

**IMPLEMENTING ARRANGEMENT BETWEEN THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY OF THE DEPARTMENT OF COMMERCE OF THE UNITED STATES OF AMERICA AND THE COMMISSION OF THE EUROPEAN COMMUNITIES FOR COOPERATION IN THE FIELDS OF METROLOGY AND MEASUREMENT STANDARDS**

(1999/C 347/03)

**(Only the English text is authentic)**

*Article 1*

**Scope and objectives**

Pursuant to Articles 4 and 5 of the Agreement for Scientific and Technological Cooperation between the Government of the United States of America and the European Community (hereinafter referred to as the Agreement), the National Institute of Standards and Technology (NIST) of the Department of Commerce of the United States of America, and the Commission of the European Communities, represented for signature of this arrangement by the Directorate-General for Science, Research and Development (hereinafter referred to as the signing organisations), hereby agree to provide a mechanism for cooperation in measurement technologies and measurement standards.

The purpose of this cooperation is to demonstrate the degree to which equivalent measurement capability exists between the NIST technical laboratories and the European National laboratory network and to augment the scientific and technical capabilities of the participating institutions.

*Article 2*

**Cooperative activities**

- A. This implementing arrangement may consist of exchanges of technical information, reference data and materials, calibrations, and measurement standards; exchange visits; cooperative research in disciplines of mutual interest; and other forms of cooperative activities as mutually agreed.
- B. Scientific areas of cooperation may include, but are not limited to such areas of mutual interest as:

1. joint development and maintenance of a database of international comparisons;
2. establishment of mutual equivalencies;
3. joint development of measurement technologies and measurement standards;
4. joint development of reference materials;

5. establishment of mutual traceability as defined in footnote <sup>(1)</sup>

6. other activities as may be mutually agreed.

- C. Any activity carried out this implementing arrangement shall be agreed upon by the signing organisations in writing and shall be subject to further arrangements, as appropriate, in accordance with the laws and procedures of the United States of America and the European Community.

*Article 3*

**Funding**

Research activities under this implementing arrangement are subject to and dependent upon the availability of funds and personnel. Decisions on funding for joint activities shall be made by mutual agreement.

*Article 4*

**Intellectual property**

Provisions for the protection and distribution of intellectual property created or furnished in the course of cooperative activities under this implementing arrangement shall be in accordance with the provisions of the Annex to the Agreement.

*Article 5*

**Disclaimer**

Information transmitted in accordance with any instrument signed pursuant to this implementing arrangement shall be accurate to the best knowledge and belief of the transmitting party, but the transmitting party does not warrant the suitability of the information transmitted for any particular use of or application by the receiving party or any third party.

<sup>(1)</sup> Traceability is defined as the property of a measurement or the value of a standard whereby it can be related to stated references, usually national or international standards, through an unbroken chain of comparisons all having stated uncertainties. It is noted that traceability only exists when scientifically rigorous evidence is collected on a continuing basis showing that the measurement is producing documented results for which the total measurement uncertainty is quantified.

*Article 6***Planning and review of activities**

- A. Upon entry into force of this implementing arrangement, both signing organisations shall name representatives who, at times mutually established, shall plan and review activities under this implementing arrangement and use their best abilities to mitigate disputes if any arise.
- B. The point of contact for implementation of these activities for the Commission of the European Communities shall be the Measurements and Testing Generic Activity of the Directorate-General for Science, Research and Development,

and for NIST shall be the NIST Office of International and Academic Affairs.

*Article 7***Entry into force and termination**

This implementing arrangement shall enter into force upon signature by both organisations and remain in force for five years, unless terminated by either side upon ninety days' written notice to the other side. This implementing arrangement may be amended or extended by written agreement of the signing organisations. The termination of this implementing arrangement shall not affect the validity or duration of projects under this implementing arrangement that are initiated prior to such termination.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective authorities, have signed this implementing arrangement.

Done in duplicate in the English language at Brussels, on 5 October 1999.

*For the National Institute of Standards and Technology  
of the Department of Commerce of the United States  
of America*

Raymond KAMMER

*For the Commission of the European Communities,  
represented by the Director-General for DG XII,  
Science, Research and Development*

Jorma ROUTTI

**Non-opposition to a notified concentration**

**(Case COMP/M.1694 — EMC/Data General)**

(1999/C 347/04)

**(Text with EEA relevance)**

On 6 October 1999, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document number 399M1694. CELEX is the computerised documentation system of European Community law; for more information concerning subscriptions please contact:

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