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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3954/92

of 19 December 1992

on the conclusion of the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco and laying down provisions for its implementation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 113 thereof,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Community and the Kingdom of Morocco negotiated and initialled on 15 May 1992 an Agreement on relations in the sea fisheries sector which provides fishing opportunities for Community fishermen in waters over which the Kingdom of Morocco has sovereignty or jurisdiction and which involves in return from the Community side, *inter alia*, a tariff concession in the framework of the trade arrangements laid down in the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco;

Whereas, pursuant to Article 155 (2) (b) of the Act of Accession, the Council is required to determine the appropriate procedures to take into consideration all or part of the interests of Ceuta and Melilla when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas the said procedures need to be determined in this particular case;

Whereas it is in the Community's interest to approve this Agreement,

⁽¹⁾ Opinion delivered 15 December 1992 (not yet published in the Official Journal).

Article 1

The Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

In order to take into consideration the interests of Ceuta and Melilla, the Agreement and, to the extent required for its application, the provisions of the common fisheries policy relating to the conservation and management of fisheries resources shall also apply to vessels flying the flag of Spain which are recorded on a permanent basis in the registers of the competent authorities at local level (registros de base) in Ceuta and Melilla, under the conditions defined in note 6 of Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of originating products and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands ⁽²⁾.

Article 3

The President of the Council shall give the notification provided for in Article 20 of the Agreement ⁽³⁾.

Article 4

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

⁽²⁾ OJ No L 114, 2. 5. 1988, p. 1.

⁽³⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

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

AGREEMENT

on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter referred to as the 'Community', and

THE KINGDOM OF MOROCCO, hereinafter referred to as 'Morocco',

hereinafter referred to as the 'Contracting Parties',

CONSIDERING the close and privileged relations between the Community and Morocco, and in particular the Cooperation Agreement signed in Rabat on 27 April 1976 and the Agreement on relations in the sea fisheries sector between the Kingdom of Morocco and the European Economic Community signed in Rabat on 25 May 1988;

WHEREAS this Agreement represents an early stage in a new economic, political social and cultural partnership between Morocco and the Community, and has been concluded with a view to the gradual introduction of a free-trade area between the Contracting Parties;

RECALLING that the Community and Morocco are signatories to the United Nations Convention on the Law of the Sea and that, in accordance with that Convention, Morocco has established an exclusive economic zone extending 200 nautical miles from its shores within which it exercises its sovereign rights for the purpose of exploring, exploiting, conserving and managing the resources of the said zone;

AWARE of the importance they attach to the conservation and rational exploitation of fishery resources and the protection of the marine environment;

DETERMINED to ensure, in their mutual interest, the conservation and rational management of the biological resources of their coastal waters;

AWARE of the key role the sea fisheries sector and related industries play in Morocco's economic and social development;

TAKING INTO ACCOUNT the fact that sea fishery activities constitute a complete economic cycle;

DESIROUS of developing the various aspects of their cooperation on sea fishery activities and related industries on mutually advantageous terms;

CONVINCED that, in the spirit of the 1976 Cooperation Agreement referred to above, the safeguarding of their mutual interests in the fisheries sector and the achievement of their respective economic and social objectives will be furthered by close cooperation in scientific and technical research in the sector so as to ensure conservation of stocks and their optimum exploitation;

ANXIOUS to establish stronger links, notably in the sea fisheries sector, by means of close and far-reaching cooperation between the two partners embracing all aspects of this sector with a view to jointly promoting its growth;

DESIROUS of determining the procedures for cooperation in the sea fisheries sector and related industries,

HAVE AGREED AS FOLLOWS:

Article 1

This Agreement establishes the principles, rules and procedures for cooperation between the Community and Morocco in the conservation of fishery resources and in the creation of added value directly or by processing and sets out the conditions for the fishing activities of vessels flying the flag of a Member State of the Community, hereinafter referred to as 'Community vessels', in the

waters over which Morocco has sovereignty or jurisdiction, hereinafter referred to as 'Morocco's fishing zone'.

Article 2

1. The Contracting Parties shall cooperate, either bilaterally or within the framework of the competent international organizations, or, where appropriate, on a

regional or subregional basis, with a view to ensuring the conservation and rational exploitation of stocks in accordance with the relevant provisions of the United Nations Convention on the Law of the Sea.

2. In accordance with the provisions of Article 7 (2) and the Protocol annexed to this Agreement, the Community shall provide Morocco with a financial contribution to build up its scientific research relating to the management of fish stocks.

3. The Community shall make available to Morocco any pertinent information on the activities of those of its vessels authorized to fish in Morocco's fishing zone, notably information on the quantities landed, as set out in Annex I.

Article 3

The Contracting Parties shall develop and implement scientific fisheries research programmes, with particular reference to biological sampling and the collection of biological data required for the study of the main Moroccan fish stocks fished by their vessels.

Working parties shall meet regularly when required to standardize methods for the collection and treatment of data and to assess the state of exploitation of fish stocks fished by the Contracting Parties fishing fleets.

To this end a Joint Scientific Committee shall be set up by the Joint Committee provided for in Article 13 to plan research programmes and monitor their implementation. It shall also make recommendations about the strengthening of measures for management of the main fish stocks.

Article 4

The Contracting Parties shall promote economic, commercial, scientific and technical cooperation in the fisheries sector. They shall cooperate in order to coordinate and integrate on a lasting basis various operations which may be undertaken under this Agreement and under the Cooperation Agreement signed in Rabat on 27 April 1976, and later revisions thereto, so as to reinforce the effects of these Agreements.

In this context they shall make a particular effort to promote and facilitate exchanges of information on fishing techniques and gear, on the conservation and industrial processing of fishery products and on the protection of the marine environment.

Article 5

The Contracting Parties shall undertake specific operations designed to strengthen the common interests of their respective economic operators, notably by:

- carrying out specific studies,
- setting up specific programmes to improve the assessment of fish stocks and promote the development of aquaculture and of research into new fishing techniques for more rational exploitation,
- launching measures to promote the social and professional advancement of administrative staff in the Ministry of Maritime Fishing and the Merchant Navy,
- preparing programmes and launching specific measures to develop and improve the vocational training of sea-going personnel,
- improving assistance and rescue services at sea,
- improving the management of fishery resources and the monitoring of their exploitation,
- encouraging the establishment and development of joint ventures in the sea fisheries sector and related industries,
- encouraging fishing undertakings authorized to carry out their activities under this Agreement to avail themselves of Moroccan port facilities on internationally competitive terms. The Contracting Parties shall, at meetings of the Joint Committee, periodically review the reception possibilities and facilities appropriate to that end, and any new developments.

Such programmes and operations prepared by Morocco and adopted by the Joint Committee referred to in Article 13 shall receive a financial contribution from the Community in accordance with Article 7 (2).

Article 6

The Community shall pay particular attention to Morocco's vocational sea training needs by developing and strengthening its human resources and the infrastructure and facilities of its maritime training establishments. To those ends it shall make a financial contribution to Morocco in accordance with Article 7 (2) and as defined in the Protocol annexed to this Agreement.

Article 7

1. Morocco shall accord Community vessels in Morocco's fishing zone the fishing opportunities set out in the Protocol annexed to this Agreement.

2. Without prejudice to the financial contributions referred to in Articles 2 and 6, which are intended to build up scientific research into the management of fish stocks and training in fisheries activities, the Community shall accord Morocco, in return for the fishing opportunities referred to in paragraph 1 and in accordance with the conditions and limits stipulated in the Protocol referred to, financial compensation and a financial contribution

for the 'launch and implementation of the specific programmes, measures and studies referred to in Article 5.

Article 8

1. Fishing activities by Community vessels in Morocco's fishing zone shall be subject to the holding of a licence issued by the Moroccan authorities at the request of the competent Community authorities and to payment of the fees to which the shipowners are liable. There shall be a charge for the issue of a licence, payable by the shipowner.

2. The procedures for the issue of licences and the payment of fees, and any other conditions to which fishing activities by Community vessels in Morocco's fishing zone may be subject, are set out in Annex I.

3. The Contracting Parties shall ensure the proper implementation of these procedures and conditions by appropriate administrative cooperation between their competent authorities.

Article 9

The Protocol lays down for the duration of this Agreement the fishing opportunities accorded each year by Morocco to Community vessels and the compensation accorded by the Community.

Article 10

1. The Community undertakes to take all appropriate steps to ensure that its vessels comply with the provisions of this Agreement and the laws and regulations governing fishing activities in Morocco's fishing zone, in accordance with the United Nations Convention on the Law of the Sea.

2. The Moroccan authorities shall notify the Commission of the European Communities in good time of any new rules and regulations that could affect fishing. Community vessels shall have one month within which to comply with any such new rules and regulations.

3. Measures taken by Morocco to regulate fishing shall not discriminate against Community vessels in relation to vessels of third countries, nor be of a nature to impede the full exercise of any fishing rights accorded to the Community pursuant to this Agreement.

Article 11

The Contracting Parties, desirous of ensuring the effectiveness of the measures for the management and preservation of resources which they adopt and respect, shall cooperate to prevent and combat illegal fishing, in

particular through the exchange of information and close administrative cooperation. To that end they shall adopt by common agreement within the Joint Committee provisions for implementing that cooperation, in particular through appropriate joint measures.

Article 12

The Contracting Parties shall develop administrative cooperation to ensure that their vessels respect the provisions of this Agreement and Morocco's regulations on sea fishing, each for its part. The practical arrangements for administrative cooperation shall be determined by the Contracting Parties by common agreement.

Article 13

1. A Joint Committee shall be set up to ensure that this Agreement is applied correctly. The Joint Committee shall, *inter alia*:

- supervise the implementation, interpretation and proper working of the Agreement, and the settlement of disputes;
- constitute the necessary point of contact in matters of common interest regarding the fisheries sector;
- adopt the programmes and operations referred to in Article 5;
- determine the procedures for cooperation to combat illegal fishing and for administrative cooperation to ensure respect for Moroccan regulations and the provisions of this Agreement as laid down in Articles 11 and 12;
- appoint the members and lay down the terms of reference of the Scientific Committee referred to in Article 3;
- consider the proposals and recommendations of the Joint Scientific Committee.

The Committee shall meet once a year, alternately in Morocco and the Community, or in extraordinary session at the request of either of the Contracting Parties.

Article 14

Nothing contained in this Agreement shall affect or prejudice in any manner the views of either Contracting Party with respect to any question relating to the law of the sea.

Article 15

1. This Agreement shall be valid for four years commencing on 1 May 1992.

2. The Contracting Parties shall meet after two years to consider implementation of the Agreement and the fishing opportunities offered by Morocco to the Community with a view to making any adjustments or changes required for its subsequent application, particularly with regard to the state of resources.

3. No later than six months before the expiry of the Agreement, the Contracting Parties shall enter into negotiations in order to conclude a new Agreement that, on the expiry of the period referred to in paragraph 1, will govern their cooperation in the fisheries sector and the terms and procedures applicable to the fishing activities of Community vessels in Morocco's fishing zone.

Article 16

Once the legal arrangements for the new economic, political, social and cultural partnership between the Contracting Parties have come into force, this Agreement may be revised in consequence to align and harmonize it with the partnership arrangements.

Article 17

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European

Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the Kingdom of Morocco.

Article 18

Annexes I and II and the Protocol shall form an integral part of this Agreement.

Article 19

The Contracting Parties shall consult with each other on any dispute concerning the interpretation or application of this Agreement.

Article 20

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Arabic languages, each of these texts being equally authentic, shall enter into force on the date on which the Contracting Parties notify each other of the completion of the procedures necessary for that purpose.

For the Council of the European Communities

David R. C. L.

José de Almeida

For the Kingdom of Morocco

9 11 92

ANNEX I

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN MOROCCO'S FISHING ZONE

A. LICENCES — APPLICATION, ISSUE AND VALIDITY

1. Applications for licences

Each quarter the competent Community authorities shall submit to the competent Moroccan authorities, via the Delegation of the Commission of the European Communities to Morocco, a list of vessels which request to engage in fishing activities within the limits specified for each fishing category in the fishing datasheets annexed to the Protocol, at least 20 days before the start of the period of validity of the licences requested.

This list shall specify, by type of fishing activity and by zone, the tonnage employed (in GRT), the number of vessels and, for each vessel, its technical characteristics, the amount of annual licence fees and of quarterly fishing fees and observers' expenses over the period concerned.

For certain categories of fishing activity as listed in the fishing datasheets annexed to the Protocol, the number of vessels may be increased within the limits specified on each datasheet to take account of changes in the structure of the fleet and the individual sizes of vessels (GRT).

Recourse to these adjustments may not result in the overall tonnage for each of the categories being exceeded.

2. Issue of licences

The competent Moroccan authorities shall issue the licences to the Delegation of the Commission of the European Communities to Morocco following receipt of the proofs of payment referred to in D below, no later than 10 days before the start of their period of validity.

Licences shall be drawn up in accordance with the data in the fishing datasheets annexed to the Protocol and shall mention in particular the fishing zone (distance from the coast), the gear, the authorized mesh sizes and by-catches.

Fishing licences shall be issued only for vessels which have complied with all the administrative formalities required for the issue of licences.

3. Validity and utilization of licences

Licences shall be valid only for the period covered by the fees paid.

Licences shall be issued for a given vessel and shall not be transferable. However, in the event of *force majeure* duly established by the competent authorities of the flag State and at the request of the Community, a licence issued for one vessel shall be replaced as soon as possible by a licence issued for another vessel of the same category on condition that the tonnage authorized for that category is not exceeded.

Licences must be held on board at all times and presented to the inspection authorities on the occasion of any inspection.

B. LICENCE FEES

The level of the annual licence fees shall be that set by Moroccan legislation for all vessels of the same type operating in the same fishing zone.

The licence fee shall cover the calendar year in which the licence is issued and is payable when the first licence for that year is applied for.

The amount of such fee shall include any related fee or tax with the exception of port taxes and payments for the provision of services.

The Delegation of the Commission of the European Communities to Morocco shall be informed of any change in the legislation no later than two months before it applies.

C. FISHING FEES

1. Provisions applicable to vessels other than those fishing highly migratory species

Fishing fees shall be calculated for each vessel in accordance with the rates laid down in the fishing datasheets annexed to the Protocol.

They shall be payable for each quarter of the calendar year with the exception of the shorter biological recovery periods laid down in the fishing datasheets annexed to the Protocol, in which case they shall be payable pro rata for the actual duration of the licence.

Similarly, in the first and last years of application of the Protocol, periods may be longer or shorter than three months.

2. Provisions applicable to vessels fishing highly migratory species (tuna)

- (a) The fees shall be set at ECU 20 per tonne caught in Morocco's fishing zone.
- (b) Licences shall be issued for a calendar year following payment of an advance of ECU 2 000 per vessel.
- (c) By 30 May of each year the Commission shall submit to the competent Moroccan authorities a statement of fees due for the preceding fishing year based on the catch declarations made by each shipowner.

Following approval of the figures by Morocco's Institut Scientifique des Pêches Maritimes, the final statement shall be sent to the shipowners concerned, who shall have 30 days within which to discharge their financial obligations to the Moroccan Treasury.

The conversion rate to be used for the ecu shall be that of the first working day following notification of the statement.

However, if the amount of the final statement is lower than the advance referred to above, the balance shall not be reimbursable.

D. METHODS OF PAYMENT

Following approval by the competent Moroccan authorities of the amounts to be paid, payments shall be made as follows:

- licence and fishing fees shall be paid by a cheque drawn in convertible currency in favour of the Trésorier Général du Maroc;
- observers' expenses as provided for in G below shall be paid by cheque drawn in convertible currency in favour of the Ministère des Pêches Maritimes et de la Marine Marchande du Maroc (Moroccan Ministry of Maritime Fisheries and the Merchant Navy).

The conversion rate of the ecu and the exchange rate of the dirham shall be those prevailing on the first working day of the month preceding the period of validity of the licence.

Any adjustments in the amounts paid required by withdrawal before the first day of validity of the licence or where a licence is transferred shall be effected when payment for the next quarter's licence is made.

E. LOGBOOK AND COMMUNICATION OF CATCH DATA

1. Masters of vessels of 80 GRT or more shall keep the special logbook for fishing in Morocco's fishing zone and observe the provisions contained in its explanatory note.

The top copy of each logbook shall be sent to the competent Moroccan authorities by the Commission by the end of the second month following that to which it relates.

The appropriate departments of both Parties shall carry out regular checks in the documents forwarded in this way.

2. Masters of vessels holding licences for the fishing of highly migratory species shall keep a logbook conforming to the model in Appendix 1 to this Annex.

A copy of this logbook shall be forwarded in accordance with the second subparagraph of paragraph 1.

3. Before the end of the third month of each quarter the Commission shall notify the competent Moroccan authorities of the quantities caught in the previous quarter by vessels authorized to fish in Morocco's fishing zone.

This information should be broken down by month, by type of fishing, by vessel and by species specified in the logbook.

4. The information on these documents must reflect the actual fishing situation in order to constitute one of the bases for monitoring changes in stocks.

F. SIGNING-ON OF SEAMEN/FISHERMEN

Shipowners issued with fishing licences shall contribute to the vocational training of Moroccan nationals by employing on board of their vessels at least:

- one seaman/fisherman on vessels of at least 80 and less than 100 GRT;
- three seamen/fishermen on vessels of at least 100 and less than 150 GRT;
- five seamen/fishermen on vessels of 150 GRT or more.

The employment contracts of the seamen/fishermen shall be drawn up between the shipowners or their representatives and the seamen/fishermen.

If the contract is not concluded in Morocco, the shipowner or his representative shall send a copy of the contract to the Ministry of Maritime Fishing and the Merchant Navy.

The contracts shall also cover the social security arrangements applicable to the seamen/fishermen, including life, accident and health insurance.

Twice a year the Commission shall send the Ministry of Maritime Fishing and the Merchant Navy a list of Moroccan seamen on board Community vessels on 1 January and 1 July of each year showing their number in the seamen's register and the vessels on which they are employed.

Each year the Commission shall receive a list of those who have successfully completed sea training courses and secured the diplomas or certificates required by current Moroccan legislation so that priority in signing-on can be given to such seamen.

G. TAKING ON OF SCIENTIFIC OBSERVERS

1. At the request of the Ministry of Maritime Fishing and the Merchant Navy, any Community vessel holding a licence in the categories Cephalopod, black hake trawlers and demersal trawlers (southern zone) shall take on board a scientific observer.

Vessels fishing for highly migratory species (tuna) shall take on board scientific observers at the request of the Ministry of Maritime Fishing and the Merchant Navy, which shall designate three observers to be permanently attached to all those vessels over the same period.

Other Community vessels of 80 GRT or more shall take on scientific observers at the request of the Ministry of Maritime Fishing and the Merchant Navy up to 20 % of the total number of authorized vessels for each category of fishing activity and each quarter.

In no circumstances may more than one observer be taken on board any vessel at any time.

The observer shall enjoy the same treatment on board as the vessel's officers and, wherever possible, the same accommodation.

The observer shall be offered every facility needed to carry out his duties.

The taking on and work of the observer must not interrupt or prejudice fishing operations.

2. In order to reimburse Morocco for the expenses arising from the presence of observers on board vessels, a payment of ECU 8 per GRT and per year shall be made in addition to the fee payable by the shipowner in respect of every vessel carrying out fishing activities in Morocco's fishing zone.

This extra payment shall be made at the time when the licence fees are paid and in accordance with point D of this Annex.

3. Each quarter before licences are issued the Ministry of Maritime Fishing and the Merchant Navy shall provide the Delegation of the Commission of the European Communities to Morocco with an alphabetical list of the vessels designated to take on a scientific observer.

The observer shall be taken on at the port selected by the shipowner and at the beginning of the first trip following notification of the list of vessels designated.

Within three weeks the shipowners concerned shall give ten days' notice of the dates and ports selected for the taking on of observers.

4. The Ministry of Maritime Fishing and the Merchant Navy shall be responsible for the travelling expenses of the observer. However, if the observer's journey is wasted because the shipowner has not respected his commitments, the shipowner shall be responsible for the observer's travelling expenses and subsistence for the days when the observer was idle at a rate equal to that to which national Moroccan civil servants of the same grade are entitled. Similarly, where there is a delay in taking on the observer for which the shipowner is responsible, the shipowner shall pay the above daily subsistence allowances to the observer.

Any changes to the rules concerning the subsistence allowances shall be notified to the Delegation of the Commission of the European Communities to Morocco not less than two months before they come into force.

H. MISCELLANEOUS

1. Nationality certificate

When making the first application for a licence, the shipowner shall submit a certified copy of the nationality certificate of the vessel or any other equivalent official document stating the GRT of the vessel and provide a photograph showing a side view of the vessel.

If the vessel undergoes any major change, in particular as regards tonnage, registration, name, radio call sign or on-board conservation system, an updated certificate or any other equivalent official document shall be submitted with any new application for a licence. Similarly, a new photograph shall be submitted if the vessel's structure or outward appearance is altered.

2. Technical inspection

Not more than once a year and after each alteration in tonnage, any vessel authorized to fish must, at the request of the Moroccan authorities, put in at one of the ports listed below selected by the shipowner to undergo a technical inspection.

This inspection shall be carried out within three months of notification of the request. The shipowner shall give at least four days' notice of the arrival of the vessel in one of the following ports: Agadir, Casablanca, Dakhla or Tanger.

The inspection shall be carried out within 24 hours of the arrival of the vessel in the port. The cost of the inspection, at the rates laid down by Moroccan legislation, shall be borne by the shipowner.

Any change to those rates shall be notified to the Delegation of the Commission of the European Communities to Morocco not less than two months before it comes into force.

3. Entering and leaving the zone

Community vessels operating under this Agreement, except those of less than 80 GRT, shall notify their entries into and exits from Morocco's fishing zone, and the amount of catch held on board at that time, to the radio station of the Ministry of Maritime Fishing and the Merchant Navy.

However, if they are unable to provide this information by radio, vessels may use other means of communication such as telex or fax.

Details of the radio station and the telex and fax numbers of the Ministry of Maritime Fishing and the Merchant Navy are given in Appendix 2 to this Annex.

The Moroccan departments responsible shall confirm receipt of the messages to the vessels.

I. PROCEDURE IN THE EVENT OF BOARDING

1. Transmission of information

The Ministry of Maritime Fishing and the Merchant Navy shall inform the Delegation of the Commission of the European Communities to Morocco within 24 hours of any boarding of a

Community fishing vessel operating under this Agreement in Morocco's fishing zone and provide a brief report of the circumstances of and reasons for this boarding.

The Delegation of the Commission of the European Communities to Morocco shall also be kept informed of the progress of the procedures and any penalties imposed.

2. Statement of boarding

After the Moroccan authority responsible for fishery protection duties has drawn up a statement, the master of the vessel shall sign it.

This signature does not prejudice the rights of the master or any defence which he may make to the alleged infringement.

He shall take his vessel to the Moroccan port indicated by the Moroccan authority responsible for fishery protection duties.

3. Settlement of boarding

In accordance with the Dahir (Decree) of 23 November 1973 governing sea fishing, the infringement may be settled:

(a) *by administrative settlement:*

The amount of the fine shall be determined in accordance with Moroccan legislation laying down minimum and maximum figures;

(b) *through legal proceedings:*

If there is no administrative settlement and the matter is brought before a competent judicial body, a bank security shall be determined by the competent authorities as soon as possible in accordance with Article 110 of the Dahir (Decree) of 31 March 1919 and lodged by the shipowner with a bank designated by the Moroccan authorities.

The bank security shall be irrevocable until the legal proceedings have been concluded.

It shall be released, less any trial costs, by the competent authority once the legal proceedings have concluded without the master in question being found guilty.

Similarly, if he is found guilty and the fine imposed is less than the security lodged, the balance, less any trial costs, shall be released after the judgment.

The vessel shall be released and its crew authorized to leave the port:

- either as soon as the obligations imposed by the administrative settlement procedure have been completed on presentation of the receipt for the settlement, or
- when proof of lodging of a bank security pending completion of the legal proceedings is provided.

J. INNOCENT PASSAGE

When Community fishing vessels are exercising their right of innocent passage and navigation in Morocco's fishing zone in accordance with the United Nations convention on the Law of the Sea and relevant national and international legislation, they shall keep all their fishing gear stowed on board in such a way that it cannot be immediately utilized.

K. INSPECTION AND MONITORING

Community fishing vessels operating under the Agreement shall allow on board any Moroccan official responsible for the inspection and monitoring of fishing activities and shall assist him in the accomplishment of his duties.

The official shall not remain on board for longer than is necessary to carry out his duties.

L. SUSPENSION OF LICENCES

If a vessel fails to comply with one of the obligations laid down in points E, F, G, H.1 and H.2 of this Annex, the fishing licence may be suspended until those obligations have been complied with.

ICCAT LOGBOOK for TUNA FISHERY

Vessel name

Flag country

Registration No.

Company or Owner

Address

Gross tonne

Capacity (M.T.)

Captain

No. of crew

Reporting date

Reported by

Boat LEFT

Boat RETURNED

Number of days at sea

month

day

year

port

Page 1 of 1

Longline

Baitboat

Purse seine

Trolling

Others

19

Trip number

CATCHE

19

Bait used

Date	Area		Effort (Number of Hooks used)	Surt. Water Temp. (in °C)	E or W	Longitude	Latitude	Bluefin tuna Thunnus thynnus or maccoyii number fish	weight in Kg.	Yellowfin tuna Thunnus albacares		Bigeye tuna Thunnus obesus		Albacore Thunnus alalunga		Swordfish Xiphias gladius		Striped marlin White marlin Tetrapturus albidus or albidus		Black marlin Makaira indica		Sulphur ledopterus albicans or platypterus		Skipjack Katsuwonus pelamis		Miscellaneous fishes		Daily total (in weight Kg. only)	Bait used	
	Day	Month								No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.			No.
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Landing weight (in Kg.)																														

Remarks

4. Fishing was refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.

5. The bottom line ("landing weight") should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.

6. All information reported herein will be kept strictly confidential.

1. Use one sheet per month, and one line per day.

2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mola 17, Madrid 1. Spain.

3. "Day" refers to the day you set the line.

APPENDIX 2

RADIO STATION

CHARACTERISTICS OF THE RADIO STATION OF THE MINISTRY OF MARITIME FISHING AND
THE MERCHANT NAVY

— Call sign	5 CVA
— Location	Rabat
— Frequency range	1,6 to 30 mhz
— Type of broadcast	SSB-A1A-J2B-J2C
— Broadcasting power	800 W
— Working frequencies	
— Band 2	2 641 khz
— Band 4	4 263 khz
— Band 8	8 211 khz

Station timetable

Period	Times available
Working days	08.30 to 12.00 and 14.30 to 18.30
Saturdays, Sundays and holidays	09.30 to 14.00
Ramadan	09.30 to 15.00
1 July to 15 September	08.30 to 15.00

VHF

— Frequency range	TX 156.00 to 158,525 Mhz Rx 156,00 to 163,275 Mhz
— Type of broadcast	F3E
— Broadcast power	1 to 25 w
Radio telex ⁽¹⁾	
— Type	DP-5
— Type of broadcast	ARQ-FEC-DIRC-Cw
Cable telex	
— Type	TX-35 E
— Numbers	36373M 36271M 36272M
Fax	
— Number	(212 777-85-40)

⁽¹⁾ Date of entry into service and use and the selective call number of the radio telex will be notified at a later date.

ANNEX II

**PROCEDURE FOR IMPORTING PREPARED OR PRESERVED SARDINES ORIGINATING
IN MOROCCO**

1. Imports into the European Economic Community of prepared or preserved sardines under CN codes ex 1604 13 10 or ex 1604 20 50 originating in Morocco shall benefit, under the trade arrangements drawn up under the Cooperation Agreement signed in Rabat on 27 April 1976 and by way of derogation from Article 19 thereof,
 - 1.1. from 1 May to 31 December 1992, from exemption from customs duties up to a tariff quota of 10 000 (net weight) opened for prepared or preserved sardines originating in Morocco.
 - 1.2. From 1 January 1993 to 30 April 1996, from partial suspension of customs duties under the Common Customs Tariff by application of the following customs duties:
 - from 1 January 1993 to 31 December 1993: 8%,
 - from 1 January 1994 to 31 December 1994: 7%,
 - from 1 January 1995 to 31 December 1995: 6%,
 - from 1 January 1996 to 30 April 1996: 5%.
-

PROTOCOL

setting out fishing opportunities and the financial compensation and financial contributions accorded by the Community

Article 1

For a four-year period from 1 May 1992, the fishing opportunities provided for in Article 7 of the Agreement, calculated on a monthly basis, shall be as set out in the datasheets annexed to this Protocol.

Article 2

1. The financial compensation provided for in Article 7 of the Agreement shall be set for the period referred to in Article 1 at ECU 360 million, payable in four annual instalments to an account opened with a financial institution or to any other recipient designated by Morocco.

2. The financial contribution provided for in Article 7 of the Agreement to launch and undertake the specific measures and programmes provided for in Article 5 shall be set at ECU 30,4 million.

Article 3

1. The financial contribution provided for in Article 2 of the Agreement for scientific or technical programmes designed to support scientific research applied to the management of fishery resources shall be set at ECU 7 million for the period referred to in Article 1.

The contribution shall be payable in four annual instalments to the Ministry of Maritime Fishing and the Merchant Navy.

2. Furthermore, an amount of ECU 2 million shall be made available to the Ministry of Maritime Fishing and the Merchant Navy (Institut des Pêches Maritimes) to cover the costs of repairing the ISPM's research vessels, to purchase scientific equipment, recruit consultants and

finance participation by the ISPM's staff in international training and seminars and the scientific working parties referred to in Article 3 of the Agreement.

Article 4

1. The financial contribution referred to in Article 6 of the Agreement for sea-going training measures to develop and strengthen human resources, infrastructure and equipment in sea training institutes shall be fixed at ECU 7 million for the period referred to in Article 1.

The contribution shall be payable in four annual instalments to the Ministry of Maritime Fishing and the Merchant Navy.

2. Furthermore, an amount of ECU 2 million shall be made available to the Ministry of Maritime Fishing and the Merchant Navy and its sea training establishments to cover expenses relating to seminars and training for administrative staff and teachers, the purchase of education equipment, the recruitment of consultants and visiting instructors and the cost of participation by those responsible for training in colloquia and the work of international or regional bodies related to their activities.

3. Commitment of the amounts made available to the Ministry of Maritime Fishing and the Merchant Navy shall be carried out in accordance with the management procedures determined by common agreement between the two Parties.

Article 5

Prepared or preserved sardines falling within CN code ex 1604 13 10 or ex 1604 20 50 and originating in Morocco shall be imported into the Community in accordance with Annex II to the Agreement.

ANNEX to the protocol

FISHING DATASHEET No 1

**FISHING CATEGORY: SHRIMP TRAWLERS
TRAWLERS OTHER THAN SHRIMP TRAWLERS****1. Fishing zone: North Atlantic and Mediterranean**

- (a) Boundary of the zone: north of 28°44' N
- (b) Distance from the coast:
- Mediterranean: 3 miles
 - Atlantic: 12 miles

2. Authorized tonnage (GRT): 17 500 GRT**2(a) Breakdown by type of fishing:**

- Shrimp trawlers: 11 000 GRT ⁽¹⁾
- Trawlers other than shrimp trawlers: 6 500 ⁽¹⁾

2(b) Breakdown by fishing zone:

- Mediterranean: 2 905 GRT ⁽²⁾
- Atlantic: 14 595 GRT

3. Maximum number of vessels authorized to fish: 213

- Permitted variation in the number of vessels: 15 %
- Mediterranean: 49 ⁽³⁾
- Atlantic: 165

4. Authorized gear: bottom trawl

Doubling of the cod-end is prohibited

5. Comments:

Trawlers and shrimpers in the northern zone may not improve or increase their on-board storage facilities during the life of the Agreement.

⁽¹⁾ Up to 20% of these tonnages may be transferred from one category to the other.

⁽²⁾ Of which up to 2 187 GRT may be transferred to the North Atlantic.

⁽³⁾ Of which not more than 36 vessels may be transferred each quarter to the North Atlantic provided that the total number of vessels is not exceeded.

FISHING DATASHEET No 1-A

FISHING CATEGORY: SHRIMP TRAWLERS

1. Fishing zone: North Atlantic and Mediterranean

See datasheet No 1

2. Authorized tonnage (GRT): 11 000 GRT

— Mediterranean: 1 826 GRT ⁽¹⁾

— Atlantic: 9 174 GRT

3. Maximum number of vessels authorized to fish:

See datasheet No 1

4. Authorized gear:

See datasheet No 1

5. Minimum authorized mesh size:

— Mediterranean: 50 mm

— Atlantic: 50 mm

6. Biological recovery:

Two (2) months: January — February

7. By-catches: maximum 15 % of hake

— shrimps retained on board must constitute at least 30 % of the total catch

8. Fishing fees: ECU/GRT/Quarter

Periods	1. 5. 1992— 30. 4. 1993	1. 5. 1993— 30. 4. 1994	1. 5. 1994— 30. 4. 1995	1. 5. 1995— 30. 4. 1996
≤ 50 GRT	42	44	46	49
50—79 GRT	53	56	58	61
80—99 GRT	63	66	69	73
100 GRT or more	90	95	99	104

9. Comments:

See datasheet No 1

⁽¹⁾ Of which up to 1 375 GRT may be used each quarter in to North Atlantic.

FISHING DATASHEET No 1-B

FISHING CATEGORY: TRAWLERS OTHER THAN SHRIMP TRAWLERS

1. Fishing zone: North Atlantic and Mediterranean

See datasheet No 1

2. Authorized tonnage (GRT): 6 500 GRT

— Mediterranean: 1 079 GRT ⁽¹⁾

— Atlantic: 5 421 GRT

3. Maximum number of vessels authorized to fish:

See datasheet No 1

4. Authorized gear:

See datasheet No 1

5. Minimum authorized mesh size:

— Mediterranean: 55 mm

— Atlantic: 60 mm

6. Biological recovery:

Two (2) months: January — February

7. By-catches:

Maximum 15 % of shrimp

8. Fishing fees: ECU/GRT/quarter:

Periods	1. 5. 1992 — 30. 4. 1993	1. 5. 1993 — 30. 4. 1994	1. 5. 1994 — 30. 4. 1995	1. 5. 1995 — 30. 4. 1996
	42	44	46	49

9. Comments:

See datasheet No 1

⁽¹⁾ Of which up to 812 GRT may be used each quarter in the North Atlantic.

FISHING DATASHEET No 2

FISHING CATEGORY: SEINE NETS

1. Fishing zone: North Atlantic and Mediterranean

(a) boundary of the zone:

- Mediterranean
- Atlantic: north of 35°12' N

(b) distance from the coast:

- Mediterranean: 1 mile
- Atlantic: 1 mile north of 35°48' N
2 miles between 35°12' N and 35°48' N

2. Authorized tonnage (GRT): 2 100 GRT

- Mediterranean: 1 012 GRT ⁽¹⁾
- Atlantic: 1 088 GRT

3. Maximum number of vessels authorized to fish: 36

- Permitted variation in the number of vessels: 10 %

4. Authorized gear: seine nets

- Maximum dimensions authorized: 500 m × 90 m

5. Minimum authorized mesh size:

6. Biological recovery:

Two (2) months: February - March

7. By-catches:

8. Fishing fees: ECU/GRT/quarter

Periods	1. 5. 1992 — 30. 4. 1993	1. 5. 1993 — 30. 4. 1994	1. 5. 1994 — 30. 4. 1995	1. 5. 1995 — 30. 4. 1996
	45	47	50	52

9. Comments:

Fishing with seine nets is prohibited in the zone between 28°44' N and 35°12' N

⁽¹⁾ Of which up to 374 GRT may be used each quarter in the North Atlantic provided that the authorized tonnage of 2 100 GRT is not exceeded.

FISHING DATASHEET No 3

FISHING CATEGORY: SPONGES

1. Fishing zone:

(a) boundary of the zone:

— Mediterranean:

(b) distance from the coast:

— isobath 6 m

2. Authorized tonnage (GRT): 300 GRT

3. Maximum number of vessels authorized to fish:

4. Authorized gear:

only that required for sponge fishing

5. Authorized mesh size:

6. Biological recovery:

7. By-catches:

8. Fishing fees: ECU/GRT/quarter:

Periods	1. 5. 1992 30. 4. 1993	01. 5. 1993 30. 4. 1994	1. 5. 1994 30. 4. 1995	1. 5. 1995 30. 4. 1996
	40	42	44	46

9. Comments:

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FISHING DATASHEET No 4

FISHING CATEGORY: LONGLINERS

1. Fishing zone: Atlantic and Mediterranean

distance from the coast:

- Mediterranean: 3 miles
- Atlantic: 12 miles

2. Authorized tonnage (GRT): 10 400 GRT

- Mediterranean: 356 GRT ⁽¹⁾
- Atlantic: 10 044 GRT

3. Maximum number of vessels authorized to fish: 172

- permitted variation in the number of vessels: 5%

4. Authorized gear:

- longlines
- fixed gillnets
- trammel nets

The use of driftnets and entangling nets is strictly prohibited

5. Minimum authorized mesh size:

6. Biological recovery:

two (2) months: 15 March to 15 May (inclusive)

7. By-catches: 0% crustaceans

8. Fishing fees: ECU/GRT/quarter:

Periods	1. 5. 1992 30. 4. 1993	1. 5. 1993 30. 4. 1994	1. 5. 1994 30. 4. 1995	1. 5. 1995 30. 4. 1996
	45	47	50	52

9. Comments:

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⁽¹⁾ Of which up to 132 GRT may be used each quarter in the North Atlantic provided that the authorized tonnage of 10 400 GRT is not exceeded.

FISHING DATASHEET No 5

FISHING CATEGORY: SEINE NETS

1. Fishing zone: southern

(a) Boundary of the zone:

— Atlantic: south of 28°44' N

(b) Distance from the coast:

— 2 miles

2. Authorized tonnage (GRT): 4 500 GRT

3. Maximum number of vessels authorized to fish: 11

— Permitted variation in the number of vessels: 10 %

4. Authorized gear: seine nets

Maximum authorized size: 1 000 m × 130 m

5. Minimum authorized mesh size:

6. Biological recovery:

Two (2) months: February — March

7. By-catches:

8. Fishing fees: ECU/GRT/quarter

Periods	1. 5. 1992 — 30. 4. 1993	1. 5. 1993 — 30. 4. 1994	1. 5. 1994 — 30. 4. 1995	1. 5. 1995 — 30. 4. 1996
	48	50	53	56

9. Comments:

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FISHING DATASHEET No 6

FISHING CATEGORY: NON-COMMERCIAL

1. Fishing zone: southern

(a) Boundary of the zone:

— Atlantic south of 30°40' N

(b) Distance from the coast:

— hand lines, rods, pots, trolls: 1 mile

— croaker nets: 3 miles

2. Authorized tonnage (GRT): 3 540 GRT

3. Maximum number of vessels authorized to fish: 62

— Variation in the number of vessels: 10 %

4. Authorized gear:

— trolls (small seine nets used for fishing with bait)

— croaker nets (encircling nets used for fishing for croaker)

— hand lines

— rods

— pots

The use of longlines, trammels, fixed gillnets and driftnets is prohibited.

5. Minimum authorized mesh size:

6. Biological recovery:

7. By-catches:

8. Fishing fees: ECU/GRT/quarter

Periods	1. 5. 1992 — 30. 4. 1993	1. 5. 1993 — 30. 4. 1994	1. 5. 1994 — 30. 4. 1995	1. 5. 1995 — 30. 4. 1996
	30	32	33	35

9. Comments:

Vessels of 100 GRT or more may not fish in this category.

FISHING DATASHEET No 7

FISHING CATEGORY: CEPHALOPOD VESSELS

1. Fishing zone: southern

(a) Boundary of the zone:

— Atlantic: south of 28°44' N

b) Distance from the coast:

— 12 miles

2. Authorized tonnage (GRT): 33 200 GRT

This tonnage includes freezer and refrigerated cephalopod vessels

3. Maximum number of vessels authorized to fish: 151

— Permitted variation in the number of vessels: 0%

4. Authorized gear: bottom trawl

Doubling of the cod-end is prohibited

5. Minimum authorized mesh size: 60mm

6. Biological recovery: two (2) months: 1992: September and October

In subsequent years of the agreement, the two biological recovery months will be May and October, with a possibility of adjustment and extension to three months by common agreement between the Contracting Parties, in the light of changes in the state of stocks.

7. By-catches:

8. Fishing fees: ECU/GRT/quarter

Periods	1. 5. 1992 — 30. 4. 1993	1. 5. 1993 — 30. 4. 1994	1. 5. 1994 — 30. 4. 1995	1. 5. 1995 — 30. 4. 1996
	75	79	83	87

9. Comments:

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FISHING DATASHEET No 8

FISHING CATEGORY: BLACK HAKE TRAWLERS

1. Fishing zone: southern

(a) Boundary of the zone:

— Atlantic: south of 28°44' N

(b) Distance from the coast:

— 12 miles

2. Authorized tonnage (GRT): 5 950 GRT

3. Maximum number of vessels authorized to fish: 25

— Permitted variation in the number of vessels: 15 %

4. Authorized gear: bottom trawl

Doubling of the codend is prohibited

5. Minimum authorized mesh size: 60 mm

6. Biological recovery:

Two (2) months: July—August

7. By-catches:

maximum: 15 % cephalopods and crustaceans

20 % other species

8. Fishing fees: ECU/GRT/quarter

Periods	1. 5. 1992 — 30. 4. 1993	1. 5. 1993 — 30. 4. 1994	1. 5. 1994 — 30. 4. 1995	1. 5. 1995 — 30. 4. 1996
	45	47	50	52

9. Comments:

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FISHING DATASHEET No 9

FISHING CATEGORY: DEMERSAL TRAWLERS

1. Fishing zone: southern

(a) Boundary of the zone:

— Atlantic: south of 28°44' N

(b) Distance from the coast:

— 12 miles

2. Authorized tonnage (GRT): 3 500 GRT

3. Maximum number of vessels authorized to fish: 15

— Permitted variation in the number of vessels: 0%

4. Authorized gear: demersal trawl

Doubling of the cod-end is prohibited

5. Minimum authorized mesh size: 60 mm

6. Biological recovery: two (2) months: September — October

In future years the biological recovery months will be the same as those for cephalopods.

7. By-catches:

— 0% cephalopods

— 30% shrimps and other crustaceans

8. Fishing fees: ECU/GRT/quarter

Periods	1. 5. 1992 — 30. 4. 1993	1. 5. 1993 — 30. 4. 1994	1. 5. 1994 — 30. 4. 1995	1. 5. 1995 — 30. 4. 1996
	75	79	83	87

9. Comments:

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FISHING DATASHEET No 10

FISHING CATEGORY: PELAGIC TRAWLERS

1. Fishing zone: southern

(a) Boundary of the zone:

— Atlantic: south of 30°40' N

(b) Distance from the coast:

— 12 miles: south of 28°44' N

— 12 miles: between 28°44' N and 30°44' N

2. Authorized tonnage (GRT): 1 300 GRT

3. Maximum number of vessels authorized to fish: 3

4. Authorized gear: pelagic trawl

Doubling of the cod-end is prohibited

5. Minimum authorized mesh size: 40 mm

6. Biological recovery: two (2) months: 1992: September — October

In future years the biological recovery months will be the same as those for cephalopods.

7. By-catches:

maximum: 15% non-pelagic species

8. Fishing fees: ECU/GRT/quarter:

Periods	1. 5. 1992— 30. 4. 1993	1. 5. 1993— 30. 4. 1994	1. 5. 1994— 30. 4. 1995	1. 5. 1995— 30. 4. 1996
	55	58	61	64

9. Comments:

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FISHING DATASHEET No 11

FISHING CATEGORY: TUNA VESSELS

1. Fishing zone: Atlantic — Mediterranean

(a) Boundary of the zone:

— anywhere apart from a protected area east of a line from 33°30' N/7°35' W and 35°48' N/6°20' W

(b) Distance from the coast:

— 2 miles, including fishing with live bait

2. Authorized tonnage (GRT):

3. Maximum number of vessels authorized to fish: 28

— Permitted variation in the number of vessels: 0 %

4. Authorized gear:

— pole-and-line

— seine nets for fishing with live bait

5. Minimum authorized mesh size:

8 mm for fishing with live bait

6. Biological recovery:

7. By-catches:

8. Fishing fees:

ECU 20 per tonne fished

flat-rate advance: ECU 2 000/year/vessel

9. Comments:

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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 14 November 1992

laying down methods for the analysis and testing of heat-treated milk for direct human consumption

(92/608/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 85/397/EEC of 5 August 1985 on health and animal-health problems affecting intra-Community trade in heat-treated milk ⁽¹⁾ and in particular Article 11 (6) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 11 (6) of Directive 85/397/EEC, the Council is to lay down the detailed arrangements for the checks provided for in Article 11 (2); whereas the purpose of such checks, to be carried out by establishments under the supervision and responsibility of the official department and with periodic inspection by the official department, is to ensure compliance with the requirements of Directive 85/397/EEC and in particular those laid down in Article 3 (A) (3) thereof;

Whereas, the laying-down of procedures for checks includes the determination of the methods to be employed for their implementation;

Whereas methods have to be prescribed for determining the total solids content, the fat content, the solids-non-fat content, the total nitrogen content, the protein content and the density of heat-treated milk intended for direct human consumption;

Whereas, for technical reasons, the initial requirement is to lay down reference methods for analysis and testing to ensure that the standards prescribed in Article 3 (A) (3) of Directive 85/397/EEC are met; whereas it is particularly important to make a study of the conditions under which routine methods for analysis and testing are used; whereas, pending the outcome of this study, it is for the competent authorities to see that appropriate routine methods are used with a view to ensuring that the said standards are met;

Whereas the determination of the aforementioned methods includes in particular the determination of analytical procedures and the fixing of criteria of reliability in order to ensure uniform interpretation of the results,

HAS ADOPTED THIS DECISION:

Article 1

The methods for analysing and testing heat-treated milk shall be the following:

- determination of total solids content,
- determination of fat content,
- determination of total non-fat solids content,
- determination of total nitrogen content,
- determination of protein content,
- determination of specific mass.

⁽¹⁾ OJ No L 226, 24. 8. 1985, p. 13, as last amended by Directive 89/662/EEC (OJ No L 395, 30. 12. 1989, p. 13).

Article 2

The implementation of the reference methods for analysis and testing, the determination of the criteria of reliability and the collection of samples must be carried out according to the rules set out in Annex I.

Article 3

The methods referred to in Article 1 are set out in Annex II.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 14 November 1992.

For the Council
The President
J. GUMMER

ANNEX I

I. GENERAL PROVISIONS

1. INTRODUCTION

General provisions with respect to reagents, equipment, expression of results, precision and test reports are described. Competent authorities of Member States and enforcement laboratories charged with the sampling and testing of milk must respect these provisions.

2. REAGENTS

2.1. Water

2.1.1. Wherever mention is made to water for solution, dilution or rinsing purposes, distilled water, deionized water or demineralized water of at least equivalent purity, shall be used unless otherwise specified.

2.1.2. Wherever reference is made to 'solution' or 'dilution' without further indication, 'solution in water' or 'dilution with water' is meant.

2.2. Chemicals

All chemicals used shall be of recognized analytical quality unless otherwise specified.

3. EQUIPMENT

3.1. Lists of equipment

The lists of equipment given in the different reference methods contain only those items with a specialized use and items to a particular specification.

3.2. Analytical balance

'Analytical balance' means a balance capable of weighing at 0,1 mg.

4. EXPRESSION OF RESULTS

4.1. Results

Unless otherwise specified, the results stated in the test report (6) shall be the mean arithmetic value obtained from two tests which satisfy the repeatability-criterion (5.1.1.) stated for that method. If the repeatability-criterion is not satisfied, the test must be repeated, if possible, or the result declared invalid.

4.2. Calculation of percentage

Except when otherwise specified, the result shall be calculated as a percentage by mass of the sample.

5. PRECISION CRITERIA: REPEATABILITY AND REPRODUCIBILITY

5.1. The precision criteria given in each method is defined as follows:

5.1.1. *Repeatability* (r) is the value below which the absolute difference between two single test results obtained with the same procedure on identical test material, under the same conditions (same operator, same apparatus, same laboratory, and a short interval of time) lies.

5.1.2. *Reproducibility* (R) is the value below which the absolute difference between two single test results obtained with the same procedure on identical test material, under different conditions (different operators, different apparatus, different laboratories and/or different time) lies.

5.1.3. Unless otherwise specified for each individual method the values for the repeatability- and reproducibility-criteria of each procedure represent the 95 % confidence level intervals as defined by ISO 5725: 2^{ed}. 1986.

5.1.4. The necessary collaborative trials and studies should be planned and conducted in accordance with international guidelines.

6. TEST REPORT

The test report shall specify the method of analysis used as well as the results obtained. In addition, it shall give any details of procedure used not specified in the method of analysis or which are optional, as well as any other circumstances that may have influenced the results obtained. The test report shall give all the information necessary for the complete identification of the sample.

II. SAMPLING OF HEAT-TREATED MILK

1. SCOPE AND FIELD OF APPLICATION

This procedure specifies the reference method of sampling, transport and storage of samples of heat treated milk.

2. GENERAL

Sampling of heat-treated milk in tanks etc., shall be carried out by a skilled operator who has had suitable training before undertaking the sampling of milk.

If they consider it appropriate, the competent authorities or testing laboratory shall instruct sampling personnel in sampling techniques to ensure that the sample is representative of, and in conformity with, the entire batch.

If they consider it appropriate, the competent authorities or testing laboratory shall instruct sampling personnel on marking the sample to ensure the unambiguous identity of the sample.

3. SAMPLING EQUIPMENT

3.1. General

Sampling equipment shall be made of stainless steel, or other suitable material of adequate strength and of a construction suitable for the intended purpose (mixing, sampling etc.). Plungers and agitators for mixing liquids in containers shall have a sufficient area to produce adequate mixing of the product, but without causing the development of a rancid flavour. Dippers must have a solid handle of sufficient length to enable a sample at any depth of the container to be obtained. The capacity of the dipper shall be not less than 50 ml.

Sample containers and closures should be of glass, suitable metals or plastics.

The materials of which sampling equipment (including containers and closures) is constructed must not cause any change in the sample which could affect the results of the examinations. All surfaces of sampling equipment and sample containers shall be clean and dry, smooth and free from crevices, and corners shall be rounded.

4. SAMPLING TECHNIQUE

4.1. General

Irrespective of the tests to be performed, the milk shall be thoroughly mixed prior to sampling, by either manual or mechanical means.

The sample shall be taken immediately after mixing while the milk is still agitated.

The volume of the sample shall be adequate to the testing requirements. The capacity of the sample containers used shall be such that they are filled almost completely by the sample, thus allowing proper mixing of the contents before testing, but avoiding churning during transport.

4.2. Manual sampling

4.2.1. *Sampling a divided bulk*

Where the quantity of milk to be sampled is in more than one container, take a representative quantity from each container and note the quantity of milk to which each sample relates. Unless the samples from each container are to be tested individually, mix portions of these representative quantities in amounts which are proportional to the quantity in the container from which each sample was taken. Take sample(s) from these bulked proportionate amounts after mixing.

4.2.2. *Sampling from large vessels — Storage, rail and road tanks*

4.2.2.1. Mix the milk by an appropriate procedure, before sampling.

To mix the contents of large vessels or of storage, rail or road tanks, the use of mechanical agitation is advised (4.2.2.2.).

The extent of mixing shall be appropriate to the period of time over which the milk has been at rest. The efficiency of the procedure of mixing applied in any particular circumstances shall be demonstrated as being adequate for the purposes of the analysis envisaged; the criterion of mixing efficiency particularly influences the similarity between analytical results from samples taken either from different parts of the consignments, or from the outlet of the tank at intervals during discharge. A procedure of mixing milk (untreated milk or whole milk) shall be considered efficient if the difference in fat content between two samples, taken under these conditions, is less than 0,1 %.

In a large vessel with a bottom discharge outlet there may be, at the discharge point, a small quantity of milk which is not representative of the whole contents even after mixing. Therefore samples should preferably be taken through a manhole. If samples are taken from the discharge outlet, run off sufficient milk to ensure that the samples are representative of the whole.

4.2.2.2. Mixing of the contents of large vessels or of storage, rail or road tanks can be carried out:

- by a mechanical agitator built into the tanks and driven by an electric motor;
- by a propellor or agitator driven by an electric motor and placed on the manhole with the agitator suspended in the milk;
- in the case of rail or road tankers by recirculation of the milk through the transfer hose attached to the tanker unloading pumps and inserted through the manhole;
- by clean filtered compressed air. In this case, minimal air pressure and volume should be used to prevent the development of rancid flavour.

4.3. Sampling of heat-treated milk for direct consumption in retail-packings

Samples of heat-treated milk for direct consumption in retail packages are to be the complete sealed package. If possible, the samples must be taken from the packaging machine or cold room in the treatment establishment as soon as possible after processing (for pasteurized milk on the same day as processing).

The samples are taken from each type of heat-treated milk (pasteurized, UHT-treated and sterilized) in numbers corresponding to the examinations which will be made and in accordance with instructions laid down by the testing laboratory or other competent authority.

5. IDENTIFICATIONS OF THE SAMPLE

The sample shall be marked with an identification code so that it can be readily identified using instructions given by the testing laboratory or competent authority.

6. PRESERVATION, TRANSPORT AND STORAGE OF SAMPLES

In accordance with the competent national authority, instructions concerning the conditions of preservation (chemical, temperature), transport, storage and time between sampling and analysis of milk shall be prepared by the testing laboratory according to the type of milk and the procedure of analysis to be used.

In the instruction the following points shall be included:

- During transport and storage, precautions shall be taken to prevent exposure to contaminating odours and to direct sunlight. If the container used for samples is transparent, it shall be stored in a dark place.

ANEX II

I. DETERMINATION OF TOTAL SOLIDS CONTENT

1. SCOPE AND FIELD OF APPLICATION

This procedure specifies the reference method for the determination of the total solids content of milk.

2. DEFINITION

Total solids content: The mass remaining after completion of the specified drying procedure and expressed as a percentage by mass.

3. PRINCIPLE

Evaporation of the water from a test portion at a temperature of 102 ± 2 °C in a drying oven.

4. APPARATUS AND GLASSWARE

Usual laboratory equipment and, in particular:

4.1. Analytical balance

4.2. Desiccator, provided with an efficient desiccant (for example freshly dried silica gel with a water content indicator).

4.3. Drying oven, ventilated, thermostatically controlled at 102 ± 2 °C throughout the total working space.

4.4. Flat-bottom dishes, of height 20 to 25 mm, diameter 50 to 75 mm, and of appropriate material provided with well-fitting, readily removable lids.

4.5. Boiling water bath

4.6. Homogenizer

5. PREPARATION OF THE TEST SAMPLE

Bring the sample of milk to a temperature of 20 to 25 °C. Thoroughly mix to ensure a homogeneous distribution of the fat throughout the sample. Avoid agitating so vigorously as to cause frothing of the milk or churning of the fat. If it is found difficult to disperse the cream layer, warm slowly to between 25 and 40 °C and with careful mixing, incorporate any cream adhering to the container. Cool the sample quickly to 20–25 °C.

If desired, a homogenizer may be used to assist the dispersion of the fat.

Correct results cannot be expected if the sample contains separated liquid fat or visible separate irregularly shaped white particles adhering to the walls of the container.

6. PROCEDURE

6.1. Preparation of the dish

Heat a dish (4.4.) with its lid placed next to it in the oven (4.3.), controlled at 102 ± 2 °C, for at least 30 minutes. Place the lid on the dish and immediately transfer to the desiccator (4.2.), allow to cool to room temperature (i.e. for at least 30 minutes) and weigh to the nearest 0,1 mg.

6.2. Test portion

Immediately weigh, to the nearest 0,1 mg, 3 to 5 g of the prepared test sample (5.) into the prepared dish (6.1.).

6.3. Determination

6.3.1. Pre-dry the dish for 30 minutes by heating it on the boiling water bath (4.5).

- 6.3.2. Heat the dish, with its lid alongside, in the oven (4.3), controlled at 102 ± 2 °C, for two hours. Place the lid on the dish and remove from the oven.
- 6.3.3. Allow to cool in the desiccator (4.2.) to room temperature (i.e. for at least 30 minutes) and weigh to the nearest 0,1 mg.
- 6.3.4. Heat the dish again, with its lid alongside, in the oven for one hour. Place the lid on the dish and remove from the oven. Allow to cool for approximately 30 minutes in the desiccator and weigh to the nearest 0,1 mg.
- 6.3.5. Repeat the operations described in 6.3.4. until the difference in mass between two consecutive weighings does not exceed 0,5 mg. Record the lowest mass.

7. EXPRESSION OF RESULTS

7.1. Calculation and formula

Calculate the total solids content as a percentage by mass from:

$$W_T = \frac{m_2 - m_0}{m_1 - m_0} \times 100$$

where

W_T = the total solids content in g per 100 g,

m_0 = the mass, in grams, of the dish and lid (see 6.1.),

m_1 = the mass, in grams, of the dish, lid and test portion (see 6.2.),

m_2 = the mass, in grams, of the dish, lid and dried test portion (see 6.3.5.).

Round the value obtained to the nearest 0,01 % (percentage by mass).

7.2. Precision

- 7.2.1. *Repeatability (r)*: 0,10 g of total solids per 100 g of product.
- 7.2.2. *Reproducibility (R)*: 0,20 g of total solids per 100 g of product.

II. DETERMINATION OF FAT CONTENT

1. SCOPE AND FIELD OF APPLICATION

This procedure specifies the reference method for the determination of the fat content of raw milk and of whole milk, partly skimmed milk and skimmed milk.

2. DEFINITION

Fat content of milk: all the material as determined by the specified method. It is expressed as a percentage by mass.

3. PRINCIPLE

An ammoniacal ethanolic solution of a test portion is extracted with diethyl ether and light petroleum, the solvents removed by distillation or evaporation, and the mass of the extracted material soluble in light petroleum, is determined. (The procedure is usually known as the Röse-Gottlieb method).

4. REAGENTS

All reagents shall be of recognized analytical quality and shall leave no appreciable residue when taken through a blank test.

To test the quality of the reagents, carry out a determination as specified in 6.3. Use an empty flask, beaker or metal dish (5.8.) for weighing, prepared as specified in 6.4. as a tare (to allow correction for the effects on the weighing result, caused by changes in the atmospheric conditions). If the residue, corrected for the apparent change of the mass of the tare is larger than 2,5 mg, determine the residue or the solvents separately by evaporating 100 ml diethyl ether (4.4.) and 100 ml light petroleum (4.5.) respectively. Also use a tare for the weighing. When the residue is larger than 2,5 mg, cleanse the solvent by means of distillation or replace the solvent.

- 4.1. **Ammonia solution**, containing approximately 25 % (m/m) of NH_3 . A more concentrated ammonia solution may also be used (see 6.5.1. and A.1.5.1.).

- 4.2. **Ethanol**, at least 94% (v/v). Ethanol denatured by methanol may be used provided it is certain that the results of the determination are not affected.
- 4.3. **Congo red or Cresol red solution**
Dissolve 1 g of Congo red or Cresol red in water and dilute to 100 ml.
Note: The use of this solution, which allows the interface between the solvent and aqueous layers to be seen more clearly, is optional (see 6.5.2.). Other aqueous colour solutions may be used provided that they do not affect the result of the determination.
- 4.4. **Diethylether**, free from peroxides not containing more than 2 mg/kg of antioxidants, and meeting the requirements of the blank test (6.3.).
- 4.5. **Light petroleum**, having any boiling range between 30 and 60 °C.
- 4.6. **Mixed solvent**, prepared shortly before use by mixing equal volumes of diethyl ether (4.4.) and light petroleum (4.5.).

5. APPARATUS AND GLASSWARE

Warning: Since the determination involves the use of volatile flammable solvents, any electrical apparatus employed shall comply with legislation relating to the use of such solvents.

Usual laboratory equipment and, in particular:

- 5.1. **Analytical balance**
- 5.2. **Centrifuge**, in which the fat-extraction flasks or tubes (5.6.) can be spun at a rotational frequency of 500 to 600 rev min⁻¹ to produce a gravitational field of 80 to 90 g at the outer end of the flasks or tubes.
Note: The use of a centrifuge is optional (6.5.5.).
- 5.3. **Distillation or evaporation apparatus**, to permit the solvents and ethanol to be distilled from the flasks or to be evaporated from beakers and dishes (see 6.5.12. and 6.5.15.) at a temperature not exceeding 100 °C.
- 5.4. **Oven**, electrically heated, with ventilation port(s) fully open, capable of being controlled at a temperature of 102 ± 2 °C throughout the working space. The oven shall be fitted with a suitable thermometer.
- 5.5. **Water bath**, capable of being maintained at a temperature of 35 – 40 °C.
- 5.6. **Mojonnier-type fat extraction flasks**
Note: It is also possible to use fat-extraction tubes with siphon or wash-bottle fittings, but the procedure is then different and is specified in the Appendix.
The flasks (or tubes) shall be provided with ground-glass or good quality bark corks or other stoppers unaffected by the reagents used. Bark corks shall be extracted with the diethyl ether (4.4.) kept in water at 60 °C or more for at least 15 minutes, and shall then be allowed to cool in water so that they are saturated when used.
- 5.7. **Rack**, to hold the fat-extraction flasks (or tubes) (see 5.6.).
- 5.8. **Wash bottle**, suitable for use with the mixed solvent (4.6.). A plastic wash bottle shall not be used.
- 5.9. **Fat-collecting vessels**, for example boiling flasks (flat-bottom), or Erlenmeyer flasks of capacity 125–250 ml or metal dishes. If metal dishes are used, they shall preferably be of stainless steel, shall be flat-bottomed, preferably with a spout, and shall have a diameter of 80 to 100 mm and a height of approximately 50 mm.
- 5.10. **Boiling aids**, fat-free, of non-porous porcelain or silicon carbide or glass beads (optional in the case of metal dishes).
- 5.11. **Measuring cylinders**, of capacities 5 and 25 ml.
- 5.12. **Pipettes**, graduated, of capacity 10 ml.
- 5.13. **Tongs**, made of metal, suitable for holding flasks, beakers or dishes.

6. PROCEDURE

Note: The alternative procedure using fat-extraction tubes with siphon or wash-bottle fittings (see the note to 5.6.) is described in the Appendix.

6.1. Preparations of the test sample

Adjust the temperature of the laboratory sample to approximately 35—40 °C for 15 minutes, by means of a water bath is necessary. Mix the sample thoroughly, but gently, by repeatedly inverting the sample bottle without causing frothing or churning, and cool quickly to approximately 20 °C.

6.2. Test portion

Mix the test sample (6.1.) by gently inverting the bottle three or four times and immediately weigh, to the nearest 1 mg, 10 to 11 g of the test sample, directly or by difference, into one of the extraction flasks (5.6.).

The test portion shall be delivered as completely as possible into the lower (small) bulb of the extraction flasks.

6.3. Blank test

Carry out the blank test simultaneously with the determination using the same procedure and same reagents, but replacing the test portion by 10 to 11 ml of water.

The change in apparent mass of the fat collecting vessel, corrected for apparent change in mass of the control vessel, should not be greater than 2,5 mg.

6.4. Preparation of fat-collecting vessel

Dry a vessel (5.9.) together with a few boiling aids (5.10.) to promote gentle boiling during the subsequent removal of solvent in the oven (5.4.) for one hour. Allow the vessel to cool (not in a desiccator but protected from dust) to the temperature of the weighing room (for glass vessels allow at least one hour, for metal dishes allow at least 30 minutes). Taking care to avoid temperature variations, use tongs to place the vessel on the balance and weigh to the nearest 0,1 mg.

6.5. Determination

6.5.1. Add 2 ml of the ammonia solution (4.1.) or an equivalent volume of a more concentrated ammonia solution and mix thoroughly with the test portion in the small bulb of the flask. After the addition of the ammonia, carry out the determination without delay.

6.5.2. Add 10 ml of the ethanol (4.2.) and mix gently but thoroughly by allowing the contents of the flask to flow backwards and forwards between the two bulbs; avoid bringing the liquid too near to the neck of the flask. If desired, add two drops of the Congo red or Cresol red solution (4.3.).

6.5.3. Add 25 ml of diethyl ether (4.4.), close the flask with a cork saturated with water or with a stopper wetted with water (see 5.6.), and shake the flask vigorously, but not excessively (in order to avoid the formation of persistent emulsions), for one minute with the flask in a horizontal position and the small bulb extending upwards. Periodically allow the liquid in the large bulb to run into the small bulb. If necessary, cool the flask in running water, then carefully remove the cork or stopper and rinse it and the neck of the flask with a little of the mixed solvent (4.6.) using the wash bottle (5.8.) so that the rinsings run into the flask.

6.5.4. Add 25 ml of light petroleum (4.5.), close the flask with the rewetted cork or stopper (rewet by dipping in water), and shake the flask gently for 30 seconds as described in 6.5.3.

6.5.5. Centrifuge the closed flask for one to five minutes at a rotational frequency of 500 to 600 rev min⁻¹ (5.2.). If a centrifuge is not available (see note to 5.2.) allow the closed flask to stand in the rack (5.7.) for at least 30 minutes until the supernatant layer is clear and distinctly separated from the aqueous layer. If necessary, cool the flask in running water.

6.5.6. Carefully remove the cork or stopper and rinse it and the inside of the neck of the flask with a little of the mixed solvent (4.6.) so that the rinsings run into the flask.

If the interface is below the bottom of the neck of the flask, raise it slightly above this level by gently adding water down the side of the flask to facilitate decantation of solvent.

6.5.7. Holding the extraction flask by the small bulb, carefully decant as much as possible of the supernatant layer into the prepared fat-collecting vessel (6.4.) containing a few boiling aids (5.10.) in the case of flasks (optional with metal dishes), avoiding decantation of any of the aqueous layer.

6.5.8. Rinse the outside of the neck of the extraction flask with a little of the mixed solvent (4.6.), collecting the rinsings in the fat-collecting vessel and taking care that the mixed solvent does not spread over the outside of the extraction flask.

If desired, the solvent or part of the solvent may be removed from the vessel by distillation or evaporation as described in 6.5.12.

- 6.5.9. Add 5 ml of the ethanol (4.2.) to the contents of the extraction flask, using the ethanol to rinse the inside of the neck of the flask and mix as described in 6.5.2.
- 6.5.10. Carry out a second extraction by repeating the operations described in 6.5.3. to 6.5.8. inclusive, but using only 15 ml of diethyl ether (4.4.) and 15 ml of light petroleum (4.5.); use the ether to rinse the inside of the neck of the extraction flask. If necessary, raise the interface to the middle of the stem of the flask to enable the final decantation of solvent to be as complete as possible.
- 6.5.11. Carry out a third extraction by further repeating the operations described in 6.5.3. to 6.5.8. inclusive, but using only 15 ml of diethyl ether (4.4.) and 15 ml of light petroleum (4.5.); use the ether to rinse the inside of the neck of the extraction flask. If necessary, raise the interface to the middle of the neck of the flask to enable the final decantation of solvent to be as complete as possible.

The third extraction can be omitted for skimmed milk.

- 6.5.12. Remove the solvents (including ethanol) as completely as possible from the flask by distillation, or from the beaker or dish by evaporation (5.3.), rinsing the inside of the neck of the flask with a little of the mixed solvent (4.6.) before commencing the distillation.
- 6.5.13. Heat the fat-collecting vessel (with the flask placed on its side to allow solvent vapour to escape) for one hour in the oven (5.4.). Remove the fat-collecting vessel from the oven, allow to cool (not in a desiccator, but protected from dust) to the temperature of the weighing room (for glass vessels allow at least one hour, for metal dishes allow at least 30 minutes) and weigh to the nearest 0,1 mg.
- Do not wipe the vessel immediately before weighing. Place the vessel on the balance using tongs and avoid, in particular, temperature variations.
- 6.5.14. Repeat the operations described in 6.5.13. until the mass of the fat-collecting vessel decreases by 0,5 mg or less, or increases, between two successive weighings. Record the minimum mass observed as the mass of the fat-collecting vessel and extracted matter.
- 6.5.15. Add 25 ml of light petroleum to the fat-collecting vessel in order to verify whether or not the extracted matter is wholly soluble. Warm gently and swirl the solvent until all the fat is dissolved.
- If the extracted matter is wholly soluble in the light petroleum, take the mass of fat as the difference between the final mass of the vessel containing the extracted matter (6.5.14.) and its initial mass (6.4.).
- 6.5.16. If the extracted matter is not wholly soluble in the light petroleum, or in case of doubt, extract the fat completely from the vessel by repeatedly washing with warm light petroleum.

Allow any trace of insoluble material to settle and carefully decant the light petroleum without removing any insoluble material. Repeat this operation three more times, using the light petroleum to rinse the inside of the neck of the vessel.

Finally, rinse the outside of the top of the vessel with mixed solvent so that the solvent does not spread over the outside of the vessel. Remove light petroleum vapour from the vessel by heating the vessel for one hour in the oven, allow to cool and weigh, as described in 6.5.13. and 6.5.14.

Take the mass of fat as the difference between the mass determined in 6.5.14. and this final mass.

7. EXPRESSION OF RESULTS

7.1. Calculation and formula

Calculate the fat content as a percentage by mass by:

$$F = \frac{(m_1 - m_2) - (m_3 - m_4)}{m_0} \times 100$$

where

F = the fat content,

m_0 = the mass, in grams, of the test portion (6.2.),

m_1 = the mass, in grams, of the fat-collecting vessel and extracted matter determined in 6.5.14.,

m_2 = the mass, in grams, of the prepared fat-collecting vessel or, in the case of undissolved material, of the fat-collecting vessel and insoluble residue determined in 6.5.16.,

m_3 = the mass, in grams, of the fat-collecting vessel used in the blank test (6.3.) and any extracted matter determined in 6.5.14.,

m_4 = the mass, in grams, of the prepared fat-collecting vessel (see 6.4.) used in the blank test (6.3.), or in the case of undissolved material, of the fat-collecting vessel and insoluble residue determined in 6.5.16.

Report the result to the nearest 0,01 %.

7.2. Precision**7.2.1. Repeatability (*r*):**

- for whole milk and partly skimmed milk: 0,02 g of fat per 100 g of product,
- for skimmed milk: 0,01 g of fat per 100 g of product.

7.2.2. Reproducibility (*R*):

- for whole milk: 0,04 g of fat per 100 g of product,
- for partly skimmed milk: 0,03 g of fat per 100 g of product,
- for skimmed milk: 0,025 g of fat per 100 g of product.

III. DETERMINATION OF TOTAL NON-FAT SOLIDS**1. SCOPE AND FIELD OF APPLICATION**

This procedure specifies the reference method for the determination of the content of total non-fat solids in heat-treated milk.

2. DEFINITION AND CALCULATION

The total non-fat solids content must be expressed as a percentage by mass.

The content of non-fat solids is:

The content of total solids (see Section I) minus the content of fat (see Section II).

IV. DETERMINATION OF TOTAL NITROGEN CONTENT**1. SCOPE AND FIELD OF APPLICATION**

This procedure specifies the reference method for the determination of the total nitrogen content of raw milk and of whole milk, partly skimmed milk and skimmed milk.

2. DEFINITION

The total nitrogen content of milk: the nitrogen content, expressed in per cent by mass, as determined by the specified Kjeldahl method.

3. PRINCIPLE

A weighed quantity of the milk sample is digested with concentrated sulphuric acid and potassium sulphate and copper (II) sulphate as catalyst, in order to convert the nitrogen of the organic compounds into ammonium sulphate. The ammonia is released by the addition of sodium hydroxide solution and then distilled and absorbed in a boric acid solution. This is titrated with an acid solution.

4. REAGENTS**4.1. Potassium sulphate (K_2SO_4).****4.2. Copper sulphate solution.** Dissolve 5,0 g of copper (II) sulphate pentahydrate ($CuSO_4 \cdot 5H_2O$) in water and dilute to 100 ml (at 20 °C) in a volumetric flask.**4.3. Sulphuric acid, at least 98,0 % (m/m) H_2SO_4 .****4.4. Sodium hydroxide solution, 47 % (m/m) 704 g NaOH/l (20 °C).**

Note: A less concentrated sodium hydroxide solution may be used for example: 40 % (m/m) 572 g/l, 20 °C; or 30 % (m/m) 399 g/l, 20 °C.

4.5. Boric acid solution. Dissolve 40 g of boric acid (H_3BO_3) in one litre of hot water, allow to cool, and store in a borosilicate glass bottle.**4.6. Indicator solution.** Dissolve 0,01 g methyl red, 0,02 g bromothymol blue and 0,06 g bromocresol green in 100 ml of ethanol. Store the solution in a brown closed bottle, in a cool, dark place.**4.7. Volumetric solution**

c ($\frac{1}{2} H_2SO_4$) or c (HCl) = 0,1 mol/l standardized to the nearest 0,0001 mol/l.

- 4.8. Nitrogen-free sucrose.
- 4.9. Ammonium salt, pure, such as ammonium oxalate $(\text{NH}_4)_2\text{C}_2\text{O}_4 \cdot \text{H}_2\text{O}$ or ammonium sulfate $(\text{NH}_4)_2\text{SO}_4$.
- 4.10. Tryptophan ($\text{C}_{11}\text{H}_{12}\text{N}_2\text{O}_2$), phenacetin ($\text{C}_{10}\text{H}_7\text{CH}_2\text{CONH}_2$) or lysine mono- or di-hydrochloride ($\text{C}_6\text{H}_{14}\text{N}_2\text{O}_2 \cdot \text{HCl}$ or $\text{C}_6\text{H}_{14}\text{N}_2\text{O}_2 \cdot 2\text{HCl}$).

Note: The purity of reagents in 4.9. and 4.10. should be of higher quality than 'analytical grade'. If available, certified ammonium salt solution (4.9.) should be used.

5. APPARATUS AND GLASSWARE

Usual laboratory equipment and, in particular:

- 5.1. Kjeldahl flasks of capacity 500 ml.
- 5.2. Suitable boiling aids, for example, glass beads of diameter approximately 5 mm, Hengar granules, pumice.
- 5.3. Burette or automatic pipette, to deliver 1,0 ml.
- 5.4. Graduated measuring cylinders, glass, of capacities 50, 100 and 250 ml.
- 5.5. Digestion apparatus in an inclined position (approximately 45°), with electric heaters or gas burners that do not heat the flasks above the level of their contents, with a fume extraction system.
- 5.6. Distillation apparatus, made of borosilicate glass, to which a Kjeldahl flask (5.1.) can be fitted, consisting of an efficient splash-head connected to an efficient condenser with straight inner tube and an outlet tube attached to its lower end; the connecting tubing and stopper (s) shall be close-fitting and preferably of neoprene rubber.
- 5.7. Pipette or automatic pipette, to deliver 0,10 ml.
- 5.8. Conical flasks, of capacity 500 ml, graduated at 200 ml.
- 5.9. Burette of capacity 50 ml, graduated in 0,1 ml, maximum error $\pm 0,05$ ml.
- 5.10. Magnifying lens, for reading the burette (5.9.).
- 5.11. pH meter
- 5.12. Automatic burette.

6. PROCEDURE

- 6.1. To the Kjeldahl flask (5.1.) add boiling aid (5.2.) (eg. three glass beads), 15 g of potassium sulphate (4.1.), 1,0 ml of copper sulphate solution (4.2.), approximately 5 g of milk sample (weighed to the nearest 0,001 g) and 25 ml of sulphuric acid (4.3.). Use the acid to wash down any copper sulphate solution, potassium sulphate or milk on the neck of the flask, and gently mix the contents of the flask.

Note: Because organic matter consumes sulphuric acid during boiling, use 30 ml of H_2SO_4 (4.3.), instead of 25 ml for digestion, if the milk contains more than 5,0% (m/m) of fat. This should also be done in the blank test.

- 6.2. Heat each Kjeldahl flask on the digestion apparatus (5.5.), very gently at first so that all the black froth stays within the bulb. When the initial frothing has ceased and copious white vapour appears, boil vigorously (acid vapour will condense half-way up the neck of the flask) until no black particles remain and until the digest becomes clear pale blue-green in colour. Then boil gently for at least 1,5 hours. Note the following requirements:
- (a) The time for the digest to become clear should not be more than one hour, and the total digestion time shall not be less than 2,5 hours. If more than one hour is necessary to achieve clearing, the total digestion time shall be increased accordingly.
- (b) The added potassium sulphate promotes the digestion as it raises the boiling temperature of the mixture. If the residual volume of H_2SO_4 is less than approximately 15 ml at the end of the digestion time, nitrogen may have been lost because of excessive heating. If heating by gas, heat the flask on a plate of heat-insulating material, provided with a circular opening of such a diameter that the free flame only touches the part of the flask that is below the surface of the liquid contents (5.5.).

- (c) If black particles enter the neck of the flask and are not all washed down into the bulb by the acid refluxing during the initial stages of the vigorous boiling period (this may be facilitated by rotating the flask) allow the flask to cool sufficiently and carefully wash with the minimum of water. Then continue the digestion as described above.

- 6.3. When the Kjeldahl flasks are cool, add 300 ml of water (see note) to each so as to wash carefully down the neck of the flask, and mix the contents thoroughly ensuring that the crystals which have separated out are dissolved. Add some boiling aid (5.2.) to ensure uniform boiling. Then to each flask, add 70 ml of sodium hydroxide solution (4.4.) (see note) by gently pouring the solution down the inclined neck of the flask to form a bottom layer in the bulb; do not wet the top of the neck with the sodium hydroxide solution.

Note: It is necessary that the combined volume of water and sodium hydroxide solution total 370 ml to enable approximately 150 ml of distillate to be collected just before irregular boiling ('bumping') ensues (6.4.). Thus, if a larger equivalent volume of a sodium hydroxide solution which is less concentrated than 47 % (m/m) is added, the volume of water added shall be reduced accordingly. For example, if 85 ml of 40 % (m/m) or 125 ml of 30 % (m/m) sodium hydroxide solution are to be added, the volume of water added shall be 285 ml or 245 ml respectively.

- 6.4. Immediately connect each Kjeldahl flask to a distillation apparatus (5.6.). Ensure that the tip of the condenser outlet-tube is immersed in 50 ml of boric acid solution (4.5.) together with 0,20 ml (5 – 6 drops) of indicator solution (4.6.) all contained in a conical flask (5.8.). Swirl the contents of each Kjeldahl flask to mix thoroughly and boil, but gently at first to prevent excessive frothing. When 100 to 125 ml of distillate have been collected, lower each conical flask until the tip of the condenser outlet-tube is approximately 40 mm above the 200 ml mark. Continue each distillation until irregular boiling ('bumping') starts and then immediately stop the heating. Disconnect each Kjeldahl flask and rinse the tip of each condenser outlet-tube with a little water, collecting the rinsings in the conical flask. Note the following requirements:

- (a) The distillation rate shall be such that approximately 150 ml of distillate are collected when irregular boiling ('bumping') starts, the volume of the contents of each conical flask will then be approximately 200 ml.
- (b) The efficiency of each condenser should be such that the temperature of the contents of each conical flask does not exceed 25 °C during the distillation.

- 6.5. Titrate each distillate with standard volumetric solution (4.7.) until the pH is $4,6 \pm 0,1$, using a pH meter and if desired an automatic burette. Addition of an indicator helps to check whether the titration is proceeding correctly. Take each burette reading to the nearest 0.01 ml with the aid of a magnifying lens (5.10.) avoiding errors of parallax.

The titrating may be carried out with the indicator only. Titrate until the colour of the distillate corresponds to that of a solution recently prepared from 150 ml of water to which has been added 50 ml of the boric acid solution and 0,20 ml of the indicator contained in a conical flask (5.8).

- 6.6. Carry out a blank test according to 6.1. to 6.5. inclusive, taking 5 ml of distilled water together with about 0,1 g of sucrose (4.8.) through the procedure instead of the milk sample.

Note: The titration of the blank distillate will require only a very small volume of the standard volumetric solution (4.7.).

- 6.7. Regularly check the accuracy of the procedure by using two recovery trials following the procedure according to 6.1. to 6.5. inclusive.

- 6.7.1. Check that no loss of nitrogen occurs as a result of excessive heat or mechanical leaks during distillation, by using a test portion of 0,15 g of ammonium oxalate or sulphate (4.9.) weighed to the nearest 0,001 g together with 0,1 g of sucrose (4.8.).

The percentage of nitrogen recovered shall be between 99,0 and 100,0 %.

Lower or higher results will indicate failures in the procedure and/or inaccurate concentration of the standard solution (4.7.).

- 6.7.2. Check that the digestion procedure is sufficient to release all the protein nitrogen by using a test portion of 0,20 g of pure tryptophan, 0,35 g of phenacetin or 0,20 g of lysine hydrochloride (4.10.). All weighings should be to the nearest 0,001 g. At least 98–99 % of the nitrogen should be recovered.

7. SAFETY PRECAUTIONS

When working with concentrated sulphuric acid and sodium hydroxide and when handling Kjeldahl flasks, always wear a laboratory coat, safety goggles and acid resistant gloves.

During distillation, never leave Kjeldahl flasks unattended. Because of potential danger, stop distillation immediately if flask contents 'bump' too vigorously. If the power goes off for more than two to three minutes, lower the collecting flask so that the distillation tip is out of the liquid.

8. EXPRESSION OF RESULTS

8.1. Calculation and formula:

Calculate the nitrogen content (W_N), expressed in grams of nitrogen per 100 g of product by:

$$W_N = \frac{1,40 (V - V_O) c}{m}$$

where:

W_N = the nitrogen content.

V = the volume in millilitres of the standard volumetric solution of acid used in the determination.

V_O = the volume in millilitres of the standard volumetric solution of acid used in the blank test.

c = the concentration, expressed as moles per litre of the acid standard volumetric solution (4.7.).

m = the mass in grams of the test portion.

Round off the result to the nearest 0,001 g per 100 g.

8.2. Precision

8.2.1. *Repeatability (r)*: 0,007 g per 100 g.

8.2.2. *Reproducibility (R)*: 0,015 g per 100 g.

9. MODIFIED PROCEDURES

9.1. Use a block digestion apparatus fitted with cylindrical flasks, instead of the digestion apparatus and the Kjeldahl flasks described in 5.5. and 5.1. In this case to identify potential trouble, each spot has to be checked individually (6.7.).

9.2. Use of steam distillation instead of direct heating of the flasks (6.4.). When the apparatus does not allow the use of distilled water, care should be taken that the water does not contain acid or alkaline volatiles.

9.3. A test portion of 1 g of milk (semi-macro Kjeldahl) can be used instead of 5 g (6.1.) provided:

- the amounts of the reagents used for mineralization (6.1.): H_2SO_4 , $CuSO_4 \cdot 5 H_2O$, K_2SO_4 , are reduced to the same ratio (1/5);
- the total digestion time (6.2.) is reduced to 75 minutes.
- the amount of sodium hydroxide solution (6.3.) is reduced to the same ratio (1/5).
- an acid standard solution (4.7.) of lower concentration (0,02 to 0,03 mol/l) has to be used.

Note: Using one or more of these options is acceptable only if the repeatability value (8.2.1.) and the two accuracy tests results (6.7.) are in accordance with the requirements given in this method.

V. DETERMINATION OF PROTEIN CONTENT

1. SCOPE AND FIELD OF APPLICATION

This procedure specifies the reference method for the determination of the content of protein in heat treated milk (Article 3 A3 in Directive 85/397/EEC).

2. DEFINITION

Protein content: The value obtained by multiplying the total nitrogen content, expressed as a percentage by mass, determined in accordance with the method described in Section IV(3) by an appropriate factor (3.).

3. CALCULATION

Protein content of milk as percentage by mass = 6,38 x total N content of milk %.

VI. DETERMINATION OF SPECIFIC MASS**1. SCOPE AND FIELD OF APPLICATION**

This procedure specifies the reference method for the determination of the specific mass at 20 °C of raw milk and of whole milk, partly skimmed milk and skimmed milk.

2. DEFINITION

The specific mass of the milk is the ratio of the mass of a certain volume of milk at 20 °C to that of the mass of the same volume of water at 20 °C.

3. PRINCIPLE

The specific mass at 20 °C is determined by a hydrometer.

4. APPARATUS AND GLASSWARE

Usual laboratory equipment and, in particular:

4.1. Hydrometer

The specific gravity hydrometer is an instrument consisting of a glass float, which, at its lower end, is wide and heavy. There is a cylindrically shaped glass rod attached to the upper end of the float and coaxially orientated to it; the upper end of the rod is closed.

The glass float contains the load (lead, mercury, etc.) intended to adjust the hydrometer mass. The rod includes a graduated scale from 1,025 to 1,035 g/ml.

The hydrometer should be checked by the pycnometric method, using a pycnometer of a capacity of approximately 100 ml equipped with a precision thermometer.

4.2. Cylinders (glass or stainless steel).

Minimum dimensions should be:

- internal diameter approximately 35 mm
- internal height approximately 225 mm.

4.3. Water bath regulated at $20 \pm 0,1$ °C.**4.4. Water bath regulated at 40 ± 2 °C.****4.5. Thermometer, graduated to 0,5 °C.****5. PROCEDURE**

5.1. Mix the sample by inversion to disperse the fat and place in the water bath (4.4.). Allow the sample to reach a temperature of 40 °C and maintain at that temperature for five minutes. Mix thoroughly by careful inversion to ensure that the fat is homogeneously distributed. Cool to 20 °C in the second water bath (4.3).

5.2. Mix the sample thoroughly by careful inversion to avoid inclusion of air. Pour the milk into the cylinder (4.2.), held inclined so as to avoid the formation of foam or of bubbles. Use sufficient milk sample to ensure that some will overflow from the cylinder when the hydrometer (4.1.) is placed in it. Carefully lower the hydrometer into the milk and allow to float freely when it reaches its balance position. The cylinder is to be placed vertical. The hydrometer must be positioned in the middle of the liquid column and should not touch the sides of the cylinder.

5.3. When the hydrometer reaches equilibrium read the graduation at the top of the meniscus.

5.4. Immediately after taking the hydrometer reading introduce the thermometer (4.5.) into the sample and read the temperature with an accuracy of 0,5 °C. The temperature must not differ more than ± 2 °C from ± 20 °C.

6. TEMPERATURE CORRECTION

6.1. If the temperature of the milk sample is not exactly 20 °C when the measurement of its specific mass is made, then the result obtained must be corrected adding to the determined specific mass 0,0002 for each degree Celsius above 20 °C, or subtracting 0,0002 for every degree Celsius below 20 °C. This correction is only valid if the temperature of the milk sample differs by not more than 5 °C from 20 °C.

7. EXPRESSION OF RESULTS

The method of calculation and formula specific mass of the sample is expressed in g/ml of skimmed milk at 20 °C according to the following formula:

$$\frac{1\,000 \cdot mv - MG \cdot mv}{1\,000 - \frac{MG \cdot mv}{0,92}} = \frac{0,92\, mv (1\,000 - MG)}{920 - MG \cdot mv}$$

where

mv = the specific mass of the sample read on the hydrometer (5.4) in g/l

MG = the fat content of the sample in g/l

0,92 = the density of fat.

8. PRECISION

8.1. Repeatability (r): 0,0003 g/ml.

8.2. Reproducibility (R): 0,0015 g/ml.

Appendix

(to Annex II)

ALTERNATIVE PROCEDURE USING FAT-EXTRACTION TUBES WITH SIPHON OR WASH-BOTTLE FITTINGS**A.1. PROCEDURE****A.1.1. Preparation of the test sample**

See 6.1.

A.1.2. Test portion

Proceed as specified in 6.2. but using the fat-extraction tubes (see 5.6.).

The test portion shall be delivered as completely as possible at the bottom of the extraction tube.

A.1.3. Blank test

See 6.3.

A.1.4. Preparation of fat-collecting vessel

See 6.4.

A.1.5. Determination

A.1.5.1. Add 2 ml of the ammonia solution (4.1.), or an equivalent volume of a more concentrated ammonia solution, and mix thoroughly with the pretreated test portion at the bottom of the tube. After the addition of the ammonia, carry out the determination without delay.

A.1.5.2. Add 10 ml of the ethanol (4.2.) and mix gently but thoroughly at the bottom of the tube. *If desired*, add two drops of the Congo red or Cresol red solution (4.3.).

A.1.5.3. Add 25 ml of diethyl ether (4.4.), close the tube with a cork saturated with water or with a stopper wetted with water (5.6.), and shake the tube vigorously, but not excessively (in order to avoid the formation of persistent emulsions), with repeated inversions for one minute. If necessary, cool the tube in running water, then carefully remove the cork or stopper and rinse it and the neck of the tube with a little of the mixed solvent (4.6.) using the wash bottle (5.8.) so that the rinsings run into the tube.

A.1.5.4. Add 25 ml of light petroleum (4.5.), close the tube with the rewetted cork or stopper (rewet by dipping in water), and shake the tube gently for 30 seconds as described in A.1.5.3.

A.1.5.5. Centrifuge the closed tube for one to five minutes at a rotational frequency of 500 to 600 rev min⁻¹ (5.2.). If the centrifuge is not available (see note to 5.2.), allow the closed tube to stand in the rack (5.7.) for at least 30 minutes until the supernatant layer is clear and distinctly separated from the aqueous layer. If necessary, cool the tube in running water.

A.1.5.6. Carefully remove the cork or stopper and rinse it and the neck of the tube with a little of the mixed solvent so that the rinsings run into the tube.

A.1.5.7. Insert a siphon fitting or a wash-bottle fitting into the tube and push down the long inner limb of the fitting until the inlet is approximately 3 mm above the interface between the layers. The inner limb of the fitting shall be parallel to the axis of the extraction tube.

Carefully transfer the supernatant layer out of the tube into the prepared fat-collecting vessel (6.4.) containing a few boiling aids (5.10.) in the case of flasks (optional with metal dishes), avoiding the transfer of any of the aqueous layer. Rinse the outlet of the fitting with a little of the mixed solvent, collecting the rinsings in the fat-collecting vessel.

A.1.5.8. Loosen the fitting from the neck of the tube, slightly raise the fitting and rinse the lower part of its long inner limb with a little of the mixed solvent. Lower and re-insert the fitting and transfer the rinsings to the fat-collecting vessel.

Rinse the outlet of the fitting with a little of the mixed solvent, collecting the rinsings in the vessel. If desired, the solvent or part of the solvent may be removed from the vessel by distillation or evaporation as described in 6.5.12.

- A.1.5.9. Again loosen the fitting from the neck, slightly raise the fitting and add 5 ml of the ethanol to the contents of the tube, using the ethanol to rinse the long inner limb of the fitting; mix as described in A.1.5.2.
- A.1.5.10. Carry out the *second extraction* by repeating the operations described in A.1.5.3. to A.1.5.8., but using only 15 ml of diethyl ether (4.4.) and 15 ml of light petroleum (4.5.). Use the ether to rinse the long inner limb of the fitting during the removal of the fitting from the tube after the previous extraction.
- A.1.5.11. Carry out a *third extraction* by again repeating the operations described in A.1.5.3. to A.1.5.8. using 15 ml of the diethyl ether and 15 ml of the light petroleum and rinsing the long inner limb of the fitting as described in A.1.5.10.

The third extraction can be omitted for skimmed milk.

- A.1.5.12. Proceed as described in 6.5.12. to 6.5.16.
-

COUNCIL DECISION

of 7 December 1992

concerning the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community and the Republic of Hungary amending the exchange of letters concerning transit and replacing the exchanges of letters on land transport infrastructure, signed in Brussels on 16 December 1991

(92/609/EEC)

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 of 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 the exchange of letters between the European Economic Community and the Republic of Hungary on transit should be amended and the exchanges of letters between the European Economic Community and the Republic of Hungary on land transport infrastructure, signed in Brussels on 16 December 1991 at the same time as the Europe Agreement and the Interim Agreement, should be replaced;

Whereas the Agreements in the form of exchanges of letters negotiated to this end should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreements in the form of exchanges of letters between the European Economic Community and the Republic of Hungary amending the exchange of letters on transit and replacing the exchanges of letters on land transport infrastructure signed in Brussels on 16 December 1991 are hereby approved on behalf of the Community.

The texts of the Agreements in the form of exchanges of letters are attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in the Agreements.

Done at Brussels, 7 December 1992.

For the Council

The President

D. HURD

⁽¹⁾ OJ No C 337, 21. 12. 1992.

⁽²⁾ OJ No C 313, 30. 11. 1992, p. 18.

AGREEMENT

in the form of an exchange of letters amending the exchange of letters between the European Economic Community ('the Community') and Hungary concerning transit signed in Brussels on 16 December 1991)

A. Letter from the Community

Sir,

Upon the occasion of the signature on 16 December 1991 of the Europe Agreement between the Communities and their Member States and Hungary and of the Interim Agreement on trade and trade related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Hungary, of the other part, an Agreement in the form of an Exchange of Letters between the European Economic Community ('the Community') and Hungary concerning transit was signed. The Europe Agreement has not yet come into force. The Interim Agreement came into force on 1 March 1992.

Since the signature of the Exchange of Letters, Hungary adopted Law No LXXXII of 1991 on vehicle taxes. The parties consider it necessary to come to an agreement through the present Exchange of Letters, to amend the relevant provisions of the Exchange of Letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the Exchange of Letters signed on 16 December 1991 be amended as follows:

The part of paragraph 2 (a) beginning with the words '... Hungary hereby grants ...' shall be replaced by the following text:

- '(i) Hungary hereby grants in 1992, in place of the existing quotas granted pursuant to the bilateral agreement between Greece and Hungary for 1991 permits in the following way:
- 10 000 untaxed,
 - 14 000 taxable with a tax rate of 1 Forint per tonne/km,
 - 1 200 with a tax rate of 3 Forint per tonne/km,
 - 600 third country ⁽¹⁾ ⁽²⁾.

All untaxed and taxable permits are of a round-trip character. For 1993 and 1994 the total number of untaxed and taxable permits will be increased annually by five percent so that the permits amount in 1993 to 10 500 untaxed and 14 700 and 1 260 taxable permits and in 1994 to 11 025 untaxed and 15 435 and 1 323 taxable permits. The number of third country permits remains 600 in each of the years 1993 and 1994.

The rates of tax of 1 Forint and 3 Forint per tonne/kilometer shall be adjusted for 1993 so as to maintain an exchange rate for the Forint to the ecu equal to the average of such rate obtaining in the period from 6 February to 31 December 1992 and for 1994 so as to maintain an average rate equal to the average obtaining in the period from 1 January to 31 December 1993.

⁽¹⁾ All above existing and additional third country permits may be exchanged for transit permits in the ratio 1:2 (1 third country permit for 2 transit permits).

⁽²⁾ The Community shall grant 600 third country permits to Hungary for use only in traffic to or from Greece.

- (ii) The Community hereby grants to Hungary in 1992 12 000 untaxed permits for use only on the territory of Greece.

If the transit situation on the territory of the republics which formed part of Yugoslavia in 1991 is not normalized, the Community and Hungary shall jointly examine before 31 December 1992 the possible changes concerning the arrangements set out in paragraph 2 (a).

Changes in the above provisions can, until the end of 1994 or, if this happens at an earlier date, until the conclusion of a bilateral transport agreement between the Community and Hungary, be made by common agreement between the parties.

The Community takes note of the Hungarian understanding that discussions will take place with the Commission and the Member States most directly concerned on other transportation questions such as aviation and third country road permits.'

If the foregoing is acceptable to Hungary, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute an amendment to the Exchange of Letters signed on 16 December 1991.

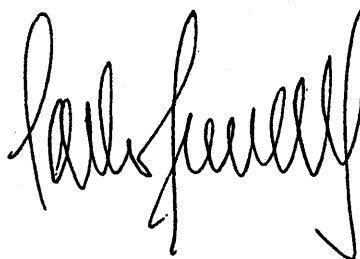
This Agreement is hereby approved by the parties in accordance with their respective procedures.

This Agreement shall enter into force on the first day following that on which the parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply as from 1 March 1992.

I should be obliged if you would confirm the agreement of the Government of Hungary to the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Community
For the Council of the European Communities*



B. Letter from Hungary

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'Upon the occasion of the signature on 16 December 1991 of the Europe Agreement between the Communities and their Member States and Hungary and of the Interim Agreement on trade and trade related matters between the European Economic Community and the European Coal and Steel Community of the one part and Hungary of the other part, an Agreement in the form of an Exchange of Letters between the European Economic Community ("the Community") and Hungary concerning transit was signed. The Europe Agreement has not yet come into force. The Interim Agreement came into force on 1 March 1992.

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If the transit situation on the territory of the republics which formed part of Yugoslavia in 1991 is not normalised the Community and Hungary shall jointly examine before 31 December 1992 the possible changes concerning the arrangements set out in this paragraph 2 (a).

⁽¹⁾ All above existing and additional third country permits may be exchanged for transit permits in the ratio 1:2 (1 third country permit for 2 transit permits).

⁽²⁾ The Community shall grant 600 third country permits to Hungary for use only in traffic to or from Greece.

Changes in the above provisions can, until the end of 1994 or, if this happens at an earlier date, until the conclusion of a bilateral transport agreement between the Community and Hungary, be made by common agreement between the parties.

The Community takes note of the Hungarian understanding that discussions will take place with the Commission and the Member States most directly concerned on other transportation questions such as aviation and third country road permits."

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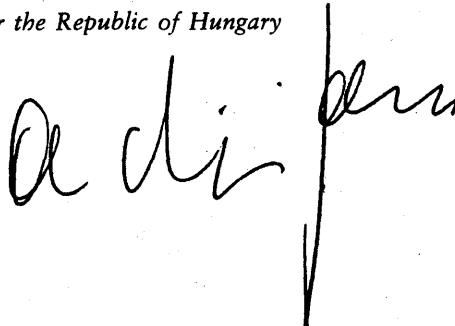
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I should be obliged if you would confirm the agreement of the Government of Hungary to the contents of this letter.'

I have the honour to confirm that Hungary is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Republic of Hungary

A handwritten signature in black ink, appearing to read 'A. Di...', followed by a long vertical line extending downwards.

AGREEMENT

in the form of an exchange of letters replacing the exchange of letters between the European Economic Community ('the Community') and Hungary on land transport infrastructure signed in Brussels on 16 December 1991

A. Letter from the Community

Sir,

Upon the occasion of the signature on 16 December 1991 of the Interim Agreement on trade and trade related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Hungary, of the other part, an Agreement in the form of an Exchange of Letters between the European Economic Community ('the Community') and Hungary concerning land transport infrastructure was signed. The Interim Agreement came into force on 1 March 1992.

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Accordingly, I propose that the text of the Exchange of Letters signed on 16 December 1991 be replaced by the following text:

'I have the honour of confirming to you herewith that the Community has full understanding of the infrastructural and environmental problems Hungary is facing in the area of transport and shall, within the framework of the financial mechanisms provided for, provide, as appropriate, financing for the improvement of land transport infrastructure, including roads, railways, inland waterways and combined transport.

In this context, I take note of Hungary's explanation of the urgent need for financial assistance to enable Hungarian infrastructure to cope with the increased transit traffic in Hungary and of the wish expressed by Hungary to consider projects related to transit traffic through Hungary, such as the modernization and construction of railway lines and motorways between Hegyeshalom and Budapest, and those between Budapest and Kelebia as priority, since these represent major corridors for Community transit.

The Commission agrees to start to examine with Hungary possible ways to contribute to the improvement of such infrastructure in Hungary, paying special attention to environmental aspects, inter alia combined transport, transit motorways, waterways transport, without prejudice to appraisal of projects according to existing procedures.'

If the foregoing is acceptable to Hungary, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute the replacement of the Exchange of Letters signed on 16 December 1991.

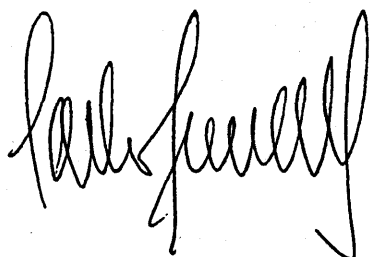
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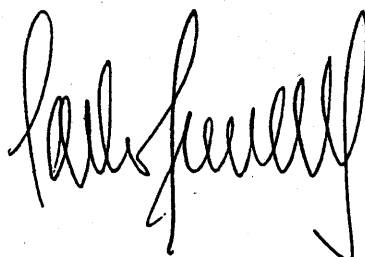
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In this context, I take note of Hungary's explanation of the urgent need for financial assistance to enable Hungarian infrastructure to cope with the increased transit traffic in Hungary and of the wish expressed by Hungary to consider projects related to transit traffic through Hungary, such as the modernization and construction of railway lines and motorways between Hegyeshalom and Budapest, and that between Budapest and Kelebia as priority, since these represent major corridors for Community transit.

The Commission agrees to start to examine with Hungary, on the basis of this Exchange of Letters and referring to Article 81 in the Europe Agreement, possible ways to contribute to the improvement of such infrastructure in Hungary, paying special attention to environmental aspects, inter alia combined transport, transit motorways, waterways transport, without prejudice to appraisal of projects according to existing procedures."

If the foregoing is acceptable to Hungary, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute the replacement of the Exchange of Letters signed on 16 December 1991.

This Agreement is hereby approved by the parties in accordance with their respective procedures.

This Agreement shall enter into force on the first day following that on which the parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply as from 1 March 1992.

I should be obliged if you would confirm the agreement of the Government of Hungary to the contents of this letter.'

I have the honour to confirm that Hungary is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Republic of Hungary



COUNCIL DECISION

of 7 December 1992

concerning the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community and the Czech and Slovak Federal Republic amending the exchange of letters concerning transit and replacing the exchanges of letters on land transport infrastructure, signed in Brussels on 16 December 1991

(92/610/EEC)

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,

Having regard to the opinion of the European Parliament ⁽¹⁾,

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

Whereas the exchange of Letters between the European Economic Community and the Czech and Slovak Federal Republic on transit should be amended and the exchanges of Letters between the European Economic Community and the Czech and Slovak Federal Republic on land transport infrastructure, signed in Brussels on 16 December 1991 at the same time as the Europe Agreement and the Interim Agreement, should be replaced;

Whereas the agreements in the form of exchanges of Letters negotiated to this end should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreements in the form of exchanges of Letters between the European Economic Community and the Czech and Slovak Federal Republic amending the exchange of Letters on transit and replacing the exchanges of Letters on land transport infrastructure signed in Brussels on 16 December 1991 are hereby approved on behalf of the Community.

The texts of the Agreements in the form of exchanges of Letters are attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in the agreements.

Done at Brussels, 7 December 1992.

*For the Council**The President*

D. HURD

⁽¹⁾ OJ No C 337, 21. 12. 1992.

⁽²⁾ OJ No C 313, 30. 11. 1992, p. 18.

AGREEMENT

in the form of an exchange of letters amending the exchanges of letters between the Community and Czech and Slovak Federal Republic concerning transit signed in Brussels on 16 December 1991

A. Letter from the Community

Sir,

Upon the occasion of the signatures on 16 December 1991 of the Europe Agreement between the Communities and their Member States and the Czech and Slovak Federal Republic and of the Interim Agreement on trade and trade related matters between the European Economic Community ('the Community') and the European Coal and Steel Community of the one part, and the Czech and Slovak Federal Republic, of the other part, Agreements in the form of Exchanges of Letters between the Community and Czechoslovakia concerning transit were signed. The Europe Agreement has not yet come into force. The Interim Agreement came into force on 1 March 1992.

Since the signature of the Exchanges of Letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This decision had consequences on the arrangements made in December concerning transit and the parties consider it necessary to come to an agreement through the present Exchange of Letters, to amend the relevant provisions of the Exchanges of Letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the Exchanges of Letters signed on 16 December 1991 be amended as follows:

In paragraph 2 the following sentence shall be inserted after the first sentence of the first subparagraph: 'The fee per taxable permit is 18 500 Czechoslovak crowns.'

The following subparagraph shall be added after the second subparagraph of paragraph 2: 'Both sides agreed that if the transit situation on the territory of former Yugoslavia is not normalized they will jointly examine before the end of the year the possible changes concerning the abovementioned arrangements. Changes in the above provisions can be made by common agreement between the parties.'

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute an amendment to the Exchange of Letters signed on 16 December 1991.

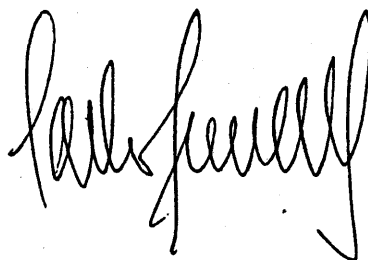
This agreement is hereby approved by the parties in accordance with their respective procedures.

This Agreement shall enter into force on the first day following that on which the parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply from 15 March 1992.

I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*



B. Letter from the Czech and Slovak Federal Republic

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'Upon the occasion of the signatures on 16 December 1991 of the Europe Agreement between the Communities and their Member States and the Czech and Slovak Federal Republic and of the Interim Agreement on trade and trade related matters between the European Economic Community ("the Community") and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, Agreements in the form of Exchanges of Letters between the Community and Czechoslovakia concerning transit were signed. The Europe Agreement has not yet come into force. The Interim Agreement came into force on 1 March 1992.

Since the signature of the Exchanges of Letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This decision had consequences on the arrangements made in December concerning transit and the parties consider it necessary to come to an agreement through the present Exchange of Letters, to amend the relevant provisions of the Exchanges of Letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the Exchanges of Letters signed on 16 December 1991 be amended as follows:

In paragraph 2 the following sentence shall be inserted after the first sentence of the first subparagraph: "The fee per taxable permit is 18 500 Czechoslovak crowns."

The following subparagraph shall be added after the second subparagraph of paragraph 2: "Both sides agreed that if the transit situation on the territory of former Yugoslavia is not normalized they will jointly examine before the end of the year the possible changes concerning the abovementioned arrangements. Changes in the above provisions can be made by common agreement between the parties.

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute an amendment to the Exchanges of Letters signed on 16 December 1991.

This Agreement is hereby approved by the parties in accordance with their respective procedures.

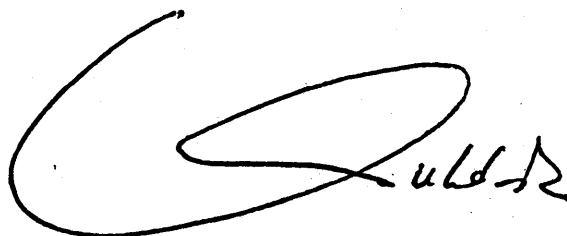
This Agreement shall enter into force on the first day following that on which the parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply from 15 March 1992.

I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the
Czech and Slovak Federal Republic



AGREEMENT

in the form of an exchange of letters replacing the exchanges of letters between the Community and the Czech and Slovak Federal Republic on land transport infrastructure signed in Brussels on 16 December 1991

A. Letter from the Community

Sir,

Upon the occasion of the signature on 16 December 1991 of the Interim Agreement on trade and trade related matters between the European Economic Community ('the Community') and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, an Agreement in the form of an Exchange of Letters between the Community and Czechoslovakia concerning land transport infrastructure was signed. The Interim Agreement came into force on 1 March 1992.

Since the signature of the Exchange of Letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This law had consequences on the arrangements made in December concerning transit and the parties consider it necessary to come to an agreement through the present Exchange of Letters, to amend the relevant provisions of the Exchange of Letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the text of the Exchange of Letters signed on 16 December 1991 be replaced by the following text:

'I have the honour of confirming to you herewith that the Community has full understanding of the infrastructural and environmental problems the Czech and Slovak Federal Republic is facing in the area of transport and shall, within the framework of the financial mechanisms provided for, provide, as appropriate, financing for the improvement of land transport infrastructure, including combined transport.

In this context, I take note of the Czech and Slovak Federal Republic's explanation of the urgent need for financial assistance to enable its land transport infrastructure to cope with the increased transit traffic in its territory.

The parties agree to seek, in the context of the existing Trade and Cooperation Agreement, possible ways and means to contribute to the improvement of such infrastructure in the Czech and Slovak Federal Republic, paying special attention to border crossings and nearby areas, combined transport, transit motorways, waterways transport and environmental aspects, without prejudice to appraisal of projects according to existing procedures.

The parties further agree to start, at their earliest convenience, discussions about possible Community financial assistance.

The Czech and Slovak Federal Republic will consider further reducing the rate of taxable permits for Community hauliers according to progress in the above discussions.

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute the replacement of the Exchange of Letters signed on 16 December 1991.

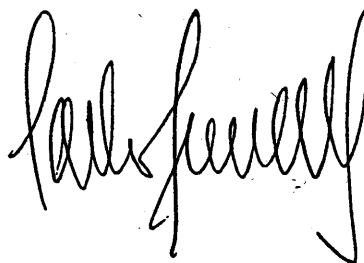
This Agreement is hereby approved by the parties in accordance with their respective procedures.

This Agreement shall enter into force on the first day following that on which the parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply as from 15 March 1992.'

I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

A handwritten signature in dark ink, appearing to be 'J. G. J. J.', written in a cursive style. The signature is positioned below the typed text 'On behalf of the Council of the European Communities'.

B. Letter from the Czech and Slovak Federal Republic

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'Upon the occasion of the signature on 16 December 1991 of the Interim Agreement on trade and trade related matters between the European Economic Community ("the Community") and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, an Agreement in the form of an Exchange of Letters between the Community and Czechoslovakia concerning land transport infrastructure was signed. The Interim Agreement came into force on 1 March 1992.

Since the signature of the Exchange of Letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This law had consequences on the arrangements made in December concerning transit and the parties consider it necessary to come to an agreement through the present Exchange of Letters, to amend the relevant provisions of the Exchange of Letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the text of the Exchange of Letters signed on 16 December 1991 be replaced by the following text:

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The parties agree to seek, in the context of the existing Trade and Cooperation Agreement, possible ways and means to contribute to the improvement of such infrastructure in the Czech and Slovak Federal Republic, paying special attention to border crossings and nearby areas, combined transport, transit motorways, waterways transport and environmental aspects, without prejudice to appraisal of projects according to existing procedures.

The parties further agree to start, at their earliest convenience, discussions about possible Community financial assistance.

The Czech and Slovak Federal Republic will consider further reducing the rate of taxable permits for Community hauliers according to progress in the above discussions."

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute the replacement of the Exchange of Letters signed on 16 December 1991.

This Agreement is hereby approved by the parties in accordance with their respective procedures.

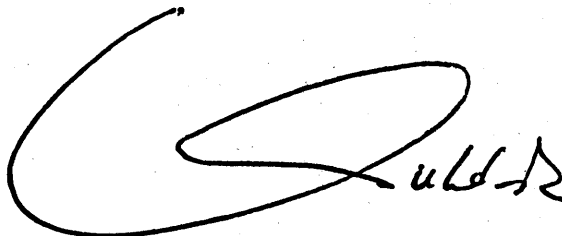
This Agreement shall enter into force on the first day following that on which the parties notify each other that the procedures mentioned in the preceding subparagraph have been completed. It shall apply as from 15 March 1992.

I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*For the
Czech and Slovak Federal Republic*

A large, stylized handwritten signature in black ink, consisting of a large loop followed by a series of smaller, connected strokes.

AGREEMENT

in the form of an exchange of letters replacing the exchanges of letters between the Community and the Czech and Slovak Federal Republic on land transport infrastructure signed in Brussels on 16 December 1991

A. Letter from the Community

Sir,

Upon the occasion of the signature on 16 December 1991 of the Europe Agreement between the Communities and their Member States and the Czech and Slovak Federal Republic an Agreement in the form of an Exchange of Letters between the Community and Czechoslovakia concerning land transport infrastructure was signed. The Europe Agreement has not yet come into force.

Since the signature of the Exchange of Letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This law had consequences on the arrangements made in December concerning transit and the parties consider it necessary to come to an agreement through the present Exchange of Letters, to amend the relevant provisions of the Exchange of Letters signed on 16 December 1991 to take account thereof.

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In this context, I take note of the Czech and Slovak Federal Republic's explanation of the urgent need for financial assistance to enable its land transport infrastructure to cope with the increased transit traffic in its territory.

The parties agree to seek, on the basis of this Exchange of Letters and referring to Article 81 in the Europe Agreement, possible ways and means to contribute to the improvement of such infrastructure in the Czech and Slovak Federal Republic, paying special attention to border crossings and nearby areas, combined transport, transit motorways, waterways transport and environmental aspects, without prejudice to appraisal of projects according to existing procedures.

The parties further agree to start, at their earliest convenience, discussions about possible Community financial assistance.

The Czech and Slovak Federal Republic will consider further reducing the rate of taxable permits for Community hauliers according to progress in the above discussions.'

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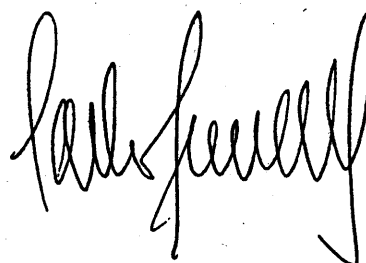
This Agreement is hereby approved by the parties in accordance with their respective procedures.

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I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

A handwritten signature in black ink, appearing to read 'Falkenberg', written in a cursive style.

B. Letter from the Czech and Slovak Republic

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'Upon the occasion of the signature on 16 December 1991 of the Europe Agreement between the Communities and their Member States and the Czech and Slovak Federal Republic an Agreement in the form of an Exchange of Letters between the Community and Czechoslovakia concerning land transport infrastructure was signed. The Europe Agreement has not yet come into force.

Since the signature of the Exchange of Letters, the Czech and Slovak Federal Republic increased the fee for taxable transit permits. This law had consequences on the arrangements made in December concerning transit and the parties consider it necessary to come to an agreement through the present Exchange of Letters, to amend the relevant provisions of the Exchange of Letters signed on 16 December 1991 to take account thereof.

Accordingly, I propose that the text of the Exchange of Letters signed on 16 December 1991 be replaced by the following text:

"I have the honour of confirming to you herewith that the Community has full understanding of the infrastructural and environmental problems the Czech and Slovak Federal Republic is facing in the area of transport and shall, within the framework of the financial mechanisms provided for in the Europe Agreement, provide, as appropriate, financing for the improvement of land transport infrastructure, including combined transport.

In this context, I take note of the Czech and Slovak Federal Republic's explanation of the urgent need for financial assistance to enable its land transport infrastructure to cope with the increased transit traffic in its territory.

The parties agree to seek, on the basis of this Exchange of Letters and referring to Article 81 in the Europe Agreement, possible ways and means to contribute to the improvement of such infrastructure in the Czech and Slovak Federal Republic, paying special attention to border crossings and nearby areas, combined transport, transit motorways, waterways transport and environmental aspects, without prejudice to appraisal of projects according to existing procedures.

The parties further agree to start, at their earliest convenience, discussions about possible Community financial assistance.

The Czech and Slovak Federal Republic will consider further reducing the rate of taxable permits for Community hauliers according to progress in the above discussions."

If the foregoing is acceptable to the Czech and Slovak Federal Republic, I have the honour to propose that this letter, together with Your Excellency's reply to that effect, shall constitute the replacement of the Exchange of Letters signed on 16 December 1991.

This Agreement is hereby approved by the parties in accordance with their respective procedures.

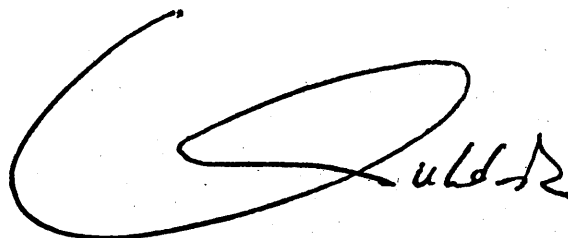
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I should be obliged if you would confirm the agreement of the Government of the Czech and Slovak Federal Republic to the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*For the
Czech and Slovak Federal Republic*

A large, stylized handwritten signature in black ink, consisting of a large loop followed by several smaller, connected strokes.

Information on the entry into force of the amending agreements on transit with Hungary and the Czech and Slovak Federal Republic

The Agreements in the form of exchanges of letters with Hungary and the Czech and Slovak Federal Republic amending or replacing the exchanges of letters on 16 December 1991 ⁽¹⁾ concerning transit and road infrastructure, which the Council decided to conclude on 7 December 1992, entered into force on 10 December 1992, notification of completion of the procedures required for this purpose having been given on 9 December 1992.

⁽¹⁾ For the exchanges of letters drawn up in the framework of the Interim Agreements on trade and trade-related matters, see OJ No L 115 and OJ No L 116, 30. 4. 1992.