

TRANSLATION

CONVENTION ON THE PROTECTION OF THE RHINE

THE GOVERNMENTS OF

THE FEDERAL REPUBLIC OF GERMANY,

THE FRENCH REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE SWISS CONFEDERATION,

and THE EUROPEAN COMMUNITY,

Desiring to work towards the sustainable development of the Rhine ecosystem on the basis of a comprehensive approach, taking into consideration the natural wealth of the river, its banks and alluvial areas,

Desiring to step up their cooperation on conserving and improving the Rhine ecosystem,

Referring to the Convention of 17 March 1992 on the protection and use of transboundary watercourses and international lakes and the Convention of 22 September 1992 on the protection of the marine environment of the north-east Atlantic,

Taking into account the work carried out under the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution and the Additional Agreement of 3 December 1976,

Considering that efforts must be made to further the improvement in water quality achieved under the Convention of 3 December 1976 for the protection of the Rhine against chemical pollution and under the Rhine Action Programme of 30 September 1987,

Aware that the restoration of the Rhine is also necessary to conserve and improve the ecosystem of the North Sea,

Aware of the importance of the Rhine as a European waterway and of its various uses,

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Convention:

- (a) 'Rhine' means the Rhine from the outlet of Lake Untersee and, in the Netherlands, the branches Bovenrijn, Bijlands Kanaal, Pannerdensch Kanaal, IJssel, Nederrijn, Lek, Waal, Boven-Merwede, Beneden-Merwede, Noord, Oude Maas, Nieuwe Maas and Scheur and the Nieuwe Waterweg as far as the base line as specified in Article 5 in connection with Article 11 of the United Nations Convention on the Law of the Sea, the Ketelmeer and the IJsselmeer;
- (b) 'Commission' means the International Commission for the Protection of the Rhine (ICPR).

Article 2

Scope

This Convention applies to:

- (a) the Rhine;
- (b) groundwater interacting with the Rhine;
- (c) aquatic and terrestrial ecosystems which interact or could again interact with the Rhine;

(d) the Rhine catchment area, insofar as its pollution by noxious substances adversely affects the Rhine;

(e) the Rhine catchment area, insofar as it is of importance for flood prevention and protection along the Rhine.

Article 3

Aims

The Contracting Parties shall pursue the following aims through this Convention:

1. sustainable development of the Rhine ecosystem, in particular through:
 - (a) maintaining and improving the quality of the Rhine's waters, including the quality of suspended matter, sediments and groundwater, notably by
 - preventing, reducing or eliminating as far as possible pollution caused by noxious substances and by nutrients from point sources (e.g. industry and municipalities) and diffuse sources (e.g. agriculture and traffic) — including that from groundwater — and pollution from shipping,
 - ensuring and improving the safety of installations and preventing incidents and accidents;

- (b) protecting populations of organisms and species diversity and reducing contamination by noxious substances in organisms;
 - (c) maintaining, improving and restoring the natural function of the waters; ensuring that flow management takes account of the natural flow of solid matter and promotes interactions between river, groundwater and alluvial areas; conserving, protecting and reactivating alluvial areas as natural floodplains;
 - (d) conserving, improving and restoring the most natural habitats possible for wild fauna and flora in the water, on the river bed and banks and in adjacent areas, and improving living conditions for fish and restoring their free migration;
 - (e) ensuring environmentally sound and rational management of water resources;
 - (f) taking ecological requirements into account when implementing technical measures to develop the waterway, e.g. for flood protection, shipping or the use of hydroelectric power;
2. the production of drinking water from the waters of the Rhine;
 3. improvement of sediment quality in order that dredged material may be deposited or spread without adversely affecting the environment;
 4. general flood prevention and protection, taking account of ecological requirements;
 5. to help restore the North Sea in conjunction with the other actions taken to protect it.

Article 4

Principles

To this end, the Contracting Parties shall be guided by the following principles:

- (a) precautionary principle;
- (b) principle of preventive action;
- (c) principle of rectification, as a priority at source;
- (d) polluter pays principle;
- (e) principle of not increasing damage;
- (f) principle of compensation in the event of major technical measures;
- (g) principle of sustainable development;
- (h) application and development of the state of the art and best environmental practice;
- (i) principle of not transferring environmental pollution from one environment to another.

Article 5

Undertakings by the Contracting Parties

To achieve the aims set out in Article 3, and in the light of the principles set out in Article 4, the Contracting Parties undertake:

1. to step up their cooperation and to inform one another, particularly regarding actions taken in their territory to protect the Rhine;
2. to implement in their territory the international measuring programmes and the studies of the Rhine ecosystem agreed upon by the Commission and to inform the Commission of the results;
3. to carry out analyses with a view to identifying the causes of and parties responsible for pollution;
4. to initiate the autonomous actions they deem necessary in their territory, and in any event ensure that
 - (a) discharging of waste water liable to affect water quality is subject to prior authorisation or to general rules laying down emission limits;
 - (b) discharges of hazardous substances are gradually reduced with a view to complete elimination;
 - (c) compliance with authorisations and general rules is monitored, as are discharges;
 - (d) authorisations and general rules are periodically examined and adjusted where substantial improvements in the state of the art so permit or where the state of the receiving medium so necessitates;
 - (e) the risk of pollution from incidents or accidents is reduced as far as possible by regulations, and the requisite measures are taken in the event of an emergency;
 - (f) technical measures liable to have a serious effect on the ecosystem are subject to prior authorisation, along with the necessary conditions, or to general regulations;
5. to initiate the necessary actions in their territory to implement decisions taken by the Commission in accordance with Article 11;
6. in the event of incidents or accidents that might threaten the quality of the water of the Rhine or in the event of imminent flooding, immediately to inform the Commission and the Contracting Parties liable to be affected, in accordance with the warning and alert plans coordinated by the Commission.

Article 6

Commission

1. To implement this Convention, the Contracting Parties shall pursue their cooperation within the Commission.
2. The Commission shall have legal personality. In the territory of the Contracting Parties it shall, in particular, enjoy the legal capacity conferred on legal persons by domestic law. It shall be represented by its Chairman.

3. Questions of labour legislation and social matters shall be governed by the law of the country in which the Commission has its seat.

Article 7

Organisation of the Commission

1. The Commission shall consist of the delegations of the Contracting Parties. Each Contracting Party shall appoint its delegates, one of whom shall be head of delegation.

2. The delegations may enlist the services of experts.

3. The Commission shall be chaired for three years by each delegation in turn in the order of Contracting Parties listed in the preamble. The delegation chairing the Commission shall appoint the Chairman. The Chairman shall not act as spokesman for his delegation.

Should a Contracting Party waive its right to chair the Commission, the next Contracting Party shall take the Chair.

4. The Commission shall draft its rules of procedure and financial regulations.

5. The Commission shall decide on matters of international organisation, the working structure it deems necessary and the annual operating budget.

Article 8

Tasks of the Commission

1. To achieve the aims set out in Article 3 the Commission shall accomplish the following tasks:

- (a) prepare international measuring programmes and studies of the Rhine ecosystem and make use of their results, in cooperation with scientific institutions if necessary;
- (b) make proposals for individual measures and programmes of measures, where appropriate including economic instruments and taking into account the expected costs;
- (c) coordinate the Contracting States' warning and alert plans for the Rhine;
- (d) evaluate the effectiveness of the actions decided upon, notably on the basis of the reports of the Contracting Parties and the results of the measuring programmes and studies of the Rhine ecosystem;
- (e) carry out any other tasks entrusted to it by the Contracting Parties.

2. To this end, the Commission shall take decisions in accordance with Articles 10 and 11.

3. The Commission shall submit an annual activity report to the Contracting Parties.

4. The Commission shall inform the public as to the state of the Rhine and the results of its work. It may draft and publish reports.

Article 9

Plenary sessions of the Commission

1. At the invitation of the Chairman, the Commission shall meet for one plenary session per year.

2. Extraordinary plenary sessions may be called by the Chairman, upon his initiative or at the request of at least two delegations.

3. The Chairman shall propose the agenda. Each delegation shall have the right to have items included on the agenda that it wishes to have discussed.

Article 10

Decision-making in the Commission

1. Decisions of the Commission shall be taken unanimously.

2. Each delegation shall have one vote.

3. If measures to be carried out by the Contracting Parties in accordance with Article 8(1)(b) fall within the competence of the European Community, the latter shall vote with the number of votes corresponding to the number of its Member States which are Contracting Parties to this Convention, notwithstanding paragraph 2 above. The European Community shall not vote in cases where its Member States vote and vice versa.

4. Abstention of only one delegation shall not constitute an impediment to unanimity. This shall not apply to the delegation of the European Community. Absence of a delegation shall be considered as abstention.

5. The rules of procedure may provide for a written procedure.

Article 11

Implementation of Commission decisions

1. The Commission shall communicate to the Contracting Parties, in the form of recommendations, its decisions on the measures referred to in Article 8(1)(b), which shall be implemented in accordance with the national law of the Contracting Parties.

2. The Commission may stipulate that these decisions:

- (a) shall be applied by the Contracting Parties on the basis of a timetable;
- (b) shall be implemented in a coordinated manner.

3. The Contracting Parties shall report regularly to the Commission on:

- (a) the legislative, regulatory and other measures they have taken with a view to implementing the provisions of this Convention and on the basis of the Commission's decisions;
- (b) the results of the measures implemented in accordance with subparagraph (a);
- (c) problems arising in the implementation of the measures referred to in subparagraph (a).

4. If a Contracting Party cannot implement the Commission's decisions, in full or in part, it shall report this within a specific time limit set by the Commission on a case-by-case basis and shall give its reasons. Each delegation may submit a request for consultation, to which a response must be given within two months.

On the basis of the reports from the Contracting Parties or of consultations, the Commission may decide that measures will be taken to assist the implementation of the decisions.

5. The Commission shall keep a list of its decisions addressed to the Contracting Parties. The Contracting Parties shall add to the list annually with updates on the progress made in implementing the Commission's decisions, at the latest two months before the plenary session of the Commission.

Article 12

Secretariat of the Commission

1. The Commission shall have a permanent secretariat, which shall carry out the tasks entrusted to it by the Commission and be headed by an executive secretary.

2. The Contracting Parties shall decide on the headquarters of the secretariat.

3. The Commission shall appoint the executive secretary.

Article 13

Distribution of costs

1. Each Contracting Party shall bear the costs of its representation in the Commission and its working structure, and each Contracting State shall bear the costs of the studies and actions it carries out within its territory.

2. The distribution of costs relating to the annual operating budget between the Contracting Parties shall be laid down in the Commission's rules of procedure and financial regulations.

Article 14

Cooperation with the other States, other organisations and external experts

1. The Commission shall cooperate with other intergovernmental organisations and may address recommendations to them.

2. The Commission may recognise as observers:

- (a) States that have an interest in the work of the Commission;
- (b) intergovernmental organisations whose work is related to the Convention;
- (c) non-governmental organisations, insofar as their field of interest or activities are relevant.

3. The Commission shall exchange information with non-governmental organisations insofar as their fields of interest or activities are relevant. The Commission shall in particular consult such organisations before discussing decisions liable to have an important impact on them and shall inform them as soon as such decisions have been taken.

4. Observers may submit to the Commission any information or reports relevant to the aims of the Convention. They

may be invited to participate in Commission meetings without having the right to vote.

5. The Commission may decide to consult specialists representing the recognised non-governmental organisations or other experts and invite them to its meetings.

6. The conditions for cooperation and those for eligibility and participation shall be laid down in the rules of procedure and financial regulations.

Article 15

Working languages

The working languages of the Commission shall be German, French and Dutch. Detailed arrangements shall be laid down in the rules of procedure and financial regulations.

Article 16

Settlement of disputes

1. If a dispute arises between Contracting Parties regarding the interpretation or application of this Convention, the Parties concerned shall seek a solution through negotiation or any form of dispute settlement acceptable to them.

2. If the dispute cannot be settled in this manner, it shall, unless the Parties to the dispute decide otherwise, be submitted, at the request of one of them, to arbitration in accordance with the provisions of the Annex to this Convention, which shall form an integral part thereof.

Article 17

Entry into force

Each Contracting Party will notify the Government of the Swiss Confederation once it has completed the procedures necessary to bring this Convention into force. The Government of the Swiss Confederation will confirm the receipt of notifications and also inform the other Contracting Parties. The Convention will enter into force on the first day of the second month following receipt of the last notification.

Article 18

Withdrawal

1. Three years after its entry into force, any of the Contracting Parties may at any time withdraw from this Convention by means of a written declaration to the Government of the Swiss Confederation.

2. Withdrawal from the Convention shall take effect only at the end of the following year.

Article 19

Repeal and continued application of current law

1. With the entry into force of this Convention and notwithstanding paragraphs 2 and 3 of this Article, the following shall be repealed:

- (a) Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution,

- (b) Additional Agreement of 3 December 1976 to the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution,
- (c) Convention of 3 December 1976 for the protection of the Rhine against chemical pollution.

2. Decisions, recommendations, limit values and any other arrangements adopted on the basis of the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution, the Addition Agreement of 3 December 1976 and the Convention of 3 December 1976 for the protection of the Rhine against chemical pollution shall remain applicable without any change to their legal nature, provided the Commission does not explicitly repeal them.

3. The distribution of costs relating to the annual operating budget defined in Article 12 of the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution as amended by the Additional Agreement of 3 December 1976 shall remain in force until the Commission has established a distribution in its rules of procedure and financial regulations.

Article 20

Original and deposit

This Convention, drafted in the Dutch, French and German languages, each of the three texts being equally authentic, is deposited with the Government of the Swiss Confederation, which will transmit a certified copy to each of the Contracting Parties.

Done at Berne, 12 April 1999.

For the Governments of

the Federal Republic of Germany:

the Kingdom of the Netherlands:

the French Republic:

the Swiss Confederation:

the Grand Duchy of Luxembourg:

For the European Community:

ANNEX

ARBITRATION

1. Unless the parties to the dispute decide otherwise, the arbitration procedure shall be conducted in accordance with the provisions of this Annex.
 2. The arbitral tribunal shall consist of three members. The claimant and the defendant shall appoint one arbitrator each; the two arbitrators so appointed shall by common consent designate a third who shall chair the tribunal.

If the chair of the arbitral tribunal has not been appointed within two months of the appointment of the second arbitrator, the President of the International Court of Justice shall appoint an arbitrator within two further months at the request of the first party to act.
 3. If one of the parties to the dispute has not appointed a member of the tribunal within two months of receipt of the request provided for in Article 16 of the Convention, the other party may submit the matter to the President of the International Court of Justice who shall appoint the chair of the arbitral tribunal within a further two months. Once appointed, the chair shall request the party which has not yet appointed an arbitrator to do so within two months. Upon expiry of this time limit he or she shall submit the matter to the President of the International Court of Justice who shall make this appointment within a further two months.
 4. If, in one of the cases referred to above, the President of the International Court of Justice is prevented from acting or is a national of one of the parties to the dispute, the Vice-President of the Court or the most senior member of the Court who is not prevented from acting and is not a national of one of the parties to the dispute shall appoint the chair of the arbitral tribunal or an arbitrator.
 5. These provisions shall apply, *mutatis mutandis*, to the filling of posts which have become vacant.
 6. The arbitral tribunal shall decide on the basis of the rules of international law and in particular on the basis of the provisions of this Convention.
 7. As regards both procedural and substantive matters, the arbitral tribunal shall decide by a majority of its members' votes; the absence or abstention of one of the members of the tribunal appointed by the parties shall not prevent the tribunal from reaching a decision. In the event of parity of votes, the chairman shall have the casting vote. The decisions of the Tribunal shall be binding on the parties. Each party shall bear the costs of the arbitrator appointed by it and shall share the other costs equally. For other matters, the arbitral tribunal shall establish its own rules of procedure.
 8. In the case of a dispute between two Contracting Parties, only one of which is a Member State of the European Community, which is itself a Contracting Party, the other Party shall simultaneously transmit its request to that Member State and to the Community, which shall jointly notify the party within two months following receipt of the request whether the Member State, the Community or the Member State and the Community together are parties to the dispute. If such notification is not given within the appointed time, both the Member State and the Community shall be regarded as constituting one and the same party to the dispute for the purposes of applying this Annex. The same shall obtain when the Member State and the Community are jointly a party to the dispute.
-

PROTOCOL OF SIGNATURE

In signing the Convention for the Protection of the Rhine, the heads of delegation in the ICPR agree upon the following points.

1. The following shall remain unaffected by the Convention:
 - (a) the Convention of 3 December 1976 for the protection of the Rhine against Pollution by Chlorides;
 - (b) the Exchange of letters of 29 April/13 May 1983 on the abovementioned Convention, which exchange entered into force on 5 July 1985;
 - (c) the Declaration of 11 December 1986 of the heads of delegation of the Governments Party to the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution;
 - (d) the Additional Protocol of 25 September 1991 on the Convention of 3 December 1976 for the protection of the Rhine against Pollution by Chlorides;
 - (e) the Declaration of 25 September 1991 of the heads of delegation of the Governments Party to the Agreement of 29 April 1963 concerning the International Commission for the Protection of the Rhine against Pollution.
2. 'State of the art' and 'best available techniques' are synonymous expressions and, like the expression 'best environmental practice', must be understood as defined in the Convention of 17 March 1992 on the protection and use of transboundary watercourses and international lakes (Annexes I and II) and the Convention of 22 September 1992 for the protection of the marine environment of the north-east Atlantic (Appendix I).
3. The Commission shall continue to have its seat in Koblenz.
4. In cases of settlements of disputes between Member States of the European Community which do not concern any other State, Article 219 of the Treaty establishing the European Community shall apply.

Done at Berne, 12 April 1999.

For the Governments of:

the Federal Republic of Germany:

the Kingdom of the Netherlands:

the French Republic:

the Swiss Confederation:

the Grand Duchy of Luxembourg:

For the European Community:

COMMISSION

COMMISSION DECISION

of 6 November 2000

on financial assistance from the Community for storage in France, Italy and the United Kingdom of antigen for production of foot-and-mouth disease vaccine and amending Decision 2000/112/EC

(notified under document number C(2000) 3175)

(2000/707/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽²⁾, and in particular Article 14 thereof,

Whereas:

- (1) By virtue of Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines ⁽³⁾, as last amended by Decision 1999/762/EC ⁽⁴⁾, establishment of antigen banks is part of the Community's action to create Community reserves of foot-and-mouth disease vaccine.
- (2) Article 3 of that Decision designates the Laboratoire de pathologie bovine du Centre national d'études vétérinaires et alimentaires at Lyon in France and the Istituto Zooprofilattico Sperimentale di Brescia in Italy as antigen banks holding Community reserves and provides for procedures to designate other establishments as antigen bank by Commission Decision.
- (3) By Decision 2000/111/EC ⁽⁵⁾ the Commission designated Merial SAS, Pirbright, United Kingdom, as a third antigen bank and made provisions for the transfer of antigen from a bank no longer designated. The Community financial contribution for the year 2000 is subject of the contract on transfer and storage of antigen

concluded between the Commission and Merial SAS, in accordance with this Decision.

- (4) Commission Decision 2000/112/EC detailing the distribution between antigen banks of antigen reserves established within the framework of the Community action concerning reserves of foot-and-mouth disease vaccines and amending Decisions 93/590/EC and 97/348/EC ⁽⁶⁾ with regard to the storage site of certain quantities and strains of antigen applies since 1 February 2000. However the transfer of antigen from Pirbright Institute for Animal Health to Merial SAS, Pirbright was delayed for technical reasons and thereby Pirbright Institute for Animal Health, continued to provide to the Community the services of an antigen bank until the transfer was completed on 28 June 2000.
- (5) The functions and duties of these antigen banks are specified in Article 4 of Decision 91/666/EEC and community assistance must be conditional on accomplishment of these.
- (6) Community financial assistance should be granted to the banks providing services to the Community to enable them to carry out during 2000 the said functions and duties.
- (7) For budgetary reasons the Community assistance should be granted for a period of one year.
- (8) For financial control purposes Articles 8 and 9 of Regulation (EC) No 1258/1999 should apply.
- (9) Commission Decision 2000/112/EC should be amended in order to take account of the delayed transfer of antigen from Pirbright Institute For Animal Health to Merial SAS, Pirbright, United Kingdom.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

⁽³⁾ OJ L 368, 31.12.1991, p. 21.

⁽⁴⁾ OJ L 301, 24.11.1999, p. 6.

⁽⁵⁾ OJ L 33, 8.2.2000, p. 19.

⁽⁶⁾ OJ L 33, 8.2.2000, p. 21.

(10) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

3. The Community's financial assistance shall be up to a maximum of EUR 15 000 for the period 1 January to 30 June 2000.

HAS ADOPTED THIS DECISION:

Article 1

1. The Community shall grant France financial assistance for the stocking of antigen for production of foot-and-mouth disease vaccine.

2. The Laboratoire de pathologie bovine du Centre national d'études vétérinaires et alimentaires at Lyon in France shall hold the stock of antigen to which paragraph 1 relates. The provisions of Article 4 of Decision 91/666/EEC shall apply.

3. The Community's financial assistance shall be up to a maximum of EUR 30 000 for the period 1 January to 31 December 2000.

Article 2

1. The Community shall grant Italy financial assistance for the stocking of antigen for production of foot-and-mouth disease vaccine.

2. The Istituto Zooprofilattico Sperimentale di Brescia in Italy shall hold the stock of antigen to which paragraph 1 relates. The provisions of Article 4 of Decision 91/666/EEC shall apply.

3. The Community's financial assistance shall be up to a maximum of EUR 30 000 for the period 1 January to 31 December 2000.

Article 3

1. The Community shall grant the United Kingdom financial assistance for the stocking of antigen for production of foot-and-mouth disease vaccine.

2. The Institute for Animal Health at Pirbright in the United Kingdom shall hold the stock of antigen to which paragraph 1 relates. The provisions of Article 4 of Decision 91/666/EEC shall apply.

Article 4

1. The Community's financial assistance referred to in Article 1(3), Article 2(3) and Article 3(3) shall be paid following presentation, by the Member State concerned, of supporting documents, which demonstrate the effective completion of the tasks.

2. The supporting documents referred to in paragraph 1 must be presented to the Commission before 1 March 2001 and they should include:

(a) technical information on:

- the amount and type of antigen stored (storage records),
- storage equipment used (type, number and capacity of tanks),
- security system in place (temperature control, anti-theft measures),
- insurance arrangements (fire, accidents);

(b) financial information (completion of table as show in the Annex).

Article 5

Articles 8 and 9 of Regulation (EC) No 1258/1999 shall apply *mutatis mutandis*.

Article 6

In Article 3 of Decision 2000/112/EC the date of '1 February 2000' is changed to '1 July 2000'.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX

FINANCIAL INFORMATION RELATED TO THE STORAGE OF ANTIGEN FOR PRODUCTION OF FOOT-AND-MOUTH DISEASE VACCINE

Statement of costs

Reporting period from: to:

Reference No of Commission Decision providing financial assistance:

Name and address of beneficiary:

Category of costs	Amount for the period (National currency) (!)
1. Staff	
2. Capital equipment	
3. Consumables	
4. Insurance	
5. Rental of premises	
Total	

(!) All costs must be expressed in national currency.

Certificate by the beneficiary

We certify that:

- the above costs were incurred in connection with the tasks defined in the Decision and were essential to the sound performance of those tasks,
- they are genuine costs falling within the definition of reimbursable costs,
- all the documents supporting the costs are available for audit purposes.

Date:

Name of technical director:

Signature:

Date:

Person financially responsible:

Signature:

COMMISSION DECISION

of 6 November 2000

amending for the third time Decision 1999/507/EC on certain protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia

(notified under document number C(2000) 3178)

(Text with EEA relevance)

(2000/708/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Directive 96/43/EC ⁽²⁾, and in particular Article 18(7) thereof,

Whereas:

- (1) By Decision 1999/507/EC ⁽³⁾, as last amended by Decision 2000/6/EC ⁽⁴⁾, of the Commission has adopted protection measures with regard to certain fruit bats, dogs and cats coming from Malaysia (Peninsula) and Australia, with regard to Nipah respective Hendra disease, including among others laboratory tests for dogs and cats destined for imports into the Community.
- (2) Hendra disease, being a notifiable disease in accordance with Australian law, has not been reported in Australia since the adoption of Decision 1999/507/EC. Therefore, the provisions of this Decision relating to Australia should be adapted to the disease situation in the country concerned, and in particular the requirement for laboratory testing for cats imported from Australia should be withdrawn.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 1999/507/EC is amended as follows:

1. The second indent of paragraph 2 is deleted.
2. A third paragraph is added as follows:
'3. The prohibition referred to in paragraph 1 shall not apply to cats in transit, provided they remain within the perimeter of an international airport.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2000.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 268, 24.9.1991, p. 56.⁽²⁾ OJ L 162, 1.7.1996, p. 1.⁽³⁾ OJ L 194, 27.7.1999, p. 66.⁽⁴⁾ OJ L 3, 6.1.2000, p. 29.

COMMISSION DECISION

of 6 November 2000

on the minimum criteria to be taken into account by Member States when designating bodies in accordance with Article 3(4) of Directive 1999/93/EC of the European Parliament and of the Council on a Community framework for electronic signatures

(notified under document number C(2000) 3179)

(Text with EEA relevance)

(2000/709/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures ⁽¹⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) On 13 December 1999, the European Parliament and the Council adopted the Directive 1999/93/EC on a Community framework for electronic signatures.
- (2) Annex III to Directive 1999/93/EC contains the requirements for secure signature-creation-devices. According to Article 3(4) of the Directive, the conformity of secure signature-creation-devices with the requirements laid down in Annex III shall be determined by appropriate public or private bodies designated by Member States and the Commission shall establish criteria for Member States to determine whether a body should be designated for performing such conformity assessments.
- (3) The establishment of the above criteria by the Commission has to be made after consultation of the 'Electronic Signature Committee' set up under Article 9(1) of Directive 1999/93/EC.
- (4) The measures provided for in this Decision are in accordance with the opinion of the 'Electronic Signature Committee'.

HAS ADOPTED THIS DECISION:

Article 1

The purpose of this Decision is to establish the criteria for Member States to determine whether a national body should be designated as responsible for the conformity assessments of secure signature-creation-devices.

Article 2

Where a designated body is part of an organisation involved in activities other than conformance assessment of secure signature-creation-devices with the requirements laid down in

Annex III to Directive 1999/93/EC it must be identifiable within that organisation. Different activities must be clearly distinguished.

Article 3

The body and its staff must not engage in any activities that may conflict with their independence of judgement and integrity in relation to their task. In particular, the body must be independent of the parties involved. Therefore, the body, its executive officer and the staff responsible for carrying out the conformance assessment tasks must not be a designer, manufacturer, supplier or installer of secure signature-creation-devices, or a certification service provider issuing certificates to the public, nor the authorised representative of any of such parties.

In addition, they must be financially independent and not become directly involved in the design, construction, marketing or maintenance of secure signature-creation-devices, nor represent the parties engaged in these activities. This does not preclude the possibility of exchange of technical information between the manufacturer and the designated body.

Article 4

The body and its personnel must be able to determine the conformity of secure signature-creation-devices with the requirements laid down in Annex III to Directive 1999/93/EC with a high degree of professional integrity, reliability and sufficient technical competence.

Article 5

The body shall be transparent in its conformity assessment practices and shall record all relevant information concerning these practices. All interested parties must have access to the services of the body. The procedures under which the body operates must be administered in a non-discriminatory manner.

Article 6

The body must have at its disposal the necessary staff and facilities to enable it to perform properly and swiftly the technical and administrative work associated with the task for which it has been designated.

⁽¹⁾ OJ L 13, 19.1.2000, p. 12.

Article 7

The personnel responsible for conformity assessment must have:

- sound technical and vocational training, particularly in the field of electronic signature technologies and the related IT security aspects,
- satisfactory knowledge of the requirements of the conformity assessments they carry out and adequate experience to carry out such assessments.

Article 8

The impartiality of staff shall be guaranteed. Their remuneration shall not depend on the number of conformity assessments carried out nor on the results of such conformity assessments.

Article 9

The body must have adequate arrangements to cover liabilities arising from its activities, for example, by obtaining appropriate insurance.

Article 10

The body must have adequate arrangements to ensure the confidentiality of the information obtained in carrying out its tasks under Directive 1999/93/EC or any provision of national

law giving effect thereto, except vis-a-vis the competent authorities of the designating Member State.

Article 11

Where a designated body arranges for the carrying out of a part of the conformity assessments by another party, it must ensure and be able to demonstrate that this party is competent to perform the service in question. The designated body must take full responsibility for the work carried out under those arrangements. The final decision remains with the designated body.

Article 12

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

NOTICE TO READERS

Owing to a technical problem occurring between the publication of Regulation (EC) No 2119/2000 (OJ L 252, 6.10.2000, p. 11) and that of Regulation (EC) No 2220/2000 (OJ L 253, 7.10.2000, p. 1), document Nos 2120/2000 to 2219/2000 have not been assigned.