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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 3 June 2010

on the signing, on behalf of the European Union, of the Agreement between the European Union and Georgia on the facilitation of the issuance of visas

(2010/706/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2)(a), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 27 November 2008 the Council authorised the Commission to open negotiations with Georgia on an agreement between the European Union and Georgia on the facilitation of the issuance of visas (hereinafter referred to as the 'Agreement'). The negotiations were successfully concluded and the Agreement was initialled on 25 November 2009.

(2) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽¹⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

(3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does

not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*⁽²⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

(4) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(5) The Agreement should be signed subject to its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Agreement between the European Union and Georgia on the facilitation of the issuance of visas (hereinafter referred to as the 'Agreement') is hereby approved on behalf of the Union, subject to the conclusion of the said Agreement⁽³⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union subject to its conclusion.

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 64, 7.3.2002, p. 20.

⁽³⁾ The texts of the Agreement, the Protocol and the Declarations will be published together with the decision on the conclusion of the Agreement.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Luxembourg, 3 June 2010.

For the Council
The President
A. PÉREZ RUBALCABA

REGULATIONS

COMMISSION REGULATION (EU) No 1076/2010

of 22 November 2010

concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of 3 months, continue to be invoked by the holder, pursuant to Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of 3 months pursuant to Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 22 November 2010.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An article (so-called 'common mode choke') with dimensions of approximately $3 \times 3 \times 2$ cm (including the base plate), consisting of two coils of insulated copper wire wound on a circular ferrite core, with a ratio of 1:1. The differential mode current (signal), flowing in opposite directions through the coils, creates equal and opposite magnetic fields which cancel each other out. This results in the article presenting zero impedance to the differential mode current, which passes through unaltered. The common mode current (interference), flowing in the same direction through the coils, creates equal and in-phase magnetic fields which add together. This results in the article presenting high impedance to the common mode current, which passes through attenuated.	8504 50 95	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8504, 8504 50 and 8504 50 95. Classification under subheading 8504 31 as a transformer is excluded, as although the construction of the article is that of a transformer, it cannot transform an alternating current into a different alternating current. It only transfers alternating currents with a ratio of 1:1 (see also the Harmonised System Explanatory Notes to heading 8504). Given its function, the article constitutes an inductor of subheading 8504 50, as it is used to limit or prevent the flow of common mode current (interference) while leaving the flow of differential mode current (signal) unaltered. The article is therefore to be classified under CN code 8504 50 95 as an inductor.

COMMISSION REGULATION (EU) No 1077/2010**of 23 November 2010****establishing a prohibition of fishing for plaice in Skagerrak by vessels flying the flag of the Netherlands**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty on the Functioning of the European Union,

*Article 1***Quota exhaustion**Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required ⁽²⁾, lays down quotas for 2010.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 23 November 2010.

*For the Commission,
On behalf of the President,*

Lowri EVANS

Director-General for Maritime Affairs and Fisheries⁽¹⁾ OJ L 343, 22.12.2009, p. 1.⁽²⁾ OJ L 21, 26.1.2010, p. 1.

ANNEX

No	38/T&Q
Member State	The Netherlands
Stock	PLE/03AN.
Species	Plaice (<i>Pleuronectes platessa</i>)
Zone	Skagerrak
Date	18.9.2010

COMMISSION REGULATION (EU) No 1078/2010**of 23 November 2010****establishing a prohibition of fishing for skates and rays in EU waters of IIa and IV by vessels flying the flag of Germany**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty on the Functioning of the European Union,

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required ⁽²⁾, lays down quotas for 2010.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 23 November 2010.

*For the Commission,
On behalf of the President,*

Fokion FOTIADIS
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 21, 26.1.2010, p. 1.

ANNEX

No	10/T&Q
Member State	Germany
Stock	SRX/2AC4-C
Species	Skates and rays (<i>Rajidae</i>)
Zone	EU waters of IIa and IV
Date	29.5.2010

COMMISSION REGULATION (EU) No 1079/2010**of 23 November 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 November 2010.

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

Done at Brussels, 23 November 2010.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	48,4
	EC	92,0
	IL	95,1
	MA	70,3
	MK	57,4
	ZZ	72,6
0707 00 05	AL	54,8
	EG	150,8
	JO	182,1
	TR	68,3
	ZZ	114,0
0709 90 70	MA	68,2
	TR	104,9
	ZZ	86,6
0805 20 10	MA	69,9
	ZA	141,4
	ZZ	105,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	60,1
	IL	75,7
	MA	61,9
	TR	65,6
	UY	58,1
	ZZ	64,3
0805 50 10	AR	51,5
	CL	79,2
	MA	68,0
	TR	63,7
	UY	57,1
	ZA	51,7
	ZZ	61,9
0808 10 80	AR	83,1
	AU	167,8
	BR	49,6
	CA	113,1
	CL	74,6
	CN	66,3
	MK	24,7
	NZ	99,3
	US	123,0
	ZA	104,4
	ZZ	90,6
0808 20 50	CL	78,3
	CN	105,1
	US	160,9
	ZZ	114,8

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DIRECTIVES

COMMISSION DIRECTIVE 2010/80/EU

of 22 November 2010

amending Directive 2009/43/EC of the European Parliament and of the Council as regards the list of defence-related products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) Directive 2009/43/EC covers all defence-related products which correspond to those listed in the Common Military List of the European Union, adopted by the Council on 19 March 2007.
- (2) On 15 February 2010 the Council adopted an updated Common Military List of the European Union ⁽²⁾.
- (3) It is therefore necessary to amend the Annex to Directive 2009/43/EC providing for the list of defence-related products.
- (4) For reasons of coherence, Member States should apply the provisions necessary to comply with this Directive from the same date as those provisions necessary to comply with Directive 2009/43/EC.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Committee referred to in Article 14 of Directive 2009/43/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 2009/43/EC is replaced by the text set out in the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 30 June 2011 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Those provisions apply from 30 June 2012.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 November 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 146, 10.6.2009, p. 1.

⁽²⁾ OJ C 69, 18.3.2010, p. 19.

ANNEX

LIST OF DEFENCE-RELATED PRODUCTS

Note 1: Terms in 'quotations' are defined terms. Refer to 'Definitions of Terms' annexed to this List.

Note 2: In some instances chemicals are listed by name and CAS number. The list applies to chemicals of the same structural formula (including hydrates) regardless of name or CAS number. CAS numbers are shown to assist in identifying a particular chemical or mixture, irrespective of nomenclature. CAS numbers cannot be used as unique identifiers because some forms of the listed chemical have different CAS numbers, and mixtures containing a listed chemical may also have different CAS numbers.

ML1 Smooth-bore weapons with a calibre of less than 20 mm, other arms and automatic weapons with a calibre of 12,7 mm (calibre 0,50 inches) or less and accessories, as follows, and specially designed components therefor:

a. Rifles, carbines, revolvers, pistols, machine pistols and machine guns;

Note: ML1.a. does not apply to the following:

a. Muskets, rifles and carbines manufactured earlier than 1938;

b. Reproductions of muskets, rifles and carbines the originals of which were manufactured earlier than 1890;

c. Revolvers, pistols and machine guns manufactured earlier than 1890, and their reproductions;

b. Smooth-bore weapons, as follows:

1. Smooth-bore weapons specially designed for military use;

2. Other smooth-bore weapons as follows:

a. Fully automatic type weapons;

b. Semi-automatic or pump-action type weapons;

c. Weapons using caseless ammunition;

d. Silencers, special gun-mountings, clips, weapons sights and flash suppressors for arms specified by ML1.a., ML1.b. or ML1.c.

Note 1: ML1 does not apply to smooth-bore weapons used for hunting or sporting purposes. These weapons must not be specially designed for military use or of the fully automatic firing type.

Note 2: ML1 does not apply to firearms specially designed for dummy ammunition and which are incapable of firing any ammunition specified by ML3.

Note 3: ML1 does not apply to weapons using non-centre fire cased ammunition and which are not of the fully automatic firing type.

Note 4: ML1.d. does not apply to optical weapon sights without electronic image processing, with a magnification of 4 times or less, provided they are not specially designed or modified for military use.

ML2

Smooth-bore weapons with a calibre of 20 mm or more, other weapons or armament with a calibre greater than 12,7 mm (calibre 0,50 inches), projectors and accessories, as follows, and specially designed components therefor:

- a. Guns, howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers, rifles, recoilless rifles, smooth-bore weapons and signature reduction devices therefor;

Note 1: ML2.a. includes injectors, metering devices, storage tanks and other specially designed components for use with liquid propelling charges for any of the equipment specified by ML2.a.

Note 2: ML2.a. does not apply to weapons as follows:

1. Muskets, rifles and carbines manufactured earlier than 1938;
2. Reproductions of muskets, rifles and carbines the originals of which were manufactured earlier than 1890.

Note 3: ML2.a. does not apply to hand-held projectile launchers specially designed to launch tethered projectiles having no high explosive charge or communications link, to a range of less than or equal to 500 m.

- b. Smoke, gas and pyrotechnic projectors or generators, specially designed or modified for military use;

Note: ML2.b. does not apply to signal pistols.

- c. Weapons sights.

- d. Mountings specially designed for the weapons specified in ML2.a

ML3

Ammunition and fuse setting devices, as follows, and specially designed components therefor:

- a. Ammunition for weapons specified by ML1, ML2 or ML12;
- b. Fuse setting devices specially designed for ammunition specified by ML3.a.

Note 1: Specially designed components specified by ML3 include:

- a. Metal or plastic fabrications such as primer anvils, bullet cups, cartridge links, rotating bands and munitions metal parts;
- b. Safing and arming devices, fuses, sensors and initiation devices;
- c. Power supplies with high one-time operational output;
- d. Combustible cases for charges;
- e. Submunitions including bomblets, minelets and terminally guided projectiles.

Note 2: ML3.a. does not apply to ammunition crimped without a projectile (blank star) and dummy ammunition with a pierced powder chamber.

ML3 b. (continued)

Note 3: ML3.a. does not apply to cartridges specially designed for any of the following purposes:

- a. Signalling;
- b. Bird scaring; or
- c. Lighting of gas flares at oil wells.

ML4 **Bombs, torpedoes, rockets, missiles, other explosive devices and charges and related equipment and accessories, as follows, and specially designed components therefor:**

N.B.1: For guidance and navigation equipment, see ML11.

N.B.2: For Aircraft Missile Protection Systems (AMPS), see ML4.c.

- a. Bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition-charges, demolition-devices, demolition-kits, 'pyrotechnic' devices, cartridges and simulators (i.e. equipment simulating the characteristics of any of these items), specially designed for military use;

Note: ML4.a. includes:

- a. Smoke grenades, fire bombs, incendiary bombs and explosive devices;
- b. Missile rocket nozzles and re-entry vehicle nosetips.

- b. Equipment having all of the following:

- 1. Specially designed for military use; and
- 2. Specially designed for the handling, controlling, activating, powering with one-time operational output, launching, laying, sweeping, discharging, decoying, jamming, detonating, disrupting, disposing or detecting of any of the following:
 - a. Items specified by ML4.a.; or
 - b. Improvised Explosive Devices (IEDs).

Note 1: ML4.b. includes:

- a. Mobile gas liquefying equipment capable of producing 1 000 kg or more per day of gas in liquid form;
- b. Buoyant electric conducting cable suitable for sweeping magnetic mines.

Note 2: ML4.b. does not apply to hand-held devices, limited by design solely to the detection of metal objects and incapable of distinguishing between mines and other metal objects.

- c. Aircraft Missile Protection Systems (AMPS).

Note: ML4.c. does not apply to AMPS having all of the following:

- a. Any of the following missile warning sensors:
 - 1. Passive sensors having peak response between 100-400 nm; or
 - 2. Active pulsed Doppler missile warning sensors;

ML4

c. Note: (continued)

b. Countermeasures dispensing systems;

c. Flares, which exhibit both a visible signature and an infrared signature, for decoying surface-to-air missiles; and

d. Installed on 'civil aircraft' and having all of the following:

1. The AMPS is only operable in a specific 'civil aircraft' in which the specific AMPS is installed and for which any of the following has been issued:

a. A civil Type Certificate; or

b. An equivalent document recognised by the International Civil Aviation Organisation (ICAO);

2. The AMPS employs protection to prevent unauthorised access to 'software'; and

3. The AMPS incorporates an active mechanism that forces the system not to function when it is removed from the 'civil aircraft' in which it was installed.

ML5

Fire control, and related alerting and warning equipment, and related systems, test and alignment and countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor:

a. Weapon sights, bombing computers, gun laying equipment and weapon control systems;

b. Target acquisition, designation, range-finding, surveillance or tracking systems; detection, data fusion, recognition or identification equipment; and sensor integration equipment;

c. Countermeasure equipment for items specified by ML5.a. or ML5.b.;

Note: For the purposes of ML5.c., countermeasure equipment includes detection equipment.

d. Field test or alignment equipment, specially designed for items specified by ML5.a., ML5.b. or ML5.c.

ML6

Ground vehicles and components, as follows:N.B. For guidance and navigation equipment, see ML11.

a. Ground vehicles and components therefor, specially designed or modified for military use;

Technical Note

For the purposes of ML6.a. the term ground vehicles includes trailers.

b. All-wheel drive vehicles capable of off-road use which have been manufactured or fitted with materials to provide ballistic protection to level III (NIJ 0108.01, September 1985, or comparable national standard) or better.

N.B. See also ML13.aNote 1: ML6.a. includes:

a. Tanks and other military armed vehicles and military vehicles fitted with mountings for arms or equipment for mine laying or the launching of munitions specified by ML4;

b. Armoured vehicles;

ML6

Note 1: (continued)

- c. Amphibious and deep water fording vehicles;
- d. Recovery vehicles and vehicles for towing or transporting ammunition or weapon systems and associated load handling equipment.

Note 2: Modification of a ground vehicle for military use specified by ML6.a. entails a structural, electrical or mechanical change involving one or more components that are specially designed for military use. Such components include:

- a. Pneumatic tyre casings of a kind specially designed to be bullet-proof or to run when deflated;
- b. Armoured protection of vital parts, (e.g. fuel tanks or vehicle cabs);
- c. Special reinforcements or mountings for weapons;
- d. Black-out lighting.

Note 3: ML6 does not apply to civil automobiles, or trucks designed or modified for transporting money or valuables, having armoured or ballistic protection.

ML7

Chemical or biological toxic agents, 'riot control agents', radioactive materials, related equipment, components and materials, as follows:

- a. Biological agents and radioactive materials 'adapted for use in war' to produce casualties in humans or animals, degrade equipment or damage crops or the environment;

- b. Chemical warfare (CW) agents, including:

- 1. CW nerve agents:

- a. O-Alkyl (equal to or less than C₁₀, including cycloalkyl) alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) -phosphonofluoridates, such as:

Sarin (GB):O-Isopropyl methylphosphonofluoridate (CAS 107-44-8); and

Soman (GD):O-Pinacolyl methylphosphonofluoridate (CAS 96-64-0);

- b. O-Alkyl (equal to or less than C₁₀, including cycloalkyl) N,N-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphoramidocyanidates, such as:

Tabun (GA):O-Ethyl N,N-dimethylphosphoramidocyanidate (CAS 77-81-6);

- c. O-Alkyl (H or equal to or less than C₁₀, including cycloalkyl) S-2-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl)-aminoethyl alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphonothiolates and corresponding alkylated and protonated salts, such as:

VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate (CAS 50782-69-9);

- 2. CW vesicant agents:

- a. Sulphur mustards, such as:

1. 2-Chloroethylchloromethylsulphide (CAS 2625-76-5);

2. Bis(2-chloroethyl) sulphide (CAS 505-60-2);

ML7

b. 2. a. *(continued)*

3. Bis(2-chloroethylthio) methane (CAS 63869-13-6);
4. 1,2-bis (2-chloroethylthio) ethane (CAS 3563-36-8);
5. 1,3-bis (2-chloroethylthio) -n-propane (CAS 63905-10-2);
6. 1,4-bis (2-chloroethylthio) -n-butane (CAS 142868-93-7);
7. 1,5-bis (2-chloroethylthio) -n-pentane (CAS 142868-94-8);
8. Bis (2-chloroethylthiomethyl) ether (CAS 63918-90-1);
9. Bis (2-chloroethylthioethyl) ether (CAS 63918-89-8);

b. Lewisites, such as:

1. 2-chlorovinylchloroarsine (CAS 541-25-3);
2. Tris (2-chlorovinyl) arsine (CAS 40334-70-1);
3. Bis (2-chlorovinyl) chloroarsine (CAS 40334-69-8);

c. Nitrogen mustards, such as:

1. HN1: bis (2-chloroethyl) ethylamine (CAS 538-07-8);
2. HN2: bis (2-chloroethyl) methylamine (CAS 51-75-2);
3. HN3: tris (2-chloroethyl) amine (CAS 555-77-1);

3. CW incapacitating agents, such as:

- a. 3-Quinuclidinyl benzilate (BZ) (CAS 6581-06-2);

4. CW defoliants, such as:

- a. Butyl 2-chloro-4-fluorophenoxyacetate (LNF);
- b. 2,4,5-trichlorophenoxyacetic acid (CAS 93-76-5) mixed with 2,4-dichlorophenoxyacetic acid (CAS 94-75-7) (Agent Orange (CAS 39277-47-9));

c. CW binary precursors and key precursors, as follows:

1. Alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) Phosphonyl Difluorides, such as:

DF: Methyl Phosphonyldifluoride (CAS 676-99-3);

2. O-Alkyl (H or equal to or less than C₁₀, including cycloalkyl) O-2-dialkyl (Methyl, Ethyl, n-Propyl or Isopropyl) aminoethyl alkyl (Methyl, Ethyl, n-Propyl or Isopropyl) phosphonites and corresponding alkylated and protonated salts, such as:

QL: O-Ethyl-2-di-isopropylaminoethyl methylphosphonite (CAS 57856-11-8);

ML7

c. *(continued)*

3. Chlorosarin: O-Isopropyl methylphosphonochloridate (CAS 1445-76-7);

4. Chlorosoman: O-Pinacolyl methylphosphonochloridate (CAS 7040-57-5);

d. 'Riot control agents', active constituent chemicals and combinations thereof, including:

1. α-Bromobenzeneacetonitrile, (Bromobenzyl cyanide) (CA) (CAS 5798-79-8);

2. [(2-chlorophenyl) methylene] propanedinitrile, (o-Chlorobenzylidenemalononitrile (CS) (CAS 2698-41-1);

3. 2-Chloro-1-phenylethanone, Phenylacetyl chloride (ω-chloroacetophenone) (CN) (CAS 532-27-4);

4. Dibenz-(b,f)-1,4-oxazephine, (CR) (CAS 257-07-8);

5. 10-Chloro-5,10-dihydrophenarsazine, (Phenarsazine chloride), (Adamsite), (DM) (CAS 578-94-9);

6. N-Nonanoylmorpholine, (MPA) (CAS 5299-64-9);

Note 1: ML7.d. does not apply to 'riot control agents' individually packaged for personal self-defence purposes.

Note 2: ML7.d. does not apply to active constituent chemicals, and combinations thereof, identified and packaged for food production or medical purposes.

e. Equipment specially designed or modified for military use, designed or modified for the dissemination of any of the following, and specially designed components therefor:

1. Materials or agents specified by ML7.a., ML7.b. or ML7.d.; or

2. CW agents made up of precursors specified by ML7.c.

f. Protective and decontamination equipment, specially designed or modified for military use, components and chemical mixtures, as follows:

1. Equipment designed or modified for defence against materials specified by ML7.a., ML7.b. or ML7.d., and specially designed components therefor;

2. Equipment designed or modified for decontamination of objects contaminated with materials specified by ML7.a. or ML7.b. and specially designed components therefor;

3. Chemical mixtures specially developed or formulated for the decontamination of objects contaminated with materials specified by ML7.a. or ML7.b.;

Note: ML7.f.1. includes:

a. Air conditioning units specially designed or modified for nuclear, biological or chemical filtration;

b. Protective clothing.

N.B. For civil gas masks, protective and decontamination equipment, see also entry 1A004 on the EU Dual-Use List.

ML7

(continued)

- g. Equipment specially designed or modified for military use designed or modified for the detection or identification of materials specified by ML7.a., ML7.b. or ML7.d., and specially designed components therefor;

Note: ML7.g. does not apply to personal radiation monitoring dosimeters.

N.B. See also entry 1A004 on the EU Dual-Use List.

- h. 'Biopolymers' specially designed or processed for the detection or identification of CW agents specified by ML7.b., and the cultures of specific cells used to produce them;
- i. 'Biocatalysts' for the decontamination or degradation of CW agents, and biological systems therefor, as follows:
1. 'Biocatalysts' specially designed for the decontamination or degradation of CW agents specified by ML7.b. resulting from directed laboratory selection or genetic manipulation of biological systems;
 2. Biological systems as follows: 'expression vectors', viruses or cultures of cells, containing the genetic information specific to the production of 'biocatalysts' specified by ML7.i.1.

Note 1: ML7.b. and ML7.d. do not apply to the following:

- a. Cyanogen chloride (CAS 506-77-4). See 1C450.a.5. on the EU Dual-Use List;
- b. Hydrocyanic acid (CAS 74-90-8);
- c. Chlorine (CAS 7782-50-5);
- d. Carbonyl chloride (phosgene) (CAS 75-44-5). See 1C450.a.4. on the EU Dual-Use List;
- e. Diphosgene (trichloromethyl-chloroformate) (CAS 503-38-8);
- f. Not used since 2004;
- g. Xylyl bromide, ortho: (CAS 89-92-9), meta: (CAS 620-13-3), para: (CAS 104-81-4);
- h. Benzyl bromide (CAS 100-39-0);
- i. Benzyl iodide (CAS 620-05-3);
- j. Bromo acetone (CAS 598-31-2);
- k. Cyanogen bromide (CAS 506-68-3);
- l. Bromo methylethylketone (CAS 816-40-0);
- m. Chloro acetone (CAS 78-95-5);

ML7 Note 1: (continued)

n. Ethyl iodoacetate (CAS 623-48-3);

o. Iodo acetone (CAS 3019-04-3);

p. Chloropicrin (CAS 76-06-2). See 1C450.a.7. on the EU Dual-Use List.

Note 2: The cultures of cells and biological systems specified by ML7.h. and ML7.i.2. are exclusive and these sub-items do not apply to cells or biological systems for civil purposes, such as agricultural, pharmaceutical, medical, veterinary, environmental, waste management, or in the food industry.

ML8 **'Energetic materials', and related substances, as follows:**

N.B.1. See also 1C011 on the EU Dual-Use List.

N.B.2. For charges and devices, see ML4 and 1A008 on the EU Dual-Use List

Technical Notes

1. For the purposes of ML8, mixture refers to a composition of two or more substances with at least one substance being listed in the ML8 sub-items.

2. Any substance listed in the ML8 sub-items is subject to this list, even when utilised in an application other than that indicated. (e.g. TAGN is predominantly used as an explosive but can also be used either as a fuel or an oxidizer.)

a. 'Explosives', as follows, and mixtures thereof:

1. ADNBF (aminodinitrobenzofuroxan or 7-amino-4,6-dinitrobenzofurazane-1-oxide) (CAS 97096-78-1);

2. BNCP (cis-bis (5-nitrotetrazolato) tetra amine-cobalt (III) perchlorate) (CAS 117412-28-9);

3. CL-14 (diamino dinitrobenzofuroxan or 5,7-diamino-4,6-dinitrobenzofurazane-1-oxide) (CAS 117907-74-1);

4. CL-20 (HNIW or Hexanitrohexaazaisowurtzitane) (CAS 135285-90-4); clathrates of CL-20 (see also ML8.g.3. and g.4. for its 'precursors');

5. CP (2-(5-cyanotetrazolato) penta amine-cobalt (III) perchlorate) (CAS 70247-32-4);

6. DADE (1,1-diamino-2,2-dinitroethylene, FOX7) (CAS 145250-81-3);

7. DATB (diaminotrinitrobenzene) (CAS 1630-08-6);

8. DDFP (1,4-dinitrodifurazanopiperazine);

9. DDPO (2,6-diamino-3,5-dinitropyrazine-1-oxide, PZO) (CAS 194486-77-6);

10. DIPAM (3,3'-diamino-2,2',4,4',6,6'-hexanitrobiphenyl or dipicramide) (CAS 17215-44-0);

ML8

a. *(continued)*

11. DNGU (DINGU or dinitroglycoluril) (CAS 55510-04-8);
12. Furazans, as follows:
 - a. DAAOF (diaminoazoxyfurazan);
 - b. DAAzF (diaminoazofurazan) (CAS 78644-90-3);
13. HMX and derivatives (see also ML8.g.5. for its 'precursors'), as follows:
 - a. HMX (Cyclotetramethylenetetranitramine, octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazine, 1,3,5,7-tetranitro-1,3,5,7-tetraza-cyclooctane, octogen or octogene) (CAS 2691-41-0);
 - b. difluoroaminated analogs of HMX;
 - c. K-55 (2,4,6,8-tetranitro-2,4,6,8-tetraazabicyclo [3,3,0]-octanone-3, tetranitrosemiglycouril or keto-bicyclic HMX) (CAS 130256-72-3);
14. HNAD (hexanitroadamantane) (CAS 143850-71-9);
15. HNS (hexanitrostilbene) (CAS 20062-22-0);
16. Imidazoles as follows:
 - a. BNNII (Octahydro-2,5-bis(nitroimino)imidazo [4,5-d]imidazole);
 - b. DNI (2,4-dinitroimidazole) (CAS 5213-49-0);
 - c. FDIA (1-fluoro-2,4-dinitroimidazole);
 - d. NTDNIA (N-(2-nitrotriazolo)-2,4-dinitroimidazole);
 - e. PTIA (1-picryl-2,4,5-trinitroimidazole);
17. NTNMH (1-(2-nitrotriazolo)-2-dinitromethylene hydrazine);
18. NTO (ONTA or 3-nitro-1,2,4-triazol-5-one) (CAS 932-64-9);
19. Polynitrocubanes with more than four nitro groups;
20. PYX (2,6-Bis(picrylamino)-3,5-dinitropyridine) (CAS 38082-89-2);
21. RDX and derivatives, as follows:
 - a. RDX (cyclotrimethylenetrinitramine, cyclonite, T4, hexahydro-1,3,5-trinitro-1,3,5-triazine, 1,3,5-trinitro-1,3,5-triaza-cyclohexane, hexogen or hexogene) (CAS 121-82-4);
 - b. Keto-RDX (K-6 or 2,4,6-trinitro-2,4,6-triazacyclohexanone) (CAS 115029-35-1);
22. TAGN (triaminoguanidinenitrate) (CAS 4000-16-2);
23. TATB (triaminotrinitrobenzene) (CAS 3058-38-6) (see also ML8.g.7 for its 'precursors');
24. TEDDZ (3,3,7,7-tetrakis(difluoroamine) octahydro-1,5-dinitro-1,5-diazocine);

ML8

a. *(continued)*

25. Tetrazoles, as follows:

- a. NTAT (nitrotriazol aminotetrazole);
- b. NTNT (1-N-(2-nitrotriazolo)-4-nitrotetrazole);

26. Tetryl (trinitrophenylmethylnitramine) (CAS 479-45-8);

27. TNAD (1,4,5,8-tetranitro-1,4,5,8-tetraazadecalin) (CAS 135877-16-6) (see also ML8.g.6. for its 'precursors');

28. TNAZ (1,3,3-trinitroazetidine) (CAS 97645-24-4) (see also ML8.g.2. for its 'precursors');

29. TNGU (SORGUYL or tetranitroglycoluril) (CAS 55510-03-7);

30. TNP (1,4,5,8-tetranitro-pyridazino[4,5-d]pyridazine) (CAS 229176-04-9);

31. Triazines, as follows:

- a. DNAM (2-oxy-4,6-dinitroamino-s-triazine) (CAS 19899-80-0);
- b. NNHT (2-nitroimino-5-nitro-hexahydro-1,3,5-triazine) (CAS 130400-13-4);

32. Triazoles, as follows:

- a. 5-azido-2-nitrotriazole;
- b. ADHTDN (4-amino-3,5-dihydrazino-1,2,4-triazole dinitramide) (CAS 1614-08-0);
- c. ADNT (1-amino-3,5-dinitro-1,2,4-triazole);
- d. BDNTA ([bis-dinitrotriazole]amine);
- e. DBT (3,3'-dinitro-5,5-bi-1,2,4-triazole) (CAS 30003-46-4);
- f. DNBT (dinitrobistriazole) (CAS 70890-46-9);
- g. NTDNA (2-nitrotriazole 5-dinitramide) (CAS 75393-84-9);
- h. NTDNT (1-N-(2-nitrotriazolo) 3,5-dinitrotriazole);
- i. PDNT (1-picryl-3,5-dinitrotriazole);
- j. TACOT (tetranitrobenzotriazolobenzotriazole) (CAS 25243-36-1);

33. Explosives not listed elsewhere in ML8.a. and having any of the following:

- a. Detonation velocity exceeding 8 700 m/s, at maximum density, or
- b. Detonation pressure exceeding 34 GPa (340 kbar);

34. Organic explosives not listed elsewhere in ML8.a. and having all the following:

- a. Yielding detonation pressures of 25 GPa (250 kbar) or more and
- b. Remaining stable at temperatures of 523 K (250 °C) or higher for periods of five minutes or longer;

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(continued)

b. 'Propellants' as follows:

1. Any United Nations (UN) Class 1.1 solid 'propellant' with a theoretical specific impulse (under standard conditions) of more than 250 seconds for non-metallised, or more than 270 seconds for aluminised compositions;
2. Any UN Class 1.3 solid 'propellant' with a theoretical specific impulse (under standard conditions) of more than 230 seconds for non-halogenised, 250 seconds for non-metallised compositions and 266 seconds for metallised compositions;
3. 'Propellants' having a force constant of more than 1 200 kJ/kg;
4. 'Propellants' that can sustain a steady-state linear burning rate of more than 38 mm/s under standard conditions (as measured in the form of an inhibited single strand) of 6,89 MPa (68,9 bar) pressure and 294 K (21 °C);
5. Elastomer Modified Cast Double Base (EMCDB) 'propellants' with extensibility at maximum stress of more than 5 % at 233 K (– 40 °C);
6. Any 'propellant' containing substances specified by ML8.a.
7. 'Propellants', not specified elsewhere in the EU Common Military List, specially designed for military use;

c. 'Pyrotechnics', fuels and related substances, as follows, and mixtures thereof:

1. Aircraft fuels specially formulated for military purposes;
2. Alane (aluminium hydride) (CAS 7784-21-6);
3. Carboranes; decaborane (CAS 17702-41-9); pentaboranes (CAS 19624-22-7 and 18433-84-6) and their derivatives;
4. Hydrazine and derivatives, as follows (see also ML8.d.8. and d.9. for oxidising hydrazine derivatives):
 - a. Hydrazine (CAS 302-01-2) in concentrations of 70 % or more;
 - b. Monomethyl hydrazine (CAS 60-34-4);
 - c. Symmetrical dimethyl hydrazine (CAS 540-73-8);
 - d. Unsymmetrical dimethyl hydrazine (CAS 57-14-7);
5. Metal fuels in particle form whether spherical, atomised, spheroidal, flaked or ground, manufactured from material consisting of 99 % or more of any of the following:
 - a. Metals as follows and mixtures thereof:
 1. Beryllium (CAS 7440-41-7) in particle sizes of less than 60 µm;
 2. Iron powder (CAS 7439-89-6) with particle size of 3 µm or less produced by reduction of iron oxide with hydrogen;

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c. 5. (continued)

b. Mixtures containing any of the following:

1. Zirconium (CAS 7440-67-7), magnesium (CAS 7439-95-4) or alloys of these in particle sizes of less than 60 µm; or
2. Boron (CAS 7440-42-8) or boron carbide (CAS 12069-32-8) fuels of 85 % purity or higher and particle sizes of less than 60 µm;
6. Military materials, containing thickeners for hydrocarbon fuels, specially formulated for use in flame throwers or incendiary munitions, such as metal stearates or palmates (e.g. octal (CAS 637-12-7)) and M1, M2, and M3 thickeners;
7. Perchlorates, chlorates and chromates, composited with powdered metal or other high energy fuel components;
8. Spherical aluminium powder (CAS 7429-90-5) with a particle size of 60 µm or less, manufactured from material with an aluminium content of 99 % or more;
9. Titanium subhydride (TiH_n) of stoichiometry equivalent to n = 0,65 to 1,68.

Note 1: Aircraft fuels specified by ML8.c.1. are finished products, not their constituents.

Note 2: ML8.c.4.a. does not apply to hydrazine mixtures specially formulated for corrosion control.

Note 3: ML8.c.5. applies to explosives and fuels, whether or not the metals or alloys are encapsulated in aluminium, magnesium, zirconium, or beryllium.

Note 4: ML8.c.5.b.2. does not apply to boron and boron carbide enriched with boron-10 (20 % or more of total boron-10 content).

d. Oxidizers as follows, and mixtures thereof:

1. ADN (ammonium dinitramide or SR 12) (CAS 140456-78-6);
2. AP (ammonium perchlorate) (CAS 7790-98-9);
3. Compounds composed of fluorine and any of the following:
 - a. Other halogens;
 - b. Oxygen; or
 - c. Nitrogen;

Note 1: ML8.d.3 does not apply to chlorine trifluoride (CAS 7790-91-2). See 1C238 on the EU Dual-Use List.

Note 2: ML8.d.3 does not apply to nitrogen trifluoride (CAS 7783-54-2) in its gaseous state.

4. DNAD (1,3-dinitro-1,3-diazetidine) (CAS 78246-06-7);
5. HAN (hydroxylammonium nitrate) (CAS 13465-08-2);
6. HAP (hydroxylammonium perchlorate) (CAS 15588-62-2);
7. HNF (hydrazinium nitroformate) (CAS 20773-28-8);

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d. (*continued*)

8. Hydrazine nitrate (CAS 37836-27-4);
9. Hydrazine perchlorate (CAS 27978-54-7);
10. Liquid oxidisers comprised of or containing inhibited red fuming nitric acid (IRFNA) (CAS 8007-58-7);

Note: ML8.d.10 does not apply to non-inhibited fuming nitric acid.

e. Binders, plasticisers, monomers and polymers, as follows:

1. AMMO (azidomethylmethyloxetane and its polymers) (CAS 90683-29-7) (see also ML8.g.1. for its 'precursors');
2. BAMO (bisazidomethyloxetane and its polymers) (CAS 17607-20-4) (see also ML8.g.1. for its 'precursors');
3. BDNPA (bis (2,2-dinitropropyl)acetal) (CAS 5108-69-0);
4. BDNPF (bis (2,2-dinitropropyl)formal) (CAS 5917-61-3);
5. BTTN (butanetrioltrinitrate) (CAS 6659-60-5) (see also ML8.g.8. for its 'precursors');
6. Energetic monomers, plasticisers or polymers, specially formulated for military use and containing any of the following:
 - a. Nitro groups;
 - b. Azido groups;
 - c. Nitrate groups;
 - d. Nitratiza groups; or
 - e. Difluoroamino groups;
7. FAMAO (3-difluoroaminomethyl-3-azidomethyl oxetane) and its polymers;
8. FEFO (bis-(2-fluoro-2,2-dinitroethyl) formal) (CAS 17003-79-1);
9. FPF-1 (poly-2,2,3,3,4,4-hexafluoropentane-1,5-diol formal) (CAS 376-90-9);
10. FPF-3 (poly-2,4,4,5,5,6-heptafluoro-2-tri-fluoromethyl-3-oxaheptane-1,7-diol formal);
11. GAP (glycidylazide polymer) (CAS 143178-24-9) and its derivatives;
12. HTPB (hydroxyl terminated polybutadiene) with a hydroxyl functionality equal to or greater than 2,2 and less than or equal to 2,4, a hydroxyl value of less than 0,77 meq/g, and a viscosity at 30 °C of less than 47 poise (CAS 69102-90-5);
13. Alcohol functionalised poly(epichlorohydrin) with a molecular weight less than 10 000, as follows:
 - a. Poly(epichlorohydrindiol);
 - b. Poly(epichlorohydrintriol)

ML8

e. *(continued)*

14. NENAs (nitratoethylnitramine compounds) (CAS 17096-47-8, 85068-73-1, 82486-83-7, 82486-82-6 and 85954-06-9);
15. PGN (poly-GLYN, polyglycidynitrate or poly(nitratomethyl oxirane) (CAS 27814-48-8);
16. Poly-NIMMO (poly nitratomethylmethyloxetane) or poly-NMMO (poly[3-Nitratomethyl-3-methyloxetane]) (CAS 84051-81-0);
17. Polynitroorthocarbonates;
18. TVOPA (1,2,3-tris[1,2-bis(difluoroamino)ethoxy] propane or tris vinoxyl propane adduct) (CAS 53159-39-0).

f. 'Additives' as follows:

1. Basic copper salicylate (CAS 62320-94-9);
2. BHEGA (bis-(2-hydroxyethyl) glycolamide) (CAS 17409-41-5);
3. BNO (butadienenitrileoxide) (CAS 9003-18-3);
4. Ferrocene derivatives as follows:
 - a. Butacene (CAS 125856-62-4);
 - b. Catocene (2,2-bis-ethylferrocenyl propane) (CAS 37206-42-1);
 - c. Ferrocene carboxylic acids;
 - d. n-butyl-ferrocene (CAS 31904-29-7);
 - e. Other adducted polymer ferrocene derivatives;
5. Lead beta-resorcyate (CAS 20936-32-7);
6. Lead citrate (CAS 14450-60-3);
7. Lead-copper chelates of beta-resorcyate or salicylates (CAS 68411-07-4);
8. Lead maleate (CAS 19136-34-6);
9. Lead salicylate (CAS 15748-73-9);
10. Lead stannate (CAS 12036-31-6);
11. MAPO (tris-1-(2-methyl)aziridinyl phosphine oxide) (CAS 57-39-6); BOBBA 8 (bis(2-methyl aziridinyl) 2-(2-hydroxypropanoxy) propylamino phosphine oxide); and other MAPO derivatives;
12. Methyl BAPO (bis(2-methyl aziridinyl) methylamino phosphine oxide) (CAS 85068-72-0);

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f. *(continued)*

13. N-methyl-p-nitroaniline (CAS 100-15-2);
14. 3-Nitrazo-1,5-pentane diisocyanate (CAS 7406-61-9);
15. Organo-metallic coupling agents as follows:
 - a. Neopentyl[diallyl]oxy, tri[diethyl]phosphato-titanate (CAS 103850-22-2); also known as titanium IV, 2,2[bis 2-propenolato-methyl, butanolato, tris (diethyl) phosphato] (CAS 110438-25-0); or LICA 12 (CAS 103850-22-2);
 - b. Titanium IV, [(2-propenolato-1) methyl, n-propanolatomethyl] butanolato-1, tris[diethyl] pyrophosphate or KR3538;
 - c. Titanium IV, [(2-propenolato-1)methyl, n-propanolatomethyl] butanolato-1, tris(diethyl)phosphate;
16. Polycyanodifluoroaminoethyleneoxide;
17. Polyfunctional aziridine amides with isophthalic, trimesic (BITA or butylene imine trimesamide), isocyanuric or trimethyladipic backbone structures and 2-methyl or 2-ethyl substitutions on the aziridine ring;
18. Propyleneimine (2-methylaziridine) (CAS 75-55-8);
19. Superfine iron oxide (Fe_2O_3) (CAS 1317-60-8) with a specific surface area more than 250 m²/g and an average particle size of 3,0 nm or less;
20. TEPAN (tetraethylenepentaamineacrylonitrile) (CAS 68412-45-3); cyanoethylated polyamines and their salts;
21. TEPANOL (tetraethylenepentaamineacrylonitrileglycidol) (CAS 68412-46-4); cyanoethylated polyamines adducted with glycidol and their salts;
22. TPB (triphenyl bismuth) (CAS 603-33-8).

g. 'Precursors', as follows:

N.B. In ML8.g. the references are to specified 'Energetic Materials' manufactured from these substances.

1. BCMO (bischloromethyloxetane) (CAS 142173-26-0) (see also ML8.e.1. and e.2.);
2. Dinitroazetidine-t-butyl salt (CAS 125735-38-8) (see also ML8.a.28.);
3. HBIW (hexabenzylhexaazaisowurtzitane) (CAS 124782-15-6) (see also ML8.a.4.);
4. TAIW (tetraacetyldibenzylhexaazaisowurtzitane) (see also ML8.a.4.) (CAS 182763-60-6);
5. TAT (1,3,5,7 tetraacetyl-1,3,5,7-tetraaza cyclo-octane) (CAS 41378-98-7) (see also ML8.a.13.);
6. 1,4,5,8-tetraazadecalin (CAS 5409-42-7) (see also ML8.a.27.);

ML8 g. (continued)

7. 1,3,5-trichlorobenzene (CAS 108-70-3) (see also ML8.a.23.);
8. 1,2,4-trihydroxybutane (1,2,4-butanetriol) (CAS 3068-00-6) (see also ML8.e.5.).

Note 5: Not used since 2009

Note 6: ML8 does not apply to the following substances unless they are compounded or mixed with the 'energetic material' specified by ML8.a. or powdered metals specified by ML8.c.:

- a. Ammonium picrate (CAS 131-74-8);
- b. Black powder;
- c. Hexanitrodiphenylamine (CAS 131-73-7);
- d. Difluoroamine (CAS 10405-27-3);
- e. Nitrostarch (CAS 9056-38-6);
- f. Potassium nitrate (CAS 7757-79-1);
- g. Tetranitronaphthalene;
- h. Trinitroanisol;
- i. Trinitronaphthalene;
- j. Trinitroxylene;
- k. N-pyrrolidinone; 1-methyl-2-pyrrolidinone (CAS 872-50-4);
- l. Dioctylmaleate (CAS 142-16-5);
- m. Ethylhexylacrylate (CAS 103-11-7);
- n. Triethylaluminium (TEA) (CAS 97-93-8), trimethylaluminium (TMA) (CAS 75-24-1), and other pyrophoric metal alkyls and aryls of lithium, sodium, magnesium, zinc or boron;
- o. Nitrocellulose (CAS 9004-70-0);
- p. Nitroglycerin (or glyceroltrinitrate, trinitroglycerine) (NG) (CAS 55-63-0);
- q. 2,4,6-trinitrotoluene (TNT) (CAS 118-96-7);
- r. Ethylenediaminedinitrate (EDDN) (CAS 20829-66-7);
- s. Pentaerythritoltetranitrate (PETN) (CAS 78-11-5);
- t. Lead azide (CAS 13424-46-9), normal lead styphnate (CAS 15245-44-0) and basic lead styphnate (CAS 12403-82-6), and primary explosives or priming compositions containing azides or azide complexes;
- u. Triethyleneglycoldinitrate (TEGDN) (CAS 111-22-8);
- v. 2,4,6-trinitroresorcinol (styphnic acid) (CAS 82-71-3);
- w. Diethyldiphenylurea (CAS 85-98-3); dimethyldiphenylurea (CAS 611-92-7); methylethyldiphenylurea [Centralites];
- x. N,N-diphenylurea (unsymmetrical diphenylurea) (CAS 603-54-3);
- y. Methyl-N,N-diphenylurea (methyl unsymmetrical diphenylurea) (CAS 13114-72-2);

ML8

Note 6: (continued)

- z. Ethyl-N,N-diphenylurea (ethyl unsymmetrical diphenylurea) (CAS 64544-71-4);
- aa. 2-Nitrodiphenylamine (2-NDPA) (CAS 119-75-5);
- bb. 4-Nitrodiphenylamine (4-NDPA) (CAS 836-30-6);
- cc. 2,2-dinitropropanol (CAS 918-52-5);
- dd. Nitroguanidine (CAS 556-88-7) (see 1C011.d. on the EU Dual-Use List).

ML9

Vessels of war (surface or underwater), special naval equipment, accessories, components and other surface vessels, as follows:N.B. For guidance and navigation equipment, see ML11.

a. Vessels and components, as follows:

1. Vessels (surface or underwater) specially designed or modified for military use, regardless of current state of repair or operating condition, and whether or not they contain weapon delivery systems or armour, and hulls or parts of hulls for such vessels, and components therefor specially designed for military use;
2. Surface vessels, other than those specified in ML9.a.1., having any of the following, fixed or integrated into the vessel:
 - a. Automatic weapons having a calibre of 12,7 mm or greater specified in ML1., or weapons specified in ML2., ML4., ML12. or ML19., or 'mountings' or hard points for such weapons;

Technical Note*'Mountings' refers to weapon mounts or structural strengthening for the purpose of installing weapons.*

- b. Fire control systems specified in ML5.;
- c. Having all of the following:
 1. 'Chemical, Biological, Radiological and Nuclear (CBRN) protection'; and
 2. 'Pre-wet or wash down system' designed for decontamination purposes; or

Technical Notes

1. 'CBRN protection' is a self contained interior space containing features such as over-pressurization, isolation of ventilation systems, limited ventilation openings with CBRN filters and limited personnel access points incorporating air-locks.
 2. 'Pre-wet or wash down system' is a seawater spray system capable of simultaneously wetting the exterior superstructure and decks of a vessel.
- d. Active weapon countermeasure systems specified in ML4.b., ML5.c. or ML11.a. and having any of the following:
1. 'CBRN protection';
 2. Hull and superstructure, specially designed to reduce the radar cross section;

ML9

a. 2. d. (*continued*)

3. Thermal signature reduction devices, (e.g. an exhaust gas cooling system), excluding those specially designed to increase overall power plant efficiency or to reduce the environmental impact; or

4. A degaussing system designed to reduce the magnetic signature of the whole vessel;

b. Engines and propulsion systems, as follows, specially designed for military use and components therefor specially designed for military use:

1. Diesel engines specially designed for submarines and having all of the following:

a. Power output of 1,12 MW (1 500 hp) or more; and

b. Rotary speed of 700 rpm or more;

2. Electric motors specially designed for submarines and having all of the following:

a. Power output of more than 0,75 MW (1 000 hp);

b. Quick reversing;

c. Liquid cooled; and

d. Totally enclosed;

3. Non-magnetic diesel engines having all of the following:

a. Power output of 37,3 kW (50 hp) or more; and

b. Non-magnetic content in excess of 75 % of total mass;

4. 'Air Independent Propulsion' (AIP) systems specially designed for submarines;

Technical Note

'Air Independent Propulsion' (AIP) allows a submerged submarine to operate its propulsion system, without access to atmospheric oxygen, for a longer time than the batteries would have otherwise allowed. For the purposes of ML9.b.4., AIP does not include nuclear power.

c. Underwater detection devices, specially designed for military use, controls therefor and components therefor specially designed for military use;

d. Anti-submarine nets and anti-torpedo nets, specially designed for military use;

e. Not used since 2003;

f. Hull penetrators and connectors, specially designed for military use, that enable interaction with equipment external to a vessel, and components therefor specially designed for military use;

Note: ML9.f. includes connectors for vessels which are of the single-conductor, multi-conductor, coaxial or waveguide type, and hull penetrators for vessels, both of which are capable of remaining impervious to leakage from without and of retaining required characteristics at marine depths exceeding 100 m; and fibre-optic connectors and optical hull penetrators, specially designed for 'laser' beam transmission, regardless of depth. ML9.f. does not apply to ordinary propulsive shaft and hydrodynamic control-rod hull penetrators.

ML9 (continued)

g. Silent bearings having any of the following, components therefor and equipment containing those bearings, specially designed for military use:

1. Gas or magnetic suspension;
2. Active signature controls; or
3. Vibration suppression controls.

ML10 **'Aircraft', 'lighter-than-air vehicles', unmanned airborne vehicles, aero-engines and 'aircraft' equipment, related equipment and components, specially designed or modified for military use, as follows:**

N.B. For guidance and navigation equipment, see ML11.

- a. Combat 'aircraft' and specially designed components therefor;
- b. Other 'aircraft' and 'lighter-than-air vehicles', specially designed or modified for military use, including military reconnaissance, assault, military training, transporting and airdropping troops or military equipment, logistics support, and specially designed components therefor;
- c. Unmanned airborne vehicles and related equipment, specially designed or modified for military use, as follows, and specially designed components therefor:
 1. Unmanned airborne vehicles including remotely piloted air vehicles (RPVs), autonomous programmable vehicles and 'lighter-than-air vehicles';
 2. Associated launchers and ground support equipment;
 3. Related equipment for command and control;
- d. Aero-engines specially designed or modified for military use, and specially designed components therefor;
- e. Airborne equipment, including airborne refuelling equipment, specially designed for use with the 'aircraft' specified by ML10.a. or ML10.b. or the aero-engines specified by ML10.d., and specially designed components therefor;
- f. Pressure refuellers, pressure refuelling equipment, equipment specially designed to facilitate operations in confined areas and ground equipment, developed specially for 'aircraft' specified by ML10.a. or ML10.b., or for aero-engines specified by ML10.d.;
- g. Military crash helmets and protective masks, and specially designed components therefor, pressurised breathing equipment and partial pressure suits for use in 'aircraft', anti-g suits, liquid oxygen converters used for 'aircraft' or missiles, and catapults and cartridge actuated devices, for emergency escape of personnel from 'aircraft';
- h. Parachutes, paragliders and related equipment, as follows, and specially designed components therefor:
 1. Parachutes not specified elsewhere in the EU Common Military List;
 2. Paragliders;
 3. Equipment specially designed for high altitude parachutists (e.g. suits, special helmets, breathing systems, navigation equipment);

ML10 (continued)

- i. Automatic piloting systems for parachuted loads; equipment specially designed or modified for military use for controlled opening jumps at any height, including oxygen equipment.

Note 1: ML10.b. does not apply to 'aircraft' or variants of those 'aircraft' specially designed for military use, and which are all of the following:

- a. Not configured for military use and not fitted with equipment or attachments specially designed or modified for military use; and
- b. Certified for civil use by the civil aviation authority in a Member State or in a Wassenaar Arrangement Participating State.

Note 2: ML10.d. does not apply to:

- a. Aero-engines designed or modified for military use which have been certified by civil aviation authorities in a Member State or in a Wassenaar Arrangement Participating State for use in 'civil aircraft', or specially designed components therefor;
- b. Reciprocating engines or specially designed components therefor, except those specially designed for unmanned airborne vehicles.

Note 3: ML10.b. and ML10.d. on specially designed components and related equipment for non-military 'aircraft' or aero-engines modified for military use applies only to those military components and to military related equipment required for the modification to military use.

ML11 **Electronic equipment, not specified elsewhere on the EU Common Military List, as follows, and specially designed components therefor:**

- a. Electronic equipment specially designed for military use;

Note: ML11.a. includes:

- a. Electronic countermeasure and electronic counter-countermeasure equipment (i.e. equipment designed to introduce extraneous or erroneous signals into radar or radio communication receivers or otherwise hinder the reception, operation or effectiveness of adversary electronic receivers including their counter-measure equipment), including jamming and counter-jamming equipment;
- b. Frequency agile tubes;
- c. Electronic systems or equipment, designed either for surveillance and monitoring of the electro-magnetic spectrum for military intelligence or security purposes or for counteracting such surveillance and monitoring;
- d. Underwater countermeasures, including acoustic and magnetic jamming and decoy, equipment designed to introduce extraneous or erroneous signals into sonar receivers;
- e. Data processing security equipment, data security equipment and transmission and signalling line security equipment, using ciphering processes;
- f. Identification, authentication and keyloader equipment and key management, manufacturing and distribution equipment;

ML11 a. Note: (continued)

- g. Guidance and navigation equipment;
- h. Digital troposcatter-radio communications transmission equipment;
- i. Digital demodulators specially designed for signals intelligence;
- j. 'Automated command and control systems'.

N.B. For 'software' associated with military 'Software' Defined Radio (SDR), see ML21.

b. Global Navigation Satellite Systems (GNSS) jamming equipment.

ML12 **High velocity kinetic energy weapon systems and related equipment, as follows, and specially designed components therefor:**

- a. Kinetic energy weapon systems specially designed for destruction or effecting mission-abort of a target;
- b. Specially designed test and evaluation facilities and test models, including diagnostic instrumentation and targets, for dynamic testing of kinetic energy projectiles and systems.

N.B. For weapon systems using sub-calibre ammunition or employing solely chemical propulsion, and ammunition therefor, see ML1 to ML4.

Note 1: ML12 includes the following when specially designed for kinetic energy weapon systems:

- a. Launch propulsion systems capable of accelerating masses larger than 0,1 g to velocities in excess of 1,6 km/s, in single or rapid fire modes;
- b. Prime power generation, electric armour, energy storage, thermal management, conditioning, switching or fuel-handling equipment; and electrical interfaces between power supply, gun and other turret electric drive functions;
- c. Target acquisition, tracking, fire control or damage assessment systems;
- d. Homing seeker, guidance or divert propulsion (lateral acceleration) systems for projectiles.

Note 2: ML12 applies to weapon systems using any of the following methods of propulsion:

- a. Electromagnetic;
- b. Electrothermal;
- c. Plasma;
- d. Light gas; or
- e. Chemical (when used in combination with any of the above).

ML13 Armoured or protective equipment, constructions and components, as follows:

a. Armoured plate, having any of the following:

1. Manufactured to comply with a military standard or specification; or
2. Suitable for military use;

b. Constructions of metallic or non-metallic materials, or combinations thereof, specially designed to provide ballistic protection for military systems, and specially designed components therefor;

c. Helmets manufactured according to military standards or specifications, or comparable national standards, and specially designed components therefor, (i.e. helmet shell, liner and comfort pads);

d. Body armour and protective garments, manufactured according to military standards or specifications, or equivalent, and specially designed components therefor.

Note 1: ML13.b. includes materials specially designed to form explosive reactive armour or to construct military shelters.

Note 2: ML13.c. does not apply to conventional steel helmets, neither modified or designed to accept, nor equipped with any type of accessory device.

Note 3: ML13.c. and d. do not apply to helmets, body armour or protective garments, when accompanying their user for the user's own personal protection.

Note 4: The only helmets specially designed for bomb disposal personnel that are specified by ML13. are those specially designed for military use.

N.B. 1: See also entry 1A005 on the EU Dual-Use List.

N.B. 2: For 'fibrous or filamentary materials' used in the manufacture of body armour and helmets, see entry 1C010 on the EU Dual Use List.

ML14 'Specialised equipment for military training' or for simulating military scenarios, simulators specially designed for training in the use of any firearm or weapon specified by ML1 or ML2, and specially designed components and accessories therefor.Technical Note

The term 'specialised equipment for military training' includes military types of attack trainers, operational flight trainers, radar target trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, flight simulators (including human-rated centrifuges for pilot/astronaut training), radar trainers, instrument flight trainers, navigation trainers, missile launch trainers, target equipment, drone 'aircraft', armament trainers, pilotless 'aircraft' trainers, mobile training units and training equipment for ground military operations.

Note 1: ML14 includes image generating and interactive environment systems for simulators, when specially designed or modified for military use.

Note 2: ML14 does not apply to equipment specially designed for training in the use of hunting or sporting weapons.

ML15 Imaging or countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor:

- a. Recorders and image processing equipment;
- b. Cameras, photographic equipment and film processing equipment;
- c. Image intensifier equipment;
- d. Infrared or thermal imaging equipment;
- e. Imaging radar sensor equipment;
- f. Countermeasure or counter-countermeasure equipment, for the equipment specified by ML15.a. to ML15.e.

Note: ML15.f. includes equipment designed to degrade the operation or effectiveness of military imaging systems or to minimize such degrading effects.

Note 1: In ML15, the term specially designed components includes the following when specially designed for military use:

- a. Infrared image converter tubes;
- b. Image intensifier tubes (other than first generation);
- c. Microchannel plates;
- d. Low-light-level television camera tubes;
- e. Detector arrays (including electronic interconnection or read out systems);
- f. Pyroelectric television camera tubes;
- g. Cooling systems for imaging systems;
- h. Electrically triggered shutters of the photochromic or electro-optical type having a shutter speed of less than 100 μ s, except in the case of shutters which are an essential part of a high-speed camera;
- i. Fibre optic image inverters;
- j. Compound semiconductor photocathodes

Note 2: ML15 does not apply to 'first generation image intensifier tubes' or equipment specially designed to incorporate 'first generation image intensifier tube'.

N.B. For the classification of weapons sights incorporating 'first generation image intensifier tubes' see ML1., ML2. and ML5.a.

N.B. See also 6A002.a.2. and 6A002.b. on the EU Dual-Use List.

ML16 Forgings, castings and other unfinished products the use of which in a specified product is identifiable by material composition, geometry or function, and which are specially designed for any products specified by ML1 to ML4, ML6, ML9, ML10, ML12 or ML19.

ML17

Miscellaneous equipment, materials and 'libraries', as follows, and specially designed components therefor:

- a. Self-contained diving and underwater swimming apparatus, as follows:
 1. Closed or semi-closed circuit (rebreathing) apparatus specially designed for military use (i.e. specially designed to be non magnetic);
 2. Specially designed components for use in the conversion of open-circuit apparatus to military use;
 3. Articles designed exclusively for military use with self-contained diving and underwater swimming apparatus;
- b. Construction equipment specially designed for military use;
- c. Fittings, coatings and treatments, for signature suppression, specially designed for military use;
- d. Field engineer equipment specially designed for use in a combat zone;
- e. 'Robots', 'robot' controllers and 'robot' 'end-effectors', having any of the following characteristics:
 1. Specially designed for military use;
 2. Incorporating means of protecting hydraulic lines against externally induced punctures caused by ballistic fragments (e.g. incorporating self-sealing lines) and designed to use hydraulic fluids with flash points higher than 839 K (566 °C); or
 3. Specially designed or rated for operating in an electro magnetic pulse (EMP) environment;

Technical Note

Electro-magnetic pulse does not refer to unintentional interference caused by electromagnetic radiation from nearby equipment (e.g. machinery, appliances or electronics) or lightning.

- f. 'Libraries' (parametric technical databases) specially designed for military use with equipment specified by the EU Common Military List;
- g. Nuclear power generating equipment or propulsion equipment, including 'nuclear reactors', specially designed for military use and components therefor specially designed or 'modified' for military use;
- h. Equipment and material, coated or treated for signature suppression, specially designed for military use, other than those specified elsewhere in the EU Common Military List;
- i. Simulators specially designed for military 'nuclear reactors';
- j. Mobile repair shops specially designed or 'modified' to service military equipment;
- k. Field generators specially designed or 'modified' for military use;
- l. Containers specially designed or 'modified' for military use;
- m. Ferries, other than those specified elsewhere in the EU Common Military List, bridges and pontoons, specially designed for military use;

ML17 (continued)

- n. Test models specially designed for the 'development' of items specified by ML4, ML6, ML9 or ML10;
- o. Laser protection equipment (e.g. eye and sensor protection) specially designed for military use.
- p. 'Fuel cells' other than those specified elsewhere in the EU Common Military List, specially designed or 'modified' for military use.

Technical Notes

1. For the purpose of ML17, the term 'library' (parametric technical database) means a collection of technical information of a military nature, reference to which may enhance the performance of military equipment or systems.
2. For the purpose of ML17, 'modified' means any structural, electrical, mechanical, or other change that provides a non-military item with military capabilities equivalent to an item which is specially designed for military use.

ML18 **Production equipment and components, as follows:**

- a. Specially designed or modified 'production' equipment for the 'production' of products specified by the EU Common Military List, and specially designed components therefor;
- b. Specially designed environmental test facilities and specially designed equipment therefor, for the certification, qualification or testing of products specified by the EU Common Military List.

Technical Note

For the purposes of ML18, the term 'production' includes design, examination, manufacture, testing and checking.

Note: ML18.a. and ML18.b. include the following equipment:

- a. Continuous nitrators;
- b. Centrifugal testing apparatus or equipment having any of the following:
 1. Driven by a motor or motors having a total rated horsepower of more than 298 kW (400 hp);
 2. Capable of carrying a payload of 113 kg or more; or
 3. Capable of exerting a centrifugal acceleration of 8 g or more on a payload of 91 kg or more;
- c. Dehydration presses;
- d. Screw extruders specially designed or modified for military explosive extrusion;
- e. Cutting machines for the sizing of extruded propellants;
- f. Sweetie barrels (tumblers) 1,85 m or more in diameter and having over 227 kg product capacity;
- g. Continuous mixers for solid propellants;
- h. Fluid energy mills for grinding or milling the ingredients of military explosives;
- i. Equipment to achieve both sphericity and uniform particle size in metal powder listed in ML8.c.8.;
- j. Convection current converters for the conversion of materials listed in ML8.c.3.

ML19 **Directed energy weapon systems (DEW), related or countermeasure equipment and test models, as follows, and specially designed components therefor:**

- a. 'Laser' systems specially designed for destruction or effecting mission-abort of a target;
- b. Particle beam systems capable of destruction or effecting mission-abort of a target;
- c. High power radio-frequency (RF) systems capable of destruction or effecting mission-abort of a target;
- d. Equipment specially designed for the detection or identification of, or defence against, systems specified by ML19.a. to ML19.c.;
- e. Physical test models for the systems, equipment and components, specified by ML19.
- f. Continuous wave or pulsed 'laser' systems, specially designed to cause permanent blindness to unenhanced vision, i.e. to the naked eye or to the eye with corrective eyesight devices.

Note 1: *Directed energy weapon systems specified by ML19 include systems whose capability is derived from the controlled application of:*

- a. 'Lasers' of sufficient continuous wave or pulsed power, to effect destruction similar to the manner of conventional ammunition;
- b. Particle accelerators which project a charged or neutral particle beam with destructive power;
- c. High pulsed power or high average power radio frequency beam transmitters, which produce fields sufficiently intense to disable electronic circuitry at a distant target.

Note 2: *ML19 includes the following when specially designed for directed energy weapon systems:*

- a. Prime power generation, energy storage, switching, power conditioning or fuel-handling equipment;
- b. Target acquisition or tracking systems;
- c. Systems capable of assessing target damage, destruction or mission-abort;
- d. Beam-handling, propagation or pointing equipment;
- e. Equipment with rapid beam slew capability for rapid multiple target operations;
- f. Adaptive optics and phase conjugators;
- g. Current injectors for negative hydrogen ion beams;
- h. 'Space-qualified' accelerator components;
- i. Negative ion beam funnelling equipment;
- j. Equipment for controlling and slewing a high energy ion beam;
- k. 'Space qualified' foils for neutralising negative hydrogen isotope beams.

ML20 **Cryogenic and 'superconductive' equipment, as follows, and specially designed components and accessories therefor:**

- a. Equipment specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion and of producing or maintaining temperatures below 103 K (– 70 °C);

Note: ML20.a. includes mobile systems incorporating or employing accessories or components manufactured from non-metallic or non-electrical conductive materials, such as plastics or epoxy-impregnated materials.

- b. 'Superconductive' electrical equipment (rotating machinery and transformers) specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, and capable of operating while in motion.

Note: ML20.b. does not apply to direct current hybrid homopolar generators that have single-pole normal metal armatures which rotate in a magnetic field produced by superconducting windings, provided those windings are the only superconducting components in the generator.

ML21 **'Software', as follows:**

- a. 'Software' specially designed or modified for the 'development', 'production' or 'use' of equipment, materials or 'software', specified by the EU Common Military List;

- b. Specific 'software', other than that specified by ML21.a., as follows:

1. 'Software' specially designed for military use and specially designed for modelling, simulating or evaluating military weapon systems;
2. 'Software' specially designed for military use and specially designed for modelling or simulating military operational scenarios;
3. 'Software' for determining the effects of conventional, nuclear, chemical or biological weapons;
4. 'Software' specially designed for military use and specially designed for Command, Communications, Control and Intelligence (C³I) or Command, Communications, Control, Computer and Intelligence (C⁴I) applications;

- c. 'Software', not specified by ML21.a., or b., specially designed or modified to enable equipment not specified by the EU Common Military List to perform the military functions of equipment specified by the EU Common Military List.

ML22 **'Technology' as follows:**

- a. 'Technology', other than specified in ML22.b., which is 'required' for the 'development', 'production' or 'use' of items specified in the EU Common Military List;

- b. 'Technology' as follows:

1. 'Technology' 'required' for the design of, the assembly of components into, and the operation, maintenance and repair of, complete production installations for items specified in the Common Military List of The European Union, even if the components of such production installations are not specified;
2. 'Technology' 'required' for the 'development' and 'production' of small arms even if used to produce reproductions of antique small arms;

ML22

b. *(continued)*

3. 'Technology' 'required' for the 'development', 'production' or 'use' of toxicological agents, related equipment or components specified by ML7.a. to ML7.g.;
4. 'Technology' 'required' for the 'development', 'production' or 'use' of 'biopolymers' or cultures of specific cells, specified by ML7.h.;
5. 'Technology' 'required' exclusively for the incorporation of 'biocatalysts', specified by ML7.i.1., into military carrier substances or military material.

Note 1: 'Technology' 'required' for the 'development', 'production' or 'use' of items specified by the EU Common Military List remains under control even when applicable to any item not specified by the EU Common Military List.

Note 2: ML22 does not apply to:

- a. 'Technology' that is the minimum necessary for the installation, operation, maintenance (checking) and repair, of those items which are not controlled or whose export has been authorised;
- b. 'Technology' that is 'in the public domain', 'basic scientific research' or the minimum necessary information for patent applications;
- c. 'Technology' for magnetic induction for continuous propulsion of civil transport devices.

DEFINITIONS OF TERMS USED IN THIS LIST

The following are definitions of the terms used in this List, in alphabetical order.

Note 1: Definitions apply throughout the List. The references are purely advisory and have no effect on the universal application of defined terms throughout the List.

Note 2: Words and terms contained in this List of Definitions only take the defined meaning where this is indicated by their being enclosed in "double quotations marks". Definitions of terms between 'single quotation marks' are given in a Technical note to the relevant item. Elsewhere, words and terms take their commonly accepted (dictionary) meanings.

ML7

'Adapted for use in war'

Any modification or selection (such as altering purity, shelf life, virulence, dissemination characteristics, or resistance to UV radiation) designed to increase the effectiveness in producing casualties in humans or animals, degrading equipment or damaging crops or the environment.

ML8

'Additives'

Substances used in explosive formulations to improve their properties.

ML8, ML9
and ML10

'Aircraft'

A fixed wing, swivel wing, rotary wing (helicopter), tilt rotor or tilt-wing airborne vehicle.

ML11 'Automated Command and Control Systems'

Electronic systems, through which information essential to the effective operation of the grouping, major formation, tactical formation, unit, ship, subunit or weapons under command is entered, processed and transmitted. This is achieved by the use of computer and other specialised hardware designed to support the functions of a military command and control organisation. The main functions of an automated command and control system are: the efficient automated collection, accumulation, storage and processing of information; the display of the situation and the circumstances affecting the preparation and conduct of combat operations; operational and tactical calculations for the allocation of resources among force groupings or elements of the operational order of battle or battle deployment according to the mission or stage of the operation; the preparation of data for appreciation of the situation and decision-making at any point during operation or battle; computer simulation of operations.

ML22 'Basic scientific research'

Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.

ML7, 22 'Biocatalysts'

Enzymes for specific chemical or biochemical reactions or other biological compounds which bind to and accelerate the degradation of CW agents.

Technical Note

'Enzymes' means 'biocatalysts' for specific chemical or biochemical reactions.

ML7, 22 'Biopolymers'

Biological macromolecules as follows:

- a. Enzymes for specific chemical or biochemical reactions;
- b. Antibodies, monoclonal, polyclonal or anti-idiotypic;
- c. Specially designed or specially processed receptors;

Technical Notes

1. *'Anti-idiotypic antibodies' means antibodies which bind to the specific antigen binding sites of other antibodies;*
2. *'Monoclonal antibodies' means proteins which bind to one antigenic site and are produced by a single clone of cells;*
3. *'Polyclonal antibodies' means a mixture of proteins which bind to the specific antigen and are produced by more than one clone of cells;*
4. *'Receptors' means biological macromolecular structures capable of binding ligands, the binding of which affects physiological functions.*

ML10 'Civil aircraft'

Those 'aircraft' listed by designation in published airworthiness certification lists by the civil aviation authorities to fly commercial civil internal and external routes or for legitimate civil, private or business use.

ML21, 22 'Development'

Is related to all stages prior to serial production, such as: design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, layouts.

ML17 'End-effectors'

Grippers, active tooling units and any other tooling that is attached to the baseplate on the end of a 'robot' manipulator arm.

Technical Note

'Active tooling units' are devices for applying motive power, process energy or sensing to a work piece.

ML4, 8 'Energetic materials'

Substances or mixtures that react chemically to release energy required for their intended application. 'Explosives', 'pyrotechnics' and 'propellants' are subclasses of energetic materials.

ML8, 18 'Explosives'

Solid, liquid or gaseous substances or mixtures of substances which, in their application as primary, booster, or main charges in warheads, demolition and other applications, are required to detonate.

ML7 'Expression Vectors'

Carriers (e.g. plasmid or virus) used to introduce genetic material into host cells.

ML 17 'Fuel cell'

An electrochemical device that converts chemical energy directly into Direct Current (DC) electricity by consuming fuel from an external source.

ML13 'Fibrous or filamentary materials'

Include:

- a. Continuous monofilaments;
- b. Continuous yarns and rovings;
- c. Tapes, fabrics, random mats and braids;
- d. Chopped fibres, staple fibres and coherent fibre blankets;
- e. Whiskers, either monocrystalline or polycrystalline, of any length;
- f. Aromatic polyamide pulp.

ML15 'First generation image intensifier tubes'

Electrostatically focused tubes, employing input and output fibre optic or glass face plates, multi-alkali photocathodes (S-20 or S-25), but not microchannel plate amplifiers.

ML22 'In the public domain'

This means 'technology' or 'software' which has been made available without restrictions upon its further dissemination.

Note: Copyright restrictions do not remove 'technology' or 'software' from being 'in the public domain'.

- ML5, 19 **‘Laser’**
An assembly of components which produce both spatially and temporally coherent light that is amplified by stimulated emission of radiation.
- ML10 **‘Lighter-than-air vehicles’**
Balloons and airships that rely on hot air or on lighter-than-air gases such as helium or hydrogen for their lift.
- ML17 **‘Nuclear reactor’**
Includes the items within or attached directly to the reactor vessel, the equipment which controls the level of power in the core, and the components which normally contain or come into direct contact with or control the primary coolant of the reactor core.
- ML8 **‘Precursors’**
Speciality chemicals used in the manufacture of explosives.
- ML21, 22 **‘Production’**
Means all production stages, such as: product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.
- ML8 **‘Propellants’**
Substances or mixtures that react chemically to produce large volumes of hot gases at controlled rates to perform mechanical work.
- ML4, 8 **‘Pyrotechnic(s)’**
Mixtures of solid or liquid fuels and oxidizers which, when ignited, undergo an energetic chemical reaction at a controlled rate intended to produce specific time delays, or quantities of heat, noise, smoke, visible light or infrared radiation. Pyrophorics are a subclass of pyrotechnics, which contain no oxidizers but ignite spontaneously on contact with air.
- ML22 **‘Required’**
As applied to ‘technology’, refers to only that portion of ‘technology’ which is peculiarly responsible for achieving or exceeding the controlled performance levels, characteristics or functions. Such ‘required’ technology may be shared by different products.
- ML7 **‘Riot control agents’**
Substances which, under the expected conditions of use for riot control purposes, produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure. (Tear gases are a subset of ‘riot control agents’.)
- ML17 **‘Robot’**
A manipulation mechanism, which may be of the continuous path or of the point-to-point variety, may use sensors, and has all the following characteristics:
- a. Is multifunctional;
 - b. Is capable of positioning or orienting material, parts, tools or special devices through variable movements in three-dimensional space;
 - c. Incorporates three or more closed or open loop servo-devices which may include stepping motors; and

- d. Has 'user-accessible programmability' by means of the teach/playback method or by means of an electronic computer which may be a programmable logic controller, i.e. without mechanical intervention.

Note: The above definition does not include the following devices:

1. Manipulation mechanisms which are only manually/teleoperator controllable;
2. Fixed sequence manipulation mechanisms which are automated moving devices, operating according to mechanically fixed programmed motions. The programme is mechanically limited by fixed stops, such as pins or cams. The sequence of motions and the selection of paths or angles are not variable or changeable by mechanical, electronic or electrical means;
3. Mechanically controlled variable sequence manipulation mechanisms which are automated moving devices, operating according to mechanically fixed programmed motions. The programme is mechanically limited by fixed, but adjustable, stops, such as pins or cams. The sequence of motions and the selection of paths or angles are variable within the fixed programme pattern. Variations or modifications of the programme pattern (e.g. changes of pins or exchanges of cams) in one or more motion axes are accomplished only through mechanical operations;
4. Non-servo-controlled variable sequence manipulation mechanisms which are automated moving devices, operating according to mechanically fixed programmed motions. The programme is variable but the sequence proceeds only by the binary signal from mechanically fixed electrical binary devices or adjustable stops;
5. Stacker cranes defined as Cartesian coordinate manipulator systems manufactured as an integral part of a vertical array of storage bins and designed to access the contents of those bins for storage or retrieval.

ML21 **'Software'**

A collection of one or more 'programmes' or 'microprogrammes' fixed in any tangible medium of expression.

ML19 **'Space-qualified'**

Products designed, manufactured and tested to meet the special electrical, mechanical or environmental requirements for use in the launch and deployment of satellites or high altitude flight systems operating at altitudes of 100 km or higher.

ML18, 20 **'Superconductive'**

Refers to materials, (i.e. metals, alloys or compounds) which can lose all electrical resistance (i.e. which can attain infinite electrical conductivity and carry very large electrical currents without Joule heating).

Technical Note

The 'superconductive' state of a material is individually characterised by a 'critical temperature', a critical magnetic field, which is a function of temperature, and a critical current density which is, however, a function of both magnetic field and temperature.

ML22 **'Technology'**

Specific information necessary for the 'development', 'production' or 'use' of a product. The information takes the form of technical data or technical assistance.

Technical Notes

1. 'Technical data' may take forms such as blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

2. *Technical assistance* may take forms such as instruction, skills, training, working knowledge, consulting services. *Technical assistance* may involve transfer of *technical data*.

ML21, 22 **‘Use’**

Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

DECISIONS

COUNCIL DECISION

of 21 October 2010

on guidelines for the employment policies of the Member States

(2010/707/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 148(2) thereof,

Having regard to the proposal from the European Commission,

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

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

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Having regard to the opinion of the Employment Committee ⁽⁴⁾,

Whereas:

(1) The Treaty on the Functioning of the European Union (TFEU) stipulates in Article 145 that Member States and the Union shall work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce as well as labour markets that are responsive to economic change and with a view to achieving the objectives defined in Article 3 of the Treaty on European Union (TEU). Member States, having regard to national practices related to the responsibilities of management and labour, shall regard promoting employment as a matter of common concern and shall coordinate their action in this respect within the Council, in accordance with the provisions of Article 148 of the TFEU.

(2) The TEU stipulates in Article 3(3) that the Union shall aim at full employment and shall combat social exclusion and discrimination, and shall promote social justice and protection and provides for the Union's initiatives to ensure coordination of Member States' social policies. Article 8 of the TFEU stipulates that in all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women. Article 9

thereof provides that in defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education and training.

(3) The TFEU provides that employment guidelines and broad economic policy guidelines are to be adopted by the Council to guide Member States' policies.

(4) The Lisbon Strategy, launched in 2000, was based on an acknowledgement of the EU's need to increase its employment, productivity and competitiveness, while enhancing social cohesion, in the face of global competition, technological change, environmental challenges and an ageing population. The Lisbon Strategy was relaunched in 2005, after a mid-term review which led to greater focus on growth and more and better jobs.

(5) The Lisbon strategy for growth and jobs helped forge consensus around the broad direction of the EU's economic and employment policies. Under the strategy, both broad economic policy guidelines and employment guidelines were adopted by the Council Decision 2005/600/EC ⁽⁵⁾ and revised in Council Decision 2008/618/EC ⁽⁶⁾. The 24 guidelines laid the foundations for the National Reform Programmes, outlining the key macroeconomic, microeconomic and labour market reform priorities for the Union as a whole. However, experience shows that the guidelines did not set clear enough priorities and that links between them could have been stronger. This limited their impact on national policymaking.

(6) The financial and economic crisis that started in 2008 resulted in a significant loss in jobs and potential output and has led to a dramatic deterioration in public finances. The European Economic Recovery Plan has nevertheless helped Member States to deal with the crisis, partly through a coordinated fiscal stimulus, with the euro providing an anchor for macroeconomic stability. The crisis therefore showed that when the coordination of Union policies is strengthened and rendered effective,

⁽¹⁾ Opinion of 8 September 2010 (not yet published in the Official Journal).

⁽²⁾ Opinion of 27 May 2010 (not yet published in the Official Journal).

⁽³⁾ Opinion of 10 June 2010 (not yet published in the Official Journal).

⁽⁴⁾ Opinion of 20 May 2010 (not yet published in the Official Journal).

⁽⁵⁾ OJ L 205, 6.8.2005, p. 21.

⁽⁶⁾ OJ L 198, 26.7.2008, p. 47.

it can deliver significant results. The crisis also underscored the close interdependence of the Member States' economic and employment performance.

- (7) The Commission proposed to set up a new strategy for the next decade, known as 'the Europe 2020 Strategy', to enable the Union to emerge stronger from the crisis, and to turn its economy towards smart, sustainable and inclusive growth, accompanied by high level employment, productivity and social cohesion. Five headline targets, listed under the relevant guidelines, constitute shared objectives which guide the action of the Member States, taking into account their relative starting positions and national circumstances, and which also guide the action of the Union. The Member States should, furthermore, make every effort to meet the national targets and to remove the bottlenecks that constrain growth.
- (8) As part of comprehensive 'exit strategies' for the economic crisis, Member States should carry out ambitious reforms to ensure macroeconomic stability, the promotion of more and better jobs and the sustainability of public finance, improve competitiveness and productivity, reduce macroeconomic imbalances and enhance labour market performance. The withdrawal of the fiscal stimulus should be implemented and coordinated within the framework of the Stability and Growth Pact.
- (9) Within the Europe 2020 strategy, Member States and the Union should implement reforms aimed at 'smart growth', i.e. growth driven by knowledge and innovation. Reforms should aim at improving the quality of education and ensuring access for all, as well as strengthening research, business performance and further improving the regulatory framework in order to promote innovation and knowledge transfer throughout the Union. Reforms should encourage entrepreneurship, the development of small and medium-sized enterprises (SMEs) and help to turn creative ideas into innovative products, services and processes that can create growth, quality and sustainable jobs, territorial, economic and social cohesion, and address more efficiently European and global societal challenges. Making the most of information and communication technologies is essential in this context.
- (10) The policies of the Union and of Member States, including their reform programmes, should aim at 'sustainable growth'. Sustainable growth means building an energy and resource-efficient, sustainable and competitive economy, a fair distribution of the cost and benefits and exploiting Europe's leadership in the race to develop new processes and technologies, including green technologies. Member States and the Union should implement the necessary reforms to
- reduce greenhouse gas emissions and use resources efficiently, which will also help to prevent environmental degradation and biodiversity loss. They should also improve the business environment, stimulate the creation of green jobs and help enterprises to modernise their industrial base.
- (11) The policies of the Union and Member States' reform programmes should also aim at 'inclusive growth'. Inclusive growth means building a cohesive society in which people are empowered to anticipate and manage change and consequently to actively participate in society and the economy. Member States' reforms should therefore ensure access and opportunities for all throughout their lifecycle, thus reducing poverty and social exclusion through removing barriers to labour market participation, especially for women, older workers, young people, people with disabilities and legal migrants. They should also make sure that the benefits of economic growth reach all citizens and all regions and foster employment-enhancing growth, based on decent work. Ensuring the effective functioning of the labour markets through investing in successful transitions, education and training systems, appropriate skills development, raising job quality, and fighting segmentation, structural unemployment, youth unemployment, and inactivity while ensuring adequate, sustainable social protection and active inclusion to prevent and reduce poverty, with particular attention to combating in-work poverty and reducing poverty amongst the groups most at risk from social exclusion, including children and young people, while at the same time adhering to agreed fiscal consolidation, should therefore be at the heart of Member States' reform programmes.
- (12) Increased labour market participation by women is a precondition for boosting growth and for tackling the demographic challenges. A visible gender equality perspective, integrated into all relevant policy areas, is therefore crucial for the implementation of all aspects of the guidelines in the Member States. Conditions should be created to support the supply of adequate, affordable, high-quality childcare services for pre-school age children. The principle of equal pay for male and female workers for equal work or work of equal value should be applied.
- (13) The Union's and Member States' structural reforms can effectively contribute to growth and jobs if they enhance the Union's competitiveness in the global economy, open up new opportunities for Europe's exporters and provide competitive access to vital imports. Reforms should therefore take into account their external competitiveness implications to foster European growth and participation in open and fair markets worldwide.

- (14) The Europe 2020 strategy has to be underpinned by an integrated set of European and national policies, which Member States and the Union should implement fully and in a timely manner, in order to achieve the positive spillover effects of coordinated structural reforms and a more consistent contribution from European policies to the strategy's objectives. The guidelines are a framework for Member States in devising, implementing and monitoring national policies in the context of the overall EU strategy. The Europe 2020 headline targets listed under the relevant guidelines should guide the Member States in defining their own national targets and any sub-targets, taking account of their relative starting positions and national circumstances, and according to their national decision-making procedures. Where they do so, Member States may wish to draw on the indicators developed by the Employment Committee or the Social Protection Committee, as appropriate. The headline employment target draws attention to reducing unemployment of vulnerable groups, including young people.
- (15) Cohesion policy and its structural funds are amongst a number of important delivery mechanisms to achieve the priorities of smart, sustainable and inclusive growth in Member States and regions. In its conclusions of 17 June 2010, the European Council stressed the importance of promoting economic, social and territorial cohesion in order to contribute to the success of the new Europe 2020 strategy.
- (16) When designing and implementing their National Reform Programmes taking account of these guidelines, Member States should ensure effective governance of employment policy. While these guidelines are addressed to Member States, the Europe 2020 strategy should, as appropriate, be implemented, monitored and evaluated in partnership with all national, regional and local authorities, closely associating parliaments, as well as social partners and representatives of civil society, who shall contribute to the elaboration of National Reform Programmes, to their implementation and to the overall communication on the strategy.
- (17) The Europe 2020 strategy is underpinned by a smaller set of guidelines, replacing the previous set of 24 and addressing employment and broad economic policy issues in a coherent manner. The guidelines for the employment policies of the Member States, annexed to this Decision, are intrinsically linked with the guidelines for the economic policies of the Member States and of the Union, annexed to Council Recommendation of 13 July 2010 on broad guidelines for the economic policies of the Member States and of the Union⁽¹⁾. Together, they form the 'Europe 2020 integrated guidelines'.
- (18) These new integrated guidelines are in line with the conclusions of the European Council. They give precise guidance to the Member States on defining their National Reform Programmes and implementing reforms, reflecting interdependence and in line with the Stability and Growth Pact. The employment guidelines should form the basis for any country-specific recommendations that the Council may address to the Member States pursuant to Article 148(4) of the TFEU, in parallel with the country-specific recommendations addressed to the Member States pursuant to Article 121(4) of that Treaty, in order to form a coherent package of recommendations. The employment guidelines should also form the basis for the establishment of the Joint Employment Report sent annually by the Council and the Commission to the European Council.
- (19) The Employment Committee and the Social Protection Committee should monitor progress in relation to the employment and social aspects of the employment guidelines, in line with their respective Treaty-based mandates. This should in particular build on the activities of the open method of coordination in the fields of employment and of social protection and social inclusion. In addition the Employment Committee should maintain close contact with other relevant Council preparatory instances, including in the field of education.
- (20) Even though they must be drawn up each year, these guidelines should remain stable until 2014 to ensure a focus on implementation,
- HAS ADOPTED THIS DECISION:
- Article 1*
- The guidelines for Member States' employment policies, as set out in the Annex, are hereby adopted.
- Article 2*
- The guidelines shall be taken into account in the employment policies of the Member States, which shall be reported upon in National Reform Programmes.
- Article 3*
- This Decision is addressed to the Member States.
- Done at Luxembourg, 21 October 2010.
- For the Council*
The President
J. MILQUET

⁽¹⁾ OJ L 191, 23.7.2010, p. 28.

ANNEX

GUIDELINES FOR THE EMPLOYMENT POLICIES OF THE MEMBER STATES

Guideline 7: Increasing labour market participation of women and men, reducing structural unemployment and promoting job quality

Activation is key to increasing labour market participation. Member States should integrate the flexicurity principles endorsed by the European Council into their labour market policies and apply them, making appropriate use of European Social Fund and other EU funds support, with a view to increasing labour market participation and combating segmentation, inactivity and gender inequality, whilst reducing structural unemployment. Measures to enhance flexibility and security should be both balanced and mutually reinforcing. Member States should therefore introduce a combination of flexible and reliable contractual arrangements, active labour market policies, effective lifelong learning, policies to promote labour mobility, and adequate social security systems to secure labour market transitions accompanied by clear rights and responsibilities for the unemployed to actively seek work. Together with the social partners, adequate attention should also be paid to internal flexicurity at the work place.

Member States should step up social dialogue and tackle labour market segmentation with measures addressing precarious employment, underemployment and undeclared work. Professional mobility should be rewarded. The quality of jobs and employment conditions should be addressed. Member States should combat in-work poverty and promote occupational health and safety. Adequate social security should also be ensured for those on fixed-term contracts and the self-employed. Employment services play an important role in activation and matching and they should therefore be strengthened with personalised services and active and preventive labour market measures at an early stage. Such services and measures should be open to all, including young people, those threatened by unemployment, and those furthest away from the labour market.

Policies to make work pay remain important. In order to increase competitiveness and raise participation levels, particularly for the low-skilled, and in line with economic policy guideline 2, Member States should encourage the right framework conditions for wage bargaining and labour cost development consistent with price stability and productivity trends. Member States should review tax and benefit systems, and public services capacity to provide the support needed, in order to increase labour force participation and stimulate labour demand. They should promote active ageing, gender equality including equal pay, and the integration in the labour market of young people, people with disabilities, legal migrants and other vulnerable groups. Work-life balance policies with the provision of affordable care and innovation in the manner in which work is organised should be geared to raising employment rates, particularly among young people, older workers and women. Member States should also remove barriers to labour market entry for newcomers, promote self-employment, entrepreneurship and job creation in all areas including green employment and care and promote social innovation.

The EU headline target, on the basis of which Member States will set their national targets, taking into account their relative starting positions and national circumstances, is to aim to raise the employment rate for women and men aged 20-64 to 75 % by 2020, including through the greater participation of young people, older workers and low-skilled workers and the better integration of legal migrants.

Guideline 8: Developing a skilled workforce responding to labour market needs and promoting lifelong learning

Member States should promote productivity and employability through an adequate supply of knowledge and skills to match current and future demand in the labour market. Quality initial education and attractive vocational training must be complemented with effective incentives for lifelong learning for those who are in and those who are not in employment, thus ensuring every adult the chance to retrain or to move one step up in their qualification and overcome gender stereotypes, as well as by opportunities for second-chance learning and by targeted migration and integration policies. Member States should develop systems for recognising acquired competencies, and should remove barriers to occupational and geographical mobility of workers, promote the acquisition of transversal competences to support creativity, innovation and entrepreneurship. In particular, efforts should focus on supporting those with low and obsolete skills, increasing the employability of older workers, enhancing training, skills and experience of highly skilled workers, including researchers and women in scientific, mathematical and technological fields.

In cooperation with social partners and firms, Member States should improve access to training, strengthen education and career guidance. These improvements should be combined with the provision of systematic information on new job openings and opportunities, the promotion of entrepreneurship and enhanced anticipation of skill needs. Investment in human resource development, up-skilling and participation in lifelong learning schemes should be promoted through joint financial contributions from governments, individuals and employers. To support young people and in particular those not in employment, education or training, Member States, in cooperation with the social partners, should enact schemes to help those people find initial employment, job experience, or further education and training opportunities, including apprenticeships, and should intervene rapidly when young people become unemployed.

Regular monitoring of the performance of up-skilling and anticipation policies should help identify areas for improvement and increase the responsiveness of education and training systems to current and emerging labour market needs, such as the low-carbon and resource-efficient economy. The ESF and other EU funds should be mobilised, where appropriate, by Member States to support these objectives. Policies stimulating labour demand could complement investments in human capital.

Guideline 9: Improving the quality and performance of education and training systems at all levels and increasing participation in tertiary or equivalent education

In order to ensure access to quality education and training for all and to improve educational outcomes, Member States should invest efficiently in education and training systems notably to raise the skill level of the EU's workforce, allowing it to meet the rapidly changing needs of modern labour markets and society at large. In line with the lifelong learning principles, action should cover all sectors (from early childhood education and schools through to higher education, vocational education and training, as well as adult learning) taking into account also learning in informal and non-formal contexts. Reforms should aim to ensure the acquisition of the key competencies that every individual needs for success in a knowledge-based economy, notably in terms of employability in line with the priorities mentioned in guideline 4. International mobility for learners and teachers should be encouraged. Steps should also be taken to ensure that learning mobility for young people and teachers becomes the norm. Member States should improve the openness and relevance of education and training systems, particularly by implementing national qualification frameworks enabling flexible learning pathways, and by developing partnerships between the worlds of education/training and work. The teaching profession should be made more attractive and attention should be paid to the initial education and the continuous professional development of teachers. Higher education should become more open to non-traditional learners and participation in tertiary or equivalent education should be increased. With a view to reducing the number of young people not in employment, education, or training, Member States should take all necessary steps to prevent early school leaving.

The EU headline target, on the basis of which Member States will set their national targets, taking into account their relative starting positions and national circumstances, will aim to reduce drop out rates to less than 10 %, and increase the share of 30-34 year-olds having completed tertiary or equivalent education to at least 40 % ⁽¹⁾.

Guideline 10: Promoting social inclusion and combating poverty

The extension of employment opportunities is an essential aspect of Member States' integrated strategies to prevent and reduce poverty and to promote full participation in society and economy. Appropriate use of the European Social Fund and other EU funds should be made to that end. Efforts should concentrate on ensuring equal opportunities, including through access for all to high quality, affordable, and sustainable services, in particular in the social field. Public services (including online services, in line with guideline 4) play an important role in this respect. Member States should put in place effective anti-discrimination measures. Empowering people and promoting labour market participation for those furthest away from the labour market while preventing in-work poverty will help fight social exclusion. This would require enhancing social protection systems, lifelong learning and comprehensive active inclusion policies to create opportunities at different stages of people's lives and shield them from the risk of exclusion, with special attention to women. Social protection systems, including pensions and access to healthcare, should be modernised and fully deployed to ensure adequate income support and services — thus providing social cohesion — whilst remaining financially sustainable and encouraging participation in society and in the labour market.

⁽¹⁾ The European Council emphasises the competence of Member States to define and implement quantitative targets in the field of education.

Benefit systems should focus on ensuring income security during transitions and reducing poverty, in particular among groups most at risk from social exclusion, such as one-parent families, minorities including the Roma, people with disabilities, children and young people, elderly women and men, legal migrants and the homeless. Member States should also actively promote the social economy and social innovation in support of the most vulnerable. All measures should also aim at promoting gender equality.

The EU headline target, on the basis of which Member States will set their national targets, taking into account their relative starting conditions and national circumstances, will aim at promoting social inclusion, in particular through the reduction of poverty by aiming to lift at least 20 million people out of the risk of poverty and exclusion ⁽¹⁾.

⁽¹⁾ The population is defined as the number of persons who are at risk of poverty and exclusion according to three indicators (at risk of poverty; material deprivation; jobless household), leaving Member States free to set their national targets on the basis of the most appropriate indicators, taking into account their national circumstances and priorities.

COUNCIL DECISION
of 22 November 2010
appointing one Austrian member and two Austrian alternate members of the Committee of the Regions
(2010/708/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

Having regard to the proposal from the Austrian Government,

(a) as a member:

— Herr Dipl.-Ing. Markus LINHART, Bürgermeister von Bregenz;

and

Whereas:

(b) as alternate members:

— Herr Johannes PEINSTEINER, Bürgermeister von St. Wolfgang und Landtagsabgeordneter,

— Herr Hannes WENINGER, Gemeinderat und Nationalratsabgeordneter.

(1) On 22 December 2009 and 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

(2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Johannes PEINSTEINER.

Article 2

This Decision shall take effect on the day of its adoption.

(3) An alternate member's seat has become vacant following the appointment of Mr Markus LINHART as a member of the Committee of the Regions.

Done at Brussels, 22 November 2010.

(4) An alternate member's seat has become vacant following the end of the term of office of Ms Marianne FÜGL,

For the Council

The President

S. VANACKERE

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COMMISSION DECISION
of 22 November 2010
establishing the European Union Ecolabelling Board

(notified under document C(2010) 7961)

(Text with EEA relevance)

(2010/709/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel criteria are to be established with the assistance of a European Union Ecolabelling Board (hereinafter referred to as 'EUEB').
- (2) For the acceptance of the EU Ecolabel scheme by the general public, it is essential that organisations such as environmental non-governmental organisations and consumer organisations be members of the EUEB as interested parties together with the competent bodies of the Member States.
- (3) Commission Decision 2000/730/EC of 10 November 2000 establishing the European Union Ecolabelling Board and its rules of procedure⁽²⁾ should be replaced,

HAS ADOPTED THIS DECISION:

Article 1

The European Union Ecolabelling Board, hereinafter referred to as 'EUEB', is hereby established.

Article 2

1. The members of the EUEB shall be appointed by the Commission.
2. The EUEB shall be composed of the representatives of the Competent Bodies of each Member State, of the representatives of the Member State of the European Economic Area and of the representatives of the following organisations:

- (a) Bureau Européen des Consommateurs (BEUC);
- (b) EUROCOOP;

(c) European Environmental Bureau (EEB);

(d) Business Europe;

(e) European Association of Craft, Small & Medium-sized Enterprises (UEAPME);

(f) EUROCOMMERCE.

3. The Commission may amend the membership of the EUEB as appropriate.

Article 3

1. Each member of the EUEB shall designate a contact person.

2. The meetings of the EUEB shall be chaired by its President.

3. The EUEB shall adopt its rules of procedure in consultation with the Commission.

4. The Commission shall reimburse travel and, where appropriate, subsistence expenses for members in connection with the EUEB's activities within the limits of the annual budget allocated to such expenditure.

Article 4

Decision 2000/730/EC is repealed.

Article 5

This Decision shall apply from 1 October 2010.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 22 November 2010.

For the Commission

Janez POTOČNIK

Member of the Commission

⁽¹⁾ OJ L 27, 30.1.2010, p. 1.

⁽²⁾ OJ L 293, 22.11.2000, p. 24.

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