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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3911/92

of 9 December 1992

on the export of cultural goods

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, in view of the completion of the internal market, rules on trade with third countries are needed for the protection of cultural goods;

Whereas, in the light of the conclusions of the Council meeting on 19 November 1990, it seems necessary to take measures in particular to ensure that exports of cultural goods are subject to uniform controls at the Community's external borders;

Whereas such a system should require the presentation of a licence issued by the competent Member State prior to the export of cultural goods covered by this Regulation; whereas this necessitates a clear definition of the scope of such measures and the procedures for their implementation; whereas the implementation of the system should be as simple and efficient as possible; whereas a Committee should be set up to assist the Commission in carrying out the responsibilities conferred on it by this Regulation;

Whereas, in view of the considerable experience of the Member States' authorities in the application of Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities

of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters ⁽⁴⁾, the said Regulation should be applied to this matter;

Whereas the Annex to this Regulation is aimed at making clear the categories of cultural goods which should be given particular protection in trade with third countries, but is not intended to prejudice the definition, by Member States, of national treasures within the meaning of Article 36 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to Member States' powers under Article 36 of the Treaty, the term 'cultural goods' shall refer, for the purposes of this Regulation, to the items listed in the Annex.

TITLE 1

Export licence

Article 2

1. The export of cultural goods outside the customs territory of the Community shall be subject to the presentation of an export licence.

2. The export licence shall be issued at the request of the person concerned:

— by a competent authority of the Member State in whose territory the cultural object in question was lawfully and definitively located on 1 January 1993,

⁽¹⁾ OJ No C 53, 28. 2. 1992, p. 8.

⁽²⁾ OJ No C 176, 13. 7. 1992, p. 31.

⁽³⁾ OJ No C 223, 31. 8. 1992, p. 10.

⁽⁴⁾ OJ No L 144, 2. 6. 1981, p. 1. Regulation as amended by Regulation (EEC) No 945/87 (OJ No L 90, 2. 4. 1987, p. 3).

- or, thereafter, by a competent authority of the Member State in whose territory it is located following either lawful and definitive dispatch from another Member State, or importation from a third country, or reimportation from a third country after lawful dispatch from a Member State to that country.

However, without prejudice to paragraph 4, the Member State which is competent in accordance with the two indents in the first subparagraph may not require export licences for the cultural goods specified in the first and second indents of category A1 of the Annex where they are of limited archaeological or scientific interest, and provided that they are not the direct product of excavations, finds and archaeological sites within a Member State, and that their presence on the market is lawful.

The export licence may be refused, for the purposes of this Regulation, where the cultural goods in question are covered by legislation protecting national treasures of artistic, historical or archaeological value in the Member State concerned.

Where necessary, the authority referred to in the second indent of the first subparagraph shall enter into contact with the competent authorities of the Member State from which the cultural object in question came, and in particular the competent authorities within the meaning of Council Directive 93/.../EEC of ... on the return of cultural objects unlawfully removed from the territory of a Member State ⁽¹⁾.

3. The export licence shall be valid throughout the Community.
4. Without prejudice to the provisions of this Article, direct export from the customs territory of the Community of national treasures having artistic, historic or archaeological value which are not cultural goods within the meaning of this Regulation is subject to the national law of the Member State of export.

Article 3

1. Member States shall furnish the Commission with a list of the authorities empowered to issue export licences for cultural goods.
2. The Commission shall publish a list of these authorities and any amendment to that list in the 'C' series of the *Official Journal of the European Communities*.

⁽¹⁾ Not yet adopted at the time of this publication; in accordance with Article 11 below, the present Regulation will enter into force on the third day following that of publication of the Directive in the *Official Journal of the European Communities*.

Article 4

The export licence shall be presented, in support of the export declaration, when the customs export formalities are carried out, at the customs office which is competent to accept that declaration.

Article 5

1. Member States may restrict the number of customs offices empowered to handle formalities for the export of cultural goods.
2. Member States availing themselves of the option afforded by paragraph 1 shall inform the Commission of the customs offices duly empowered.

The Commission shall publish this information in the 'C' series of the *Official Journal of the European Communities*.

TITLE 2

Administrative cooperation

Article 6

For the purposes of implementing this Regulation, the provisions of Regulation (EEC) No 1468/81, and in particular the provisions on the confidentiality of information, shall apply *mutatis mutandis*.

In addition to the cooperation provided for under the first subparagraph, Member States shall take all necessary steps to establish, in the context of their mutual relations, cooperation between the customs authorities and the competent authorities referred to in Article 4 of Directive 93/.../EEC ⁽²⁾.

TITLE 3

General and final provisions

Article 7

The provisions necessary for the implementation of this Regulation, in particular those concerning the form to be used (for example, the model and technical properties) shall be adopted in accordance with the procedure laid down in Article 8 ⁽²⁾.

Article 8

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

⁽²⁾ See footnote to Article 2 ⁽²⁾.

The committee shall examine any matter concerning the implementation of this Regulation raised by its chairman either on his own initiative or at the request of a representative of a Member State.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 9

Each Member State shall determine the penalties to be applied for infringement of the provisions of this Regulation. The penalties shall be sufficient to promote compliance with those provisions.

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

Done at Brussels, 9 December 1992.

Article 10

Each Member State shall inform the Commission of the measures taken pursuant to this Regulation.

The Commission shall pass on this information to the other Member States.

Every three years the Commission shall present a report to the European Parliament, the Council and the Economic and Social Committee on the implementation of this Regulation.

The Council shall review the effectiveness of the Regulation after a period of application of three years and, acting on a proposal from the Commission, make any necessary adaptations.

In any event, the Council, acting on a proposal from the Commission, shall examine every three years and, where appropriate, update the amounts indicated in the Annex, on the basis of economic and monetary indicators in the Community.

Article 11

This Regulation shall enter into force on the third day following that of publication in the *Official Journal of the European Communities* of Directive 93/.../EEC ⁽¹⁾.

For the Council

The President

W. WALDEGRAVE

⁽¹⁾ The Directive on the return of cultural objects unlawfully removed from the territory of a Member State, already referred to in Articles 2 (2) and 6, has not yet been adopted at the time of this publication.

ANNEX

CATEGORIES OF CULTURAL OBJECTS COVERED BY ARTICLE 1

A. 1. Archaeological objects more than 100 years old which are the products of:	
— excavations and finds on land or under water	9705 00 00
— archaeological sites	9706 00 00
— archaeological collections	
2. Elements forming an integral part of artistic, historical or religious monuments which have been dismembered, of an age exceeding 100 years	9705 00 00 9706 00 00
3. Pictures and paintings executed entirely by hand, on any medium and in any material ⁽¹⁾	9701
4. Mosaics other than those in categories 1 or 2 and drawings executed entirely by hand, on any medium and in any material ⁽¹⁾	6914 9701
5. Original engravings, prints, serigraphs and lithographs with their respective plates and original posters ⁽¹⁾	Chapter 49 9702 00 00 8442 50 99
6. Original sculptures or statuary and copies produced by the same process as the original ⁽¹⁾ , other than those in category 1	9703 00 00
7. Photographs, films and negatives thereof ⁽¹⁾	3704 3705 3706 4911 91 80
8. Incunabula and manuscripts, including maps and musical scores, singly or in collections ⁽¹⁾	9702 00 00 9706 00 00 4901 10 00 4901 99 00 4904 00 00 4905 91 00 4905 99 00 4906 00 00
9. Books more than 100 years old, singly or in collections	9705 00 00 9706 00 00
10. Printed maps more than 200 years old	9706 00 00
11. Archives, and any elements thereof, of any kind or any medium which are more than 50 years old	3704 3705 3706 4901 4906 9705 00 00 9706 00 00
12. (a) Collections ⁽²⁾ and specimens from zoological, botanical, mineralogical or anatomical collections;	9705 00 00
(b) Collections ⁽²⁾ of historical, palaeontological, ethnographic, or numismatic interest	9705 00 00
13. Means of transport more than 75 years old	9705 00 00 Chapters 86—89

⁽¹⁾ Which are more than 50 years old and do not belong to their originators.

⁽²⁾ As defined by the Court of Justice in its judgment in Case 252/84, as follows: 'Collectors' pieces within the meaning of heading No 97.05 of the Common Customs Tariff are articles which possess the requisite characteristics for inclusion in a collection, that is to say, articles which are relatively rare, are not normally used for their original purpose, are the subject of special transactions outside the normal trade in similar utility articles and are of high value.'

14. Any other antique items not included in categories A.1 to A.13

(a) between 50 and 100 years old:

— toys, games	Chapter 95
— glassware	7013
— articles of goldsmiths' or silversmiths' wares	7114
— furniture	Chapter 94
— optical, photographic or cinematographic apparatus	Chapter 90
— musical instruments	Chapter 92
— clocks and watches and parts thereof	Chapter 91
— articles of wood	Chapter 44
— pottery	Chapter 69
— tapestries	5805 00 00
— carpets	Chapter 57
— wallpaper	4814
— arms	Chapter 93

(b) more than 100 years old 9706 00 00

The cultural objects in categories A.1 to A.14 are covered by this Regulation only if their value corresponds to, or exceeds, the financial thresholds under B.

B. Financial thresholds applicable to certain categories under A (in ecus)

Value: 0 (Zero)

- 1 (Archaeological objects)
- 2 (Dismembered monuments)
- 8 (Incunabula and manuscripts)
- 11 (Archives)

15 000

- 4 (Mosaics and drawings)
- 5 (Engravings)
- 7 (Photographs)
- 10 (Printed maps)

50 000

- 6 (Statuary)
- 9 (Books)
- 12 (Collections)
- 13 (Means of transport)
- 14 (Any other object)

150 000

- 3 (Pictures)

The assessment of whether or not the conditions relating to financial value are fulfilled must be made when an application for an export licence is submitted. The financial value is that of the cultural object in the Member State referred to in Article 2 (2) of the Regulation.

The date for the conversion of values expressed in ecus in the Annex into national currencies shall be 1 January 1993.

COUNCIL REGULATION (EEC) No 3912/92

of 17 December 1992

on controls carried out within the Community in the field of road and inland waterway transport in respect of means of transport registered or put into circulation in a third country

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the Community has embarked upon the adoption of measures leading to the progressive establishment of the internal market by 31 December 1992, which will comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaty;

Whereas the completion of the internal market will mean controls and formalities at internal frontiers relating to means of transport and the relevant documentation will have to be abolished;

Whereas, pursuant to existing Community and national legislation in the field of road and inland waterway transport, Member States perform checks, verifications and inspections relating to technical characteristics, authorizations and other documentation with which vehicles and inland waterway vessels must comply; whereas there will in general continue to be a need for such checks, verifications and inspections to prevent disruption of transport market organization and to ensure road and inland waterway safety;

Whereas, pursuant to Council Regulation (EEC) No 4060/89 of 21 December 1989 on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport ⁽⁴⁾, such checks shall no longer be performed at frontiers between Member States where they concern means of transport registered or put into circulation in a Member State;

Whereas the same principle should be introduced with regard to the application of the controls laid down in the said Regulation and of controls carried out for the purposes of agreements with third countries to means of transport registered or put into circulation in a third country;

Whereas the authorities of the Member State where the means of transport enter from a third country must continue to be able to carry out all necessary controls with regard to checking that the said means of transport possess the authorization to carry out transport operations on or through its territory;

Whereas Member States must ensure that checks, verifications and inspections can continue to be performed throughout their respective territories as part of the normal control procedures;

Whereas cooperation to fulfil the obligations of this Regulation should follow the rules laid down in Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to controls pursuant to an international agreement and those referred to in Regulation (EEC) No 4060/89 performed within the Community by Member States in respect of road and inland waterway transport operations effected by means of transport registered or put into circulation in a third country.

2. This Regulation shall not affect the rights or obligations of a Member State, where the means of transport referred to in paragraph 1 enters from a third country, to perform all necessary controls, in order to establish that such means of transport are authorized to undertake transport in or through the territory of the Member State concerned.

⁽¹⁾ OJ No C 103, 23. 4. 1992, p. 11.

⁽²⁾ OJ No C 305, 23. 11. 1992.

⁽³⁾ OJ No C 287, 4. 11. 1992, p. 14.

⁽⁴⁾ OJ No L 390, 30. 12. 1989, p. 18. Regulation as last amended by Regulation (EEC) No 3356/91 (OJ No L 318, 20. 11. 1991, p. 1).

⁽⁵⁾ OJ No L 144, 2. 6. 1981, p. 1. Regulation as amended by Regulation (EEC) No 945/87 (OJ No L 90, 2. 4. 1987, p. 3).

Article 2

For the purposes of this Regulation:

- 'control' shall mean any check, inspection, verification or formality performed at Member States' frontiers by national authorities which halt or hamper the free movement of the vehicles or vessels concerned,
- 'international agreement' shall mean any agreement between one or more Member States or the Community and one or more third countries.

Article 3

The controls referred to in Article 1 shall no longer be performed as border controls at the internal frontiers of

the Community, but as part of the controls the Member States would normally carry out throughout their territory.

Article 4

For the purposes of implementing this Regulation, the provisions of Regulation (EEC) No 1468/81 shall apply *mutatis mutandis*. In addition, Member States shall take all the necessary steps to establish cooperation between their respective competent authorities.

Article 5

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 17 December 1992.

For the Council
The President
R. NEEDHAM

COUNCIL REGULATION (EEC) No 3913/92

of 17 December 1992

opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (first series 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain agricultural and industrial products will remain in the course of 1993 unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Community tariff quotas at reduced or at zero duty should therefore be opened within the limits of appropriate volumes for a period up to 30 June or 31 December 1993 taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quantities drawn by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January 1993 until the date shown in the table below, the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN code (¹)	Description	Amount of quota (in tonnes)	Quota duty (%)	End of quota period
09.2711	7202 41 90	Ferro-chromium containing by weight more than 6 % of carbon	300 000	0	31. 12. 1993
09.2713		Sweet cherries, marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a):			
	ex 2008 60 19	— with a sugar content exceeding 9 % by weight	2 000	10 + AGR 10	31. 12. 1993
	ex 2008 60 39	— with a sugar content not exceeding 9 % by weight			
09.2717	ex 7202 99 19	Ferro-phosphorus containing by weight 15 % or more of phosphorus, intended for the manufacture of refined phosphoric iron or steel (a)	8 000	0	31. 12. 1993

(¹) See Taric codes in the Annex.

(a) The end-use of this product will be monitored in accordance with the relevant Community provisions.

Order No	CN code (¹)	Description	Amount of quota (in tonnes)	Quota duty (%)	End of quota period
09.2719	ex 2008 60 19 ex 2008 60 39	Sour cherries (<i>Prunus cerasus</i>), marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9% — with a sugar content not exceeding 9% by weight	2 000	10 + AGR 10	31. 12. 1993
09.2727	ex 3902 90 00	Synthetic poly-alpha-olefin having a kinetic viscosity of not less than $38 \times 10^{-6} \text{ m}^2 \text{ s}^{-1}$ (38 centistokes) at 100 °C, measured using the ASTM D 445 method	4 500	0	31. 12. 1993
09.2729	ex 0811 90 99	Boysenberries, preserved by freezing, not containing added sugar, for the processing industry (a)	500	12	31. 12. 1993
09.2731	ex 3905 90 00	Polyvinylpyrrolidone, presented in powder form, the particles of which are less than 38 micrometres and which has a solubility in water at 25 °C of less than, or equal to 1,5 % by weight and which is intended for the pharmaceutical industry (a)	100	0	31. 12. 1993
09.2741	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of ingots, intended for the manufacture of elements used in the nuclear industry (a)	1 700	0	31. 12. 1993
09.2744	ex 8104 11 00	Unwrought magnesium having a purity of not less than 99,95 % in the form of ingots, for the manufacture of zirconium sponge (a)	100	0	31. 12. 1993
09.2781	ex 7226 10 91	Flat-rolled products of silicon-electrical steel, cold-rolled, grain oriented, of a width not exceeding 500 mm, of a thickness of 0,23 mm or less, with a nominal magnetic inversion loss rate of 0,8 W/kg or less determined by the Epstein method with a current of 50 cycles and one induction of 1,7 tesla	300	0	31. 12. 1993
09.2791	ex 3905 90 00	Polyvinyl butyral in the form of powder, for the production of film for laminated safety glass (a)	6 500	0	31. 12. 1993
09.2799	ex 7202 49 90	Ferro-chromium containing more than 1,5 %, but not more than 2 % by weight of carbon and not more than 55 % of chromium	15 000	0	31. 12. 1993
09.2809	ex 3802 90 00	Acid-activated montmorillonite for the manufacture of self-copy paper (a)	10 500	0	31. 12. 1993
09.2811	ex 2902 90 00	4-Benzylbiphenyl	400	0	31. 12. 1993
09.2815	ex 3823 90 98	Mixtures of sucrose stearate	51	0	30. 6. 1993
09.2821	ex 8111 00 11	Electrolytic manganese of a purity by weight of 99,7 % or more, for the manufacture of non-ferrous alloys (a)	3 500	0	31. 12. 1993
09.2829	ex 3823 90 98	Solid extract of the residual insoluble in aliphatic solvents obtained during the extraction of rosin from wood, having the following characteristics: — a resin acid content by weight not exceeding 30 %, — an acid number not exceeding 110, and — a melting point of not less than 100 °C	600	0	30. 6. 1993

(¹) See Taric codes in the Annex.

(a) The end-use of this product will be monitored in accordance with the relevant Community provisions.

Order No	CN code (¹)	Description	Amount of quota (in tonnes)	Quota duty (%)	End of quota period
09.2837	ex 2903 40 98	Bromchloromethane	330	0	31. 12. 1993
09.2841	ex 2712 90 90	Blend of 1-alkenes containing by weight 80% or more of 1-alkenes of a chain-length of 20 or 22 carbon atoms	8 000	0	31. 12. 1993
09.2843	ex 2912 49 00	3-Phenoxybenzaldehyde	300	0	31. 12. 1993
09.2845	ex 2914 19 00	3,3-Dimethylbutanone	700	0	31. 12. 1993
09.2847	ex 2914 70 90	1-Chloro-3,3-Dimethylbutanone	900	0	31. 12. 1993
09.2855	7202 93 00	Ferroniobium	4 000	0	31. 12. 1993

(¹) See Taric codes in the Annex.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a declaration covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 January 1993.

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

Done at Brussels, 17 December 1992.

For the Council
The President
R. NEEDHAM

ANNEX

Taric codes

Order No	CN codes	Taric codes
09.2713	2008 60 19	* 10
	2008 60 39	* 11
	2008 60 39	* 19
09.2717	7202 99 19	* 20
09.2719	2008 60 19	* 20
	2008 60 39	* 20
09.2727	3902 90 00	* 95
09.2729	0811 90 99	* 10
09.2731	3905 90 00	* 94
09.2741	8104 11 00	* 30
09.2744	8104 11 00	* 40
09.2781	7226 10 91	* 20
09.2791	3905 90 00	* 95
09.2799	7202 49 90	* 10
09.2809	3802 90 00	* 10
09.2811	2902 90 90	* 50
09.2815	3823 90 98	* 41
09.2821	8111 00 11	* 20
09.2829	3823 90 98	* 50
09.2837	2903 40 98	* 10
09.2841	2712 90 90	* 30
09.2843	2912 49 00	* 10
09.2845	2914 19 00	* 20
09.2855	2914 70 90	* 10

COUNCIL REGULATION (EEC) No 3914/92

of 19 December 1992

opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (second series 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain agricultural and industrial products will remain in the course of 1993 unable to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Community tariff quotas at zero duty should therefore be opened within the limits of appropriate volumes for a period up to 31 December 1993 taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the quantities drawn by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January 1993 until the date shown in the table below the customs duties applicable to imports into the Community of the products listed below shall be suspended at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN code (1)	Description	Amount of quota	Quota duty (%)	End of quota period
09.2703	ex 2825 30 00	Vanadiumoxides and hydroxides, not in the form of powder, exclusively for the production of alloys (a)	6 000 tonnes	0	31. 12. 1993
09.2797	ex 8540 41 00	Magnetrons with a power output of less than 1 000 W, for the manufacture of microwave ovens (a)	400 000 pieces	0	31. 12. 1993
09.2817	ex 8110 00 11	Antimony ingots	15 000 tonnes	0	31. 12. 1993
09.2827	ex 3932 90 79	1,3-2,4-Di-o-benzylidene D-glucitol with a purity by weight not less than 96 % for the carification of polypropylene for use with foods (a)	55 tonnes	0	31. 12. 1993

(1) See Taric codes in the Annex.

(a) Checks on their prescribed end-use shall be carried out pursuant to the relevant Community provisions.

Order No	CN code ⁽¹⁾	Description	Amount of quota	Quota duty (%)	End of quota period
09.2833	ex 8473 30 90	Thin film magnetic heads of Winchester technology capable of recording to a density of 78 tracks or more per mm mounted on a carrier arm, with or without a connection via a flexible printed circuit to a metal bracket, for the incorporation in hard-disc storage units with an external disc diameter not exceeding 8,89 cm (3,5 inches) (a)	60 000 pieces	0	31. 3. 1993
09.2849	ex 0710 80 60	Mushrooms of the species <i>Auricularia polytricha</i> steamed or boiled, cut into strips of a width of 6 mm or more but not more than 8 mm, for the manufacture of prepared meals (a) (b)	420 tonnes	0	31. 12. 1993
09.2851	ex 2907 12 00	O-Cresol having a purity of not less than 98,5 %	12 000 tonnes	0	31. 12. 1993
09.2853	ex 2930 90 80	Glutathione	3 tonnes	0	31. 12. 1993

⁽¹⁾ See Taric codes in the Annex.

(a) Checks on their prescribed end-use shall be carried pursuant to the relevant Community provisions.

(b) However, the tariff quota is not allowed where processing is carried out by retail or catering undertakings.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a declaration covered by this Regulation for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

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

Done at Brussels, 19 December 1992.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 January 1993.

For the Council
The President
J. GUMMER

ANNEX

Taric codes

Order No	CN code	Taric code
09.2703	ex 2825 30 00	* 10
09.2797	ex 8540 41 00	* 91
09.2817	ex 8110 00 11	* 10
09.2827	ex 2932 90 79	* 80
09.2833	ex 8473 30 90	* 80
09.2849	ex 0710 80 60	* 10
09.2851	ex 2907 12 00	* 10
09.2853	ex 2930 90 80	* 16

COUNCIL REGULATION (EEC) No 3915/92

of 19 December 1992

opening and providing for the administration of Community tariff quotas bound in GATT
for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken, within the framework of the General Agreement on Tariffs and Trade (GATT), to open yearly reduced or zero-duty Community tariff quotas on certain conditions for certain agricultural and industrial products; whereas the tariff quotas in question should accordingly be opened for 1993, specifying, where appropriate, the agreed entry conditions;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted; whereas the necessary measures should be taken to ensure efficient administration of the tariff quotas at Community level by

providing for Member States to draw against the quota volumes such quantities as they may need to cover actual imports as recorded; whereas this method of administration requires close cooperation between the Member States and the Commission;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of quantities drawn by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs duties applicable to imports of the following products shall be suspended during the periods, at the levels and within the limits of the Community tariff quotas shown below:

Order No	CN code (a)	Description	Quota period	Quota volume	Rate of duty (%)
09.0006	0302 40 90 0303 50 90 0304 10 93 ex 0304 10 98 0304 90 25	Herring, subject to compliance with the reference prices	From 16 June 1993 to 14 February 1994	34 000 tonnes	0
09.0007	ex 0305 51 10 ex 0305 51 90 0305 59 11 0305 59 19 ex 0305 62 00 0305 69 10	Cod of the species <i>Gadus morhua</i> or <i>Gadus ogac</i> and fish of the species <i>Boreogadus saida</i> , dried, salted or in brine, whole, headless or in pieces	From 1 January to 31 December 1993	25 000 tonnes	0
09.0009	ex 0302 69 65 ex 0303 78 10 ex 0304 90 47	Silver hake (<i>Merluccius bilinearis</i>), fresh, chilled or frozen	From 1 January to 31 December 1993	2 000 tonnes	8
09.0011	ex 0304 20 29	Frozen cod fillets (<i>Gadus morhua</i>)	From 1 January to 31 December 1993	10 000 tonnes	8

(a) See Taric codes annexed.

Order No	CN code (a)	Description	Quota period	Quota volume	Rate of duty (%)
09.0013	ex 4412 19 00 ex 4412 99 90	Plywood of coniferous species, without the addition of other substances: — of a thickness greater than 8,5 mm, the faces of which are not further prepared than the peeling process — sanded, and of a thickness greater than 18,5 mm	From 1 January to 31 December 1993	600 000 m ³	0
09.0015 09.0017	4801 00 10	Newsprint ⁽¹⁾ : — from Canada — from other third countries	From 1 January to 31 December 1993	600 000 tonnes 50 000 tonnes	0 0
09.0019	7202 21 10 7202 21 90 7202 29 00	Ferro-silicon	From 1 January to 31 December 1993	12 600 tonnes	0
09.0021	7202 30 00	Ferro-silico-manganese	From 1 January to 31 December 1993	18 550 tonnes	0
09.0023	ex 7202 49 10 ex 7202 49 50	Ferro-chromium containing not more than 0,10% by weight of carbon and more than 30% but not more than 90% of chromium (super-refined ferrochromium)	From 1 January to 31 December 1993	2 950 tonnes	0
09.0039	0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>)	From 15 January to 14 June 1993	10 000 tonnes	6
09.0041	0802 11 90 0802 12 90	Almonds, whether or not shelled, other than bitter almonds	From 1 January to 31 December 1993	45 000 tonnes	2

(a) See Taric codes annexed.

⁽¹⁾ Entry under this subheading is subject to conditions determined by the relevant Community provisions.

2. Imports of products listed in paragraph 1 which are subject to a lower or equal customs duty under other preferential tariff arrangements shall not be charged against the corresponding tariff quota.

Article 2

1. Without prejudice to the Community's international obligations, Member States may charge against the tariff quotas referred to in Article 1 (1) under order Nos 09.0015 and 09.0017 other types of paper corresponding, except as regards the criterion relating to watermarks, to the definition of newsprint contained in additional note 1 of Chapter 48 of Part Two of the combined nomenclature and falling within CN code 4801 00 90.

2. From 30 November 1993 imports of newsprint from Canada or from other third countries may be charged against the remainder of either of the quota volumes for newsprint referred to in Article 1 (1) not used by 29 November 1993 and not expected to be used by 31 December 1993.

Article 3

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 4

Where an importer presents a product covered by this Regulation for release for free circulation in a Member

State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full, it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants pro rata. The Commission shall inform the Member States accordingly.

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

Done at Brussels, 19 December 1992.

Article 5

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 6

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 7

The Commission may, by means of a Regulation, suspend the application of the tariff quotas opened for lemons and almonds under order Nos 09.0039 and 09.0041 if the reciprocity provided for is no longer ensured.

Article 8

This Regulation shall enter into force on 1 January 1993.

For the Council

The President

J. GUMMER

ANNEX

Taric codes

Order No	CN code	Taric code
09.0006	ex 0304 10 98	* 14 * 16
09.0007	ex 0305 51 10 ex 0305 51 90 ex 0305 62 00	* 10 * 20 * 10 * 10 * 20 * 10 * 30
09.0009	ex 0302 69 65 ex 0303 78 10 ex 0304 90 47	* 10 * 10 * 20
09.0011	ex 0304 20 29	* 10
09.0013	ex 4412 19 00 ex 4412 99 90	* 10 * 10
09.0023	ex 7202 49 10 ex 7202 49 50	* 10 * 10

COUNCIL REGULATION (EEC) No 3916/92

of 19 December 1992

amending Regulations (EEC) No 3905/91 and (EEC) No 914/92 opening and providing for the administration of Community tariff quotas for certain industrial products (1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Regulations (EEC) No 3905/91 ⁽¹⁾ and (EEC) No 914/92 ⁽²⁾ opened, for 1992, Community tariff quotas for certain industrial products, and in particular polyvinylpyrrolidone (order No 09.2731) and magnetic heads (order No 09.2833);

Whereas current economic data suggests that Community demand for non-Community imports of poly-

vinylpyrrolidone could in the course of the year exceed the volume laid down in Regulation (EEC) No 3905/91; whereas the volume of this quota should therefore be increased; whereas the period of validity of the quota for magnetic heads should be extended until 31 December 1992, to allow Community industry to make full use of the quota-volume,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulations (EEC) No 3905/91 and (EEC) No 914/92, the tables appearing in the first paragraph of Article 1 shall be replaced by the following tables, for order Nos 09.2731 and 09.2833, respectively:

1. Regulation (EEC) No 3905/91:

'Order No	CN code (a)	Description	Quota volume	Quota duty (%)	Quota period
09.2731	ex 3905 90 00	Polyvinylpyrrolidone, presented in powder form, the particles of which are less than 38 micrometres and which has a solubility in water at 25 °C of less than, or equal to 1,5% by weight and which is intended for the pharmaceutical industry ⁽¹⁾	131 tonnes	0	From 1. 1. to 31. 12. 1992'

2. Regulation (EEC) No 914/92:

'Order No	CN code (a)	Description	Quota volume	Quota duty (%)	Quota period
09.2833	ex 8473 30 90	Thin-film magnetic heads of Winchester technology capable of recording to a density of 78 tracks or more per millimetre, mounted on a carrier arm, connected via a flexible printed circuit to a metal bracket, for the incorporation in hard disc storage units with an external disc diameter not exceeding 8,89 cm (3,5 inch) (a)	150 000 pieces	0	From 18. 4. to 31. 12. 1992'

⁽¹⁾ OJ No L 370, 31. 12. 1991, p. 10.

⁽²⁾ OJ No L 98, 11. 4. 1992, p. 1.

Article 2

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

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

Done at Brussels, 19 December 1992.

For the Council
The President
J. GUMMER

II

(Acts whose publications is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 December 1992

on the conclusion of the Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes

(92/583/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 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 Decision 78/923/EEC ⁽³⁾ the Community approved the European Convention for the Protection of Animals kept for Farming Purposes, hereinafter referred to as 'the Convention'; whereas the Community has deposited its instrument of approval;

Whereas the Committee of Ministers of the Council of Europe adopted, on 15 November 1991, a Protocol of amendment to the Convention in order to take account of technical and scientific developments in livestock farming;

Whereas disparities in national laws on the protection of animals kept for farming purposes may give rise to unequal conditions of competition and may consequently have an indirect effect on the proper functioning of the common market;

Whereas the Convention covers matters which fall within the scope of the common agricultural policy;

Whereas the Community's participation thus contributes to the achievement of its objectives,

Whereas the Protocol of amendment should therefore be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol of amendment to the European Convention for the Protection of Animals kept for Farming Purposes is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall deposit the instrument of approval in accordance with Article 6 (4) of the Protocol of amendment.

Done at Brussels, 14 December 1992.

For the Council

The President

J. GUMMER

⁽¹⁾ OJ No C 337, 21. 12. 1992.

⁽²⁾ OJ No C 332, 16. 12. 1992, p. 24.

⁽³⁾ OJ No L 323, 17. 11. 1978, p. 12.

PROTOCOL OF AMENDMENT TO THE EUROPEAN CONVENTION FOR THE
PROTECTION OF ANIMALS KEPT FOR FARMING PURPOSES

PROTOCOLE D'AMENDEMENT À LA CONVENTION EUROPÉENNE SUR LA
PROTECTION DES ANIMAUX DANS LES ÉLEVAGES

THE MEMBER STATES OF THE COUNCIL OF EUROPE and THE EUROPEAN ECONOMIC COMMUNITY, signatory hereto,

HAVING REGARD to the European Convention for the protection of animals kept for farming purposes of 10 March 1976, hereinafter called 'the Convention',

CONSIDERING that it is desirable to extend explicitly the scope of the Convention to apply also to certain aspects of developments in animal husbandry techniques, in particular in respect of biotechnology, and to the killing of animals on the farm and, at the same time to adapt some provisions of the Convention to the evolving situation in respect of animal husbandry,

HAVE AGREED AS FOLLOWS:

LES ÉTATS MEMBRES DU CONSEIL DE L'EUROPE et LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE, signataires du présent protocole d'amendement,

VU la convention européenne sur la protection des animaux dans les élevages, du 10 mars 1976, ci-après dénommée «la convention»,

CONSIDÉRANT qu'il est souhaitable d'élargir explicitement le champ d'application de la convention à certains aspects des développements dans les méthodes d'élevage des animaux, en particulier en matière de biotechnologie, et au sacrifice des animaux à la ferme, et en même temps d'adapter certaines dispositions de la convention à la situation évolutive en matière d'élevage d'animaux,

SONT CONVENUS DE CE QUI SUIT:

Article 1

Article 1 of the Convention shall be amended to read:

'This Convention shall apply to the breeding, keeping, care and housing of animals and in particular to animals in intensive stock-farming systems. For the purposes of this Convention "animals" shall mean animals bred or kept for the production of food, wool, skin or fur, or for other farming purposes, including animals produced as a result of genetic modifications or novel genetic combinations. "Intensive stock farming" systems shall mean husbandry methods in which animals are kept in such numbers or density, or in such conditions, or at such production levels, that their health and welfare depend upon frequent human attention.'

Article 2

A new Article 3 shall be inserted in the Convention, which reads as follows:

'Natural or artificial breeding or breeding procedures which cause or are likely to cause suffering or injury to any of the animals involved shall not be practised; no animal shall be kept for farming purposes unless it can be reasonably expected, on the basis of its phenotype or genotype, that it can be kept without detrimental effects on its health or welfare.'

Article premier

L'article 1^{er} de la convention est amendé comme suit:

«La présente convention s'applique à l'élevage, à la détention, aux soins et au logement des animaux, en particulier dans les systèmes d'élevage intensif. Au sens de la présente convention, on entend par «animaux» ceux qui sont élevés ou gardés pour la production de denrées alimentaires, de laine, de peaux ou fourrures, ou à d'autres fins agricoles, y compris les animaux résultant de modifications génétiques ou de nouvelles combinaisons génétiques. On entend par «systèmes d'élevage intensif» les méthodes d'élevage dans lesquelles les animaux sont détenus en tel nombre, ou en telle densité, ou dans de telles conditions, ou en vue de tels taux de production que leur santé et leur bien-être dépendent des fréquentes attentions de l'homme.»

Article 2

Un nouvel article 3 est inséré dans la convention, libellé comme suit:

«L'élevage naturel ou artificiel, ou les procédures d'élevage qui causent ou sont susceptibles de causer des souffrances ou des dommages à tout animal en cause ne doivent pas être pratiqués; aucun animal ne doit être gardé à des fins d'élevage à moins que l'on puisse raisonnablement s'attendre, sur la base de son phénotype ou de son génotype, à ce que cet animal puisse être gardé sans qu'il puisse y avoir d'effets néfastes sur sa santé ou son bien-être.»

Article 3

Article 3 of the Convention shall be re-numbered Article 3a.

Article 4

Article 6 of the Convention shall be amended to read:

'No animal shall be provided with food or liquid in a manner, nor shall such food or liquid contain any substance, which may cause unnecessary suffering or injury.

No other substance with the exception of those given for therapeutic or prophylactic purposes shall be administered to an animal unless it has been demonstrated by scientific studies of animal welfare or established experience that the effect of the substance is not detrimental to the health or welfare of the animal.'

Article 5

Article 7 of the Convention shall be amended to read:

'1. The condition and state of health and welfare of animals shall be thoroughly inspected at intervals sufficient to avoid unnecessary suffering and in the case of animals kept in intensive stock-farming systems at least once a day.

2. When an animal is to be killed on the farm, this shall be done competently and in any case without causing unnecessary pain or distress to the animal or to other animals.

3. Technical equipment used in intensive stock-farming systems shall be thoroughly inspected at least once a day, and any defect discovered shall be remedied with the least possible delay. When a defect cannot be remedied forthwith, all temporary measures necessary to safeguard the health and welfare of the animals shall be taken immediately.

Article 6

1. This Protocol of amendment shall be open for signature by the Member States of the Council of Europe which have signed or acceded to the Convention, and by the European Economic Community, which may become Parties to this Protocol of amendment by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. No Member State of the Council of Europe shall sign without reservation as to ratification, acceptance or approval, or deposit an instrument of ratification, acceptance or approval, unless it is already or becomes simultaneously a Party to the Convention.

Article 3

L'article 3 de la convention est renuméroté article 3 bis.

Article 4

L'article 6 de la convention est amendé comme suit:

«Aucun animal ne doit être alimenté de telle sorte qu'il en résulte des souffrances ou des dommages inutiles et son alimentation ne doit pas contenir de substances qui puissent lui causer des souffrances ou des dommages inutiles.

Aucune autre substance, à l'exception des substances administrées à des fins thérapeutiques ou prophylactiques, ne doit être administrée à un animal à moins qu'il n'ait été démontré par des études scientifiques du bien-être des animaux ou sur la base d'une expérience établie que l'effet de la substance n'est pas contraire à sa santé ou à son bien-être.»

Article 5

L'article 7 de la convention est amendé comme suit:

«1. La condition et l'état de santé et de bien-être de l'animal doivent faire l'objet d'une inspection approfondie à des intervalles suffisants pour éviter des souffrances inutiles, soit au moins une fois par jour dans le cas d'animaux gardés dans des systèmes d'élevage intensif.

2. Lorsqu'un animal doit être sacrifié à la ferme, le sacrifice doit être fait avec compétence et, dans tous les cas, sans causer de souffrances ou de détresse inutiles à l'animal ou aux autres animaux.

3. Les installations techniques dans les systèmes d'élevage intensif doivent faire l'objet, au moins une fois par jour, d'une inspection approfondie et tout défaut constaté doit être éliminé dans les délais les plus courts. Lorsqu'un défaut ne peut être éliminé sur-le-champ, toutes les mesures temporaires nécessaires pour préserver la santé et le bien-être des animaux doivent être prises immédiatement.»

Article 6

1. Le présent protocole d'amendement est ouvert à la signature des États membres du Conseil de l'Europe ayant signé ou ayant adhéré à la convention, et à celle de la Communauté économique européenne, qui peuvent devenir parties au présent protocole d'amendement par:

- a) signature sans réserve de ratification, d'acceptation ou d'approbation, ou
- b) signature sous réserve de ratification, d'acceptation ou d'approbation, suivie de ratification, d'acceptation ou d'approbation.

2. Un État membre du Conseil de l'Europe ne peut signer sans réserve de ratification, d'acceptation, d'approbation ou déposer un instrument de ratification, d'acceptation ou d'approbation s'il n'est pas déjà ou s'il ne devient pas simultanément partie à la convention.

3. Any State not a member of the Council which has acceded to the Convention may also accede to this Protocol of amendment.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary General of the Council of Europe.

Article 7

This Protocol of amendment shall enter into force on the first day of the month following the date on which all the Parties to the Convention have become Parties to this Protocol of amendment in accordance with the provisions of Article 6.

Article 8

From the date of its entry into force, this Protocol of amendment shall form an integral part of the Convention.

Article 9

No reservation may be made in respect of the provisions of this Protocol.

Article 10

The Secretary General of the Council of Europe shall notify the Member States of the Council of Europe, any State which has acceded to the Convention and the European Economic Community, of:

- (a) any signature of this Protocol of amendment;
- (b) the deposit of any instrument of ratification, acceptance, approval or accession;
- (c) the date of entry into force of this Protocol of amendment, in accordance with Article 7;
- (d) any other act, declaration, notification or communication relating to this Protocol of amendment.

3. Tout État non membre du Conseil qui a adhéré à la convention peut également adhérer au présent protocole d'amendement.

4. Les instruments de ratification, d'acceptation, d'approbation ou d'adhésion seront déposés près le Secrétaire général du Conseil de l'Europe.

Article 7

Le présent protocole d'amendement entrera en vigueur le premier jour du mois qui suit la date à laquelle toutes les parties à la convention seront devenues parties au présent protocole d'amendement, conformément aux dispositions de l'article 6.

Article 8

À partir de sa date d'entrée en vigueur, le présent protocole d'amendement sera considéré comme faisant partie intégrante de la convention.

Article 9

Aucune réserve ne peut être faite eu égard aux dispositions de ce protocole.

Article 10

Le Secrétaire général du Conseil de l'Europe notifiera aux États membres du Conseil de l'Europe, à tout État ayant adhéré à la convention ainsi qu'à la Communauté économique européenne:

- a) toute signature du présent protocole d'amendement;
- b) le dépôt de tout instrument de ratification, d'acceptation, d'approbation ou d'adhésion;
- c) la date d'entrée en vigueur du présent protocole d'amendement, conformément à son article 7;
- d) tout autre acte, déclaration, notification ou communication ayant trait au présent protocole d'amendement.

In witness whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at, this, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each Member State of the Council of Europe, to any other Contracting State to the Convention and to the European Economic Community.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont signé le présent protocole.

Fait à, le, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Conseil de l'Europe. Le Secrétaire général du Conseil de l'Europe en communiquera copie certifiée conforme à chacun des États membres du Conseil de l'Europe, aux autres États contractants à la convention et à la Communauté économique européenne.