEC

- 3.1. the nominal volume of the contents expressed in litres, centilitres or millilitres and marked in figures at least 6 mm high if the nominal volume of the contents is greater than 100 cl, 4 mm high if it is from 100 cl down to but not including 20 cl, 3 mm high if it is from 20 cl down to but not including 5 cl, 2 mm high if it is not more than 5 cl, followed by the symbol for the unit of measurement used or where appropriate by the name of the unit, in accordance with Directive 71/354/EEC, as last amended by Directive 76/770/EEC;

until the expiry of the transitional period, during which the use of the imperial units of measurement appearing in Annex II to Council Directive 71/354/EEC is authorized in the Community, the indication of the nominal volume of the contents expressed in SI units in accordance with the preceding paragraph may be accompanied by that of the equivalent value in imperial (UK) units of measurement, calculated on the basis of the following conversion factors:

one millilitre = 0.0352 fluid ounce
one litre = 1.760 pints or 0.220 gallon.

Member States may, where they think it necessary, insist on this second indication for products put up for sale on their national territories. Markings in imperial (UK) units shall be in letters and figures of dimensions not larger than those of the corresponding markings in SI units.

4. RESPONSIBILITY OF THE PACKER OR IMPORTER

The packer or importer shall be responsible for ensuring that prepackages meet the requirements of this Directive.

The quantity of liquid contained in a prepackage, known as the actual volume of the contents, shall be measured or checked on the responsibility of the packer or the importer. The measurement or check shall be carried out by means of a legal measuring instrument suitable for effecting the necessary operations.

The check may be carried out by sampling.

Where the actual volume of the contents is not measured, the check carried out by the packer shall be so organized that the nominal volume of the said contents is effectively ensured, in conformity with the provisions of this Directive.

In order to fulfil this requirement, the packer must carry out production checks in accordance with procedures recognized by the competent departments in the Member State and if he holds at the disposal of these authorities the documents containing the results of such checks, in order to certify that these checks, together with the corrections and adjustments which they have shown to be necessary, have been properly and accurately carried out.

Where goods are imported from non-EEC countries, the importer may, instead of measuring and checking, provide evidence that he is in possession of all the necessary guarantees enabling him to assume responsibility.

One of the several methods of meeting the measuring and checking requirement is to use when making up the prepackage a measuring container of the type defined in the Directive relating thereto and filled under the conditions prescribed in this Directive and in that on measuring container bottles.

5. CHECKS TO BE CARRIED OUT BY THE COMPETENT DEPARTMENTS ON THE PREMISES OF THE PACKER OR OF THE IMPORTER OR OF HIS AGENT ESTABLISHED IN THE COMMUNITY

Checks to ensure that the prepackages comply with the provisions of this Directive shall be carried out by the competent departments of the Member States by sampling on the packer's premises or, if this is not practicable, on the premises of the importer or of his agent established in the Community.

This statistical sampling check shall be carried out in accordance with the accepted methods of quality acceptance inspection. Its effectiveness shall be comparable to that of the reference method specified in Annex II.

Thus as regards the criterion for the minimum acceptable contents, a sampling plan used by a Member State shall be regarded as comparable with that recommended in Annex II if the abscissa of the 0.10 ordinate point of the operating characteristic curve of the first plan (probability of acceptance of the batch = 0.10) deviates by less than 15 % from the abscissa of the corresponding point of the operating characteristic curve of the sampling plan recommended in Annex II.

As regards the criterion for the mean calculated by the standard deviation method, a sampling plan used by a Member State shall be regarded as comparable with that recommended in Annex II if, taking into account the operating characteristic curves of the two plans having as the abscissa axis $\frac{V_n - m^{(1)}}{s}$, the abscissa of the 0.10 ordinate point of the curve of the first plan (acceptance probability of the batch = 0.10) deviates by less than 0.05 from the abscissa of the corresponding point of the curve of the sampling plan recommended in Annex II.

⁽¹⁾ m = actual batch mean.

ANNEX II

AMENDMENTS TO ANNEX I TO DIRECTIVE 76/211/EEC

- 2.4. The tolerable negative error in the contents of a prepackage is fixed in accordance with the table below:

Nominal quantity Qn in grams or millilitres	Tolerable negative error	
	as % of Qn	g or ml
5 to 50	9	—
from 50 to 100	—	4.5
from 100 to 200	4.5	—
from 200 to 300	—	9
from 300 to 500	3	—
from 500 to 1 000	—	15
from 1 000 to 10 000	1.5	—

When using the table, the values of the tolerable negative errors shown as percentages in the table, calculated in units of weight or volume, shall be rounded up to the nearest one-tenth of a gram or millilitre.

- 3.1. The nominal quantity (nominal weight or nominal volume) expressed in kilograms, grams, litres, centilitres or millilitres, and marked in figures at least 6 mm high if the nominal quantity exceeds 1 000 g or 100 cl, 4 mm high if it is from 1 000 g or 100 cl inclusive down to but not including 200 g or 20 cl, 3 mm high if it is from 200 g or 20 cl down to but not including 50 g or 5 cl, 2 mm high if it is not more than 50 g or 5 cl, followed by the symbol for the unit of measurement used or where appropriate by the name of the unit in accordance with Directive 71/354/EEC, as last amended by Directive 76/770/EEC.

Markings in imperial (UK) units shall be in letters and figures of dimensions not larger than those of the corresponding markings in SI units.

5. CHECKS TO BE CARRIED OUT BY THE COMPETENT DEPARTMENTS ON THE PREMISES OF THE PACKER OR OF THE IMPORTER OR OF HIS AGENT ESTABLISHED IN THE COMMUNITY

Checks to ensure that the prepackages comply with the provisions of this Directive shall be carried out by the competent departments of the Member States by sampling on the packer's premises or, if this is not practicable, on the premises of the importer or of his agent established in the Community.

This statistical sampling check shall be carried out in accordance with the accepted methods of quality acceptance inspection. Its effectiveness shall be comparable to that of the reference method specified in Annex II.

Thus as regards the criterion for the minimum contents, a sampling plan used by a Member State shall be regarded as comparable with that recommended in Annex II if the abscissa of the 0.10 ordinate point of the operating characteristic curve of the first plan (probability of acceptance of the batch = 0.10) deviates by less than 15 % from the abscissa of the corresponding point of the operating characteristic curve of the sampling plan recommended in Annex II.

As regards the criterion for the mean calculated by the standard deviation method, a sampling plan used by a Member State shall be regarded as comparable with that recommended in Annex II if, taking into account the operating characteristic curves of the two plans having as the abscissa axis $\frac{Q_n - m^{(1)}}{s}$, the abscissa of the 0.10 ordinate point of the curve of the first plan (acceptance probability of the batch = 0.10) deviates by less than 0.05 from the abscissa of the corresponding point of the curve of the sampling plan recommended in Annex II.

⁽¹⁾ m = actual batch mean.

ANNEX III

AMENDMENTS TO ANNEXES II TO DIRECTIVES 75/106/EEC AND 76/211/EEC

ANNEX II

This Annex lays down the procedures of the reference method for statistical checking of batches of prepackages in order to meet the requirements of Article 3 of the Directive and of Section 5, Annex I thereto.

1. REQUIREMENTS FOR MEASURING THE ACTUAL CONTENTS OF PREPACKAGES

The actual contents of prepackages may be measured directly by means of weighing instruments or volumetric instruments or, in the case of liquids, indirectly, by weighing the prepacked product and measuring its density.

Irrespective of the method used, the error made in measuring the actual contents of a prepackage shall not exceed one-fifth of the tolerable negative error for the nominal quantity in the prepackage.

The procedure for measuring the actual contents of a prepackage may be the subject of domestic regulations in each Member State.

2. REQUIREMENTS FOR CHECKING BATCHES OF PREPACKAGES

The checking of prepackages shall be carried out by sampling and shall be in two parts:

- a check covering the actual contents of each prepackage in the sample,
- another check on the average of the actual contents of the prepackages in the sample.

A batch of prepackages shall be considered acceptable if the results of both these checks satisfy the acceptance criteria.

For each of these checks, there are two sampling plans:

- one for non-destructive testing, i.e., testing which does not involve opening the package,
- the other for destructive testing, i.e., testing which involves opening or destroying the package.

For economic and practical reasons, the latter test shall be limited to the absolutely essential minimum; it is less effective than the non-destructive test.

Destructive testing shall therefore be used only when non-destructive testing is impracticable. As a general rule it shall not be applied to batches of fewer than 100 units.

2.1. Prepackage batches

- 2.1.1. The batch shall comprise all the prepackages of the same nominal quantity, the same type and the same production run, packed in the same place, which are to be inspected. The batch size shall be limited to the amounts laid down below.
- 2.1.2. When prepackages are checked at the end of the packing line, the number in each batch shall be equal to the maximum hourly output of the packing line, without any restriction as to batch size.
In other cases the batch size shall be limited to 10 000.
- 2.1.3. For batches of fewer than 100 prepackages, the non-destructive test, where carried out, shall be 100 %.

- 2.1.4. Before the tests in 2.2 and 2.3 are carried out, a sufficient number of prepackages shall be drawn at random from the batch so that the check requiring the larger sample can be carried out.

For the other check, the necessary sample shall be drawn at random from the first sample and marked.

This marking operation shall be completed before the start of measuring operations.

2.2. Checking of the actual contents of a prepackage

The minimum acceptable contents shall be calculated by subtracting the tolerable negative error for the contents concerned from the nominal quantity of the prepackage.

Prepackages in the batch whose actual contents are less than the minimum acceptable contents shall be considered defective.

2.2.1. *Non-destructive testing*

Non-destructive testing shall be carried out in accordance with a double sampling plan as shown in the table below:

The first number of prepackages checked shall be equal to the number of units in the first sample, as indicated in the plan:

- if the number of defective units found in the first sample is less than or equal to the first acceptance criterion, the batch shall be considered acceptable for the purpose of this check,
- if the number of defective units found in the first sample is equal to or greater than the first rejection criterion, the batch shall be rejected,
- if the number of defective units found in the first sample lies between the first acceptance criterion and the first rejection criterion, a second sample shall be checked, the number of units in which is indicated in the plan.

The defective units found in the first and second samples shall be added together and:

- if the aggregate number of defective units is less than or equal to the second acceptance criterion, the batch shall be considered acceptable for the purpose of this check,
- if the aggregate number of defective units is greater than or equal to the second rejection criterion, the batch shall be rejected.

Number in batch	Samples		Number of defective units		
	Order	Number	Aggregate number	Acceptance criterion	Rejection criterion
100 to 500	1st	30	30	1	3
	2nd	30	60	4	5
501 to 3 200	1st	50	50	2	5
	2nd	50	100	6	7
3 201 and over	1st	80	80	3	7
	2nd	80	160	8	9

2.2.2. *Destructive testing*

Destructive testing shall be carried out in accordance with the single sampling plan below and shall be used only for batches of 100 or more.

- The number of prepackages checked shall be equal to 20.
- If the number of defective units found in the sample is less than or equal to the acceptance criterion, the batch of prepackages shall be considered as acceptable.
 - If the number of defective units found in the sample is equal to or greater than the rejection criterion, the batch of prepackages shall be rejected.

Number in batch	Number in sample	Number of defective units	
		Acceptance criterion	Rejection criterion
Whatever the number (≥ 100)	20	1	2