

English edition

## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 975/1999**

**of 29 April 1999**

**laying down the requirements for the implementation of development co-operation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Acting in accordance with the procedure laid down in Article 189c of the Treaty <sup>(2)</sup>,

(1) Whereas procedures should be laid down for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms;

(2) Whereas the Council has adopted simultaneously with this Regulation, Council Regulation (EC) No 976/1999 of 29 April 1999 laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries <sup>(3)</sup>;

(3) Whereas Community policy in the sphere of development cooperation contributes to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms;

and to that of respecting human rights and fundamental freedoms;

(4) Whereas Article F.2 of the Treaty on European Union stipulates that the Union respects fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law;

(5) Whereas Community action to promote human rights and democratic principles is guided by belief in the universality and indivisibility of human rights, principles that underpin the international system for the protection of human rights;

(6) Whereas Community action to promote human rights and democratic principles is rooted in the general principles established by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

(7) Whereas the Community recognises the interdependence of all human rights and whereas progress in economic and social development and in the achievement of civil and political rights should be mutually supportive;

(8) Whereas human rights within the meaning of this Regulation should be considered to encompass respect for international humanitarian law, also taking into account the 1949 Geneva Conventions

<sup>(1)</sup> OJ C 282, 18.9.1997, p. 14.

<sup>(2)</sup> Opinion of the European Parliament of 19 November 1997 (OJ C 371, 8.12.1997, p. 74), Council Common Position of 25 January 1999 (OJ C 58, 1.3.1999, p. 17) and Decision of the European Parliament of 14 April 1999 (not yet published in the Official Journal).

<sup>(3)</sup> See page 8 of this Official Journal.

and the 1977 Additional Protocol thereto, the 1951 Geneva Convention relating to the Status of Refugees, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and other acts of international treaty or customary law;

- (9) Whereas the resolution on human rights, democracy and development adopted by the Council and the Member States, meeting within the Council, on 28 November 1991 sets out guidelines, procedures and practical measures aimed at promoting civil and political freedoms alongside economic and social rights, by means of a representative political system based on respect for human rights;
- (10) Whereas Community action to promote human rights and democratic principles is the product of a positive and constructive approach in which human rights and democratic principles are seen as a matter of common interest for the Community and its partners, and as a subject for dialogue that can produce measures to promote respect for these rights and principles;
- (11) Whereas this positive approach should be reflected in the implementation of measures in support of democratisation, the strengthening of the rule of law and the development of a pluralist and democratic civil society and in confidence-building measures aimed at preventing conflicts, supporting peace initiatives and addressing the issue of impunity;
- (12) Whereas the financial instruments used to support positive action in individual countries should be used in a manner consistent with geographical programmes and integrated with other development instruments to maximise their impact and effectiveness;
- (13) Whereas it is also necessary to ensure that these operations are consistent with the European Union's foreign policy as a whole, including the common foreign and security policy;
- (14) Whereas these operations should in particular focus on those discriminated against or suffering from poverty or disadvantage, children, women, refugees, migrants, minorities, displaced persons, indigenous peoples, prisoners and victims of torture;
- (15) Whereas Community support for democratisation and observance of the principles of the rule of law within a political system respecting the individual's fundamental freedoms helps fulfil the objectives laid down in the agreements concluded by the Community with its partners, in which respect for human rights and democratic principles is an essential element of relations between the parties;
- (16) Whereas the quality, impact and continuity of operations should in particular be safeguarded by providing for multiannual programmes to promote human rights and democratic principles in partnership with the authorities of the country concerned, taking account of its specific needs;
- (17) Whereas efficient and consistent action requires the specific characteristics of action on human rights and democratic principles to be taken into consideration and to be reflected in the establishment of flexible, transparent and rapid decision-making procedures for the financing of operations and projects in this field;
- (18) Whereas the Community needs to be able to respond rapidly to emergencies or situations of particular importance in order to enhance the credibility and effectiveness of its commitment to the promotion of human rights and democratic principles in countries where such situations arise;
- (19) Whereas the procedures for the award of assistance and the evaluation of projects in particular should take account of the special nature of the recipients of Community support in this field, namely the non-profit nature of their activities, the risks run by members who are in many cases volunteers, the sometimes hostile environment in which they operate and the limited room for manoeuvre afforded by their own resources;
- (20) Whereas the development of civil society must involve the emergence and organisation of new players and whereas in this context the Community may be required in beneficiary third countries to provide financial support to partners who have no previous experience in this area;
- (21) Whereas decisions to fund projects to promote human rights and democratic principles must be taken impartially, without racial, religious, cultural, social or ethnic discrimination between bodies receiving Community support and persons or groups targeted by the projects supported, and must not be guided by political considerations;

- (22) Whereas procedures should be established for the implementation and administration of aid for the promotion of human rights and democratic principles financed from the Community's general budget;
- (23) Whereas a financial reference amount, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995<sup>(1)</sup>, is included in this Regulation for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty,

HAS ADOPTED THIS REGULATION:

## CHAPTER I

### Objectives

#### *Article 1*

The purpose of this Regulation is to lay down the procedures for the implementation of Community operations which, within the framework of Community development cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms.

The operations referred to in this Regulation shall be implemented in the territory of developing countries or shall be directly related to situations arising in developing countries.

#### *Article 2*

Within the limits of Article 1, and consistent with the European Union's foreign policy as a whole, the European Community shall provide technical and financial aid for operations aimed at:

1. promoting and defending the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other international instruments concerning the development and consolidation of democracy and the rule of law, in particular:
  - (a) the promotion and protection of civil and political rights;
  - (b) the promotion and protection of economic, social and cultural rights;
2. supporting the processes of democratisation, in particular:
  - (a) promoting and strengthening the rule of law, in particular upholding the independence of the judiciary and strengthening it, and support for a humane prison system; support for constitutional and legislative reform; support for initiatives to abolish the death penalty;
  - (b) promoting the separation of powers, particularly the independence of the judiciary and the legislature from the executive, and support for institutional reforms;
  - (c) promotion of pluralism both at political level and at the level of civil society by strengthening the institutions needed to maintain the pluralist nature of that society, including non-governmental organisations (NGOs), and by promoting independent and responsible media and supporting a free press and respect for the rights of freedom of association and assembly;

<sup>(1)</sup> OJ C 102, 4.4.1996, p. 4.

- (d) promoting good governance, particularly by supporting administrative accountability and the prevention and combating of corruption;
  - (e) promoting the participation of the people in the decision-making process at national, regional and local level, in particular by promoting the equal participation of men and women in civil society, in economic life and in politics;
  - (f) support for electoral processes, in particular by supporting independent electoral commissions, granting material, technical and legal assistance in preparing for elections, including electoral censuses, taking measures to promote the participation of specific groups, particularly women, in the electoral process, and by training observers;
  - (g) supporting national efforts to separate civilian and military functions, training civilian and military personnel and raising their awareness of human rights;
3. support for measures to promote respect for human rights and democratisation by preventing conflict and dealing with its consequences, in close collaboration with the relevant competent bodies, in particular:
- (a) supporting capacity-building, including the establishment of local early warning systems;
  - (b) supporting measures aimed at balancing opportunities and at bridging existing dividing lines among different identity groups;
  - (c) supporting measures facilitating the peaceful conciliation of group interests, including support for confidence-building measures relating to human rights and democratisation, in order to prevent conflict and to restore civil peace;
  - (d) promoting international humanitarian law and its observance by all parties to a conflict;
  - (e) supporting international, regional or local organisations, including the NGOs, involved in preventing, resolving and dealing with the consequences of conflict, including support for establishing *ad hoc* international criminal tribunals and setting up a permanent international criminal court, and support and assistance for the victims of human rights violations.

#### Article 3

Community support for these aims may include the financing of:

1. campaigns to increase awareness, inform and train the agencies involved and the general public;
2. the measures needed for the identification and preparation of projects, namely:
  - (a) identification and feasibility studies;
  - (b) the exchange of technical know-how and experience between European organisations and bodies in third countries;
  - (c) the costs arising from tendering procedures, in particular the evaluation of tenders and the preparation of project documents;
  - (d) the financing of general studies concerning the Community's action within the scope of this Regulation;
3. the implementation of projects:
  - (a) technical assistance and expatriate and local staff to help implement the projects;
  - (b) purchasing and/or delivering any product or equipment strictly necessary for the implementation of operations, including, in exceptional circumstances, and when duly justified, the purchasing or leasing of premises;
  - (c) where appropriate, actions for the purpose of highlighting the Community character of the operations;
4. measures to monitor, audit and evaluate Community operations;
5. activities to explain the objectives and results of these measures to the general public in the countries concerned and administrative and technical assistance for the mutual benefit of the Commission and the beneficiary.

## CHAPTER II

### Procedures for the implementation of aid

#### Article 4

1. The partners eligible for financing under this Regulation are regional and international organisations, non-governmental organisations, national, regional and local authorities and official agencies, community-based organisations and public or private-sector institutes and operators.
2. Operations financed by the Community under this Regulation shall be implemented by the Commission either at the request of a partner referred to in paragraph 1 or on its own initiative.

*Article 5*

To be eligible for Community aid, the partners referred to in Article 4(1) must have their main headquarters in a third country eligible for Community aid under this Regulation or in a Member State of the Community. Such headquarters must be the effective decision-making centre for all operations financed under this Regulation. Exceptionally, the headquarters may be in another third country.

*Article 6*

Without prejudice to the institutional and political environment in which the partners referred to in Article 4(1) operate, the following factors shall in particular be considered when determining a body's suitability for Community funding:

- (a) its commitment to defending, respecting and promoting human rights and democratic principles in a non-discriminatory manner;
- (b) its experience in the field of promoting human rights and democratic principles;
- (c) its administrative and financial management capacities;
- (d) its technical and logistical capacity in relation to the planned operation;
- (e) the results, where relevant, of any previous operations carried out, in particular those financed by the Community;
- (f) its capacity to build up a working relationship with other elements of civil society in the third country concerned and to direct assistance to local organisations accountable to civil society.

*Article 7*

1. Aid shall not be allocated to the partners referred to in Article 4(1) unless they undertake to comply with the allocation and implementation conditions which are laid down by the Commission and to which they shall be contractually bound.

2. Activities aided by the Community shall be implemented in accordance with the objectives laid down in the Commission financing decision.

3. Community financing under this Regulation shall take the form of grants.

4. Where operations financed under this Regulation are the subject of financing agreements between the Community and the recipient countries, such agreements shall stipulate that taxes, charges and customs duties are not to be borne by the Community.

*Article 8*

1. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural or legal persons from the recipient country and the Member States. It may be extended to other countries in exceptional and duly justified cases.

2. Supplies shall originate in the Member States or the recipient country. They may originate in other countries in exceptional and duly justified cases.

*Article 9*

1. In the interests of consistency and complementarity and in order to maximise the overall effectiveness of operations, the Commission, in close cooperation with the Member States, may take any coordination measures necessary.

2. In any case, for the purposes of paragraph 1, the Commission shall encourage:

- (a) the introduction of a system for the exchange and systematic analysis of information on operations financed or considered for financing by the Community and the Member States;
- (b) the coordination of the implementation of operations on the spot by means of regular meetings for the exchange of information between the representatives of the Commission and the Member States in the recipient country;
- (c) the promotion of a coherent approach in relation to humanitarian assistance and, whenever possible, the integration of the protection of human rights within humanitarian assistance.

## CHAPTER III

**Procedures for the implementation of operations***Article 10*

The financial reference amount for the implementation of this Regulation during the period 1999 to 2004 shall be EUR 260 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

*Article 11*

The Commission shall plan, appraise, decide upon and administer, monitor and evaluate operations under this Regulation in accordance with the budgetary and other procedures in force. It shall lay down the conditions for allocating, mobilising and implementing aid under this Regulation.

*Article 12*

1. The following shall be adopted by the Commission according to the procedure laid down in Article 13(2):

- decisions on operations for which financing under this Regulation exceeds EUR 1 million and any modification to such operations leading to an increase of more than 20 % in the sum initially agreed,
- programmes intended to provide a coherent framework for action in a given country or region or in a specific field where the scale and complexity of the needs identified are such that they seem likely to continue.

2. The Commission shall notify the committee referred to in Article 13 of financing decisions that it intends to take concerning projects and programmes costing less than EUR 1 million. Notice shall be given at least a week before the decision is taken.

*Article 13*

1. The Commission shall be assisted by a Human Rights and Democracy Committee, hereinafter referred to as 'the committee', composed of representatives of the Member States, and chaired by the representative of the Commission.

2. Where reference is made to this Article the representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted,

the proposed measures shall be adopted by the Commission.

*Article 14*

1. The Commission may finance emergency measures up to a maximum of EUR 2 million. Emergency measures shall be deemed necessary in cases of urgent and unforeseeable need arising from the sudden suspension of the democratic process or the emergence of a state of crisis or exceptional and imminent danger affecting all or part of the population of a country and posing a grave threat to the fundamental rights and freedoms of the individual.

2. Where operations fulfil these conditions, the Commission shall act after consulting the Member States by the most efficient means. Five working days shall be allowed to the Member States in which to put forward any objections. If there are any objections, the committee, referred to in Article 13, shall examine the question at its next meeting.

3. The Commission shall inform the committee referred to in Article 13, at its next meeting, of all emergency measures financed under these provisions.

*Article 15*

The committee may examine any general or specific issues concerning Community aid in the field and should also play a useful role as a means for improving the coherence of the human rights and democratisation actions of the European Union towards third countries. Once a year it will examine the planning for the following financial year or discuss general guidelines for operations under this Regulation to be undertaken in the year ahead.

*Article 16*

1. The Commission shall regularly evaluate operations financed by the Community under this Regulation in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations. The Commission shall submit to the committee a summary of the evaluation exercises carried out that it might, if necessary, examine. The evaluation reports shall be available to the Member States on request.

2. At the request of the Member States, the Commission may, with them, also evaluate the results of the Community's operations and programmes under this Regulation.

*Article 17*

All contracts or financing agreements concluded under this Regulation shall provide in particular that the Commission and the Court of Auditors may conduct checks on the spot and at the headquarters of the partners referred to in Article 4(1) in accordance with the usual procedures established by the Commission under the rules in force, and in particular those of the Financial Regulation applicable to the general budget of the European Communities.

*Article 18*

1. Within a month of its decision, the Commission shall notify the Member States of operations and projects approved, indicating the sums, the nature of the operation, the recipient country and the partners involved.
2. At the close of each financial year, the Commission shall submit an annual report to the European Parliament and to the Council with a summary of the operations financed in the course of that year.

The summary shall contain information concerning the partners with which the operations referred to in Article 1 have been implemented.

The report shall also include a review of any external evaluation exercises which may have been conducted and may, if appropriate, propose specific operations.

*Article 19*

Three years after this Regulation enters into force, the Commission shall submit to the European Parliament and to the Council an overall assessment of the operations financed by the Community under this Regulation, which may be accompanied by appropriate proposals concerning the future of this Regulation.

*Article 20*

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

It shall apply until 31 December 2004.

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

Done at Luxembourg, 29 April 1999.

*For the Council*  
*The President*  
W. MÜLLER

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**COUNCIL REGULATION (EC) No 976/1999**  
**of 29 April 1999**

**laying down the requirements for the implementation of Community operations, other than those of development cooperation, which, within the framework of Community cooperation policy, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular, Article 235 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

(1) Whereas procedures should be laid down for the implementation of Community operations, other than those of development cooperation which, within the framework of Community cooperation policy in third countries, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries;

(2) Whereas the Council has adopted simultaneously with this Regulation, Council Regulation (EC) No 975/1999 of 29 April 1999 laying down the requirements for the implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms <sup>(3)</sup>;

(3) Whereas, within the framework of existing programmes relating to cooperation with third countries, including TACIS, PHARE, MEDA and the Regulation on reconstruction in Bosnia and Herzegovina, as well as future such cooperation implemented on the basis of Article 235 of the EC Treaty, action is necessary to contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms in third countries;

(4) Whereas Article F.2 of the Treaty on European Union stipulates that the Union respects fundamental rights, as guaranteed by the European

Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of law;

(5) Whereas Community action to promote human rights and democratic principles is guided by belief in the universality and indivisibility of human rights, principles that underpin the international system for the protection of human rights;

(6) Whereas Community action to promote human rights and democratic principles is rooted in the general principles established by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

(7) Whereas the Community recognises the interdependence of all human rights, and that progress in economic and social development and in the achievement of civil and political rights are mutually supportive;

(8) Whereas human rights within the meaning of this Regulation should be considered to encompass respect for international humanitarian law, also taking into account the 1949 Geneva Conventions and the 1977 Additional Protocol thereto, the 1951 Geneva Convention relating to the Status of Refugees, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and other acts of international treaty or customary law;

(9) Whereas the resolution on human rights, democracy and development adopted by the Council and the Member States meeting within the Council on 28 November 1991 sets out guidelines, procedures and practical measures aimed at promoting civil and political freedoms alongside economic and social rights, by means of a representative political system based on respect for human rights;

<sup>(1)</sup> OJ C 282, 18.9.1997, p. 14.

<sup>(2)</sup> Opinion delivered on 14 April 1999 (not yet published in the Official Journal).

<sup>(3)</sup> See page 1 of this Official Journal.

- (10) Whereas Community action to promote human rights and democratic principles is the product of a positive and constructive approach in which human rights and democratic principles are seen as a matter of common interest for the Community and its partners, and as a subject for dialogue that can produce measures to promote respect for these rights and principles;
- (11) Whereas this positive approach should be reflected by the implementation of measures in support of democratisation, the strengthening of the rule of law and the development of a pluralist and democratic civil society and by confidence-building measures aimed at preventing conflicts, supporting peace initiatives and addressing the issue of impunity;
- (12) Whereas the financial instruments used to support positive action in individual countries should be used in a manner consistent with geographical programmes and integrated with other development instruments to maximise their impact and effectiveness;
- (13) Whereas it is also necessary to ensure that these operations are coherent with the European Union's foreign policy as a whole, including the common foreign and security policy;
- (14) Whereas these operations should focus on those discriminated against or suffering from poverty or disadvantage, children, women, refugees, migrants, minorities, displaced persons, indigenous peoples, prisoners and victims of torture;
- (15) Whereas Community support for democratisation and observance of the principles of the rule of law within a political system respecting the individual's fundamental freedoms helps fulfil the objectives laid down in the agreements concluded by the Community with its partners, in which respect for human rights and democratic principles is an essential element of relations between the parties;
- (16) Whereas the quality, impact and continuity of operations should in particular be safeguarded by providing for multiannual programmes to promote human rights and democratic principles in partnership with the authorities of the country concerned, taking account of its specific needs;
- (17) Whereas efficient and consistent action requires the specific characteristics of action on human rights and democratic principles to be reflected in the establishment of flexible, transparent and rapid decision-making procedures for the financing of operations and projects in this field;
- (18) Whereas the Community needs to be able to respond rapidly to emergencies or situations of particular importance in order to enhance the credibility and effectiveness of its commitment to the promotion of human rights and democratic principles in countries where such situations arise;
- (19) Whereas the procedures for the award of assistance and the evaluation of projects, in particular, should take account of the special nature of the recipients of Community support in this field, namely the non-profit nature of their activities, the risks run by members who are in many cases volunteers, the sometimes hostile environment in which they operate and the limited room for manoeuvre afforded by their own resources;
- (20) Whereas the development of civil society must involve the emergence and organisation of new players and whereas in this context the Community may be required in beneficiary third countries to provide financial support to partners who have no previous experience in this area;
- (21) Whereas decisions to fund projects to promote human rights and democratic principles must be taken impartially, without racial, religious, cultural, social or ethnic discrimination between bodies receiving Community support and persons or groups targeted by the projects supported, and must not be guided by political considerations;
- (22) Whereas procedures should be established for the implementation and administration of aid for the promotion of human rights and democratic principles financed from the general budget of the European Communities;
- (23) Whereas implementation of these operations is likely to help achieve the Community's objectives; whereas the Treaty does not provide, for the adoption of this Regulation, powers other than those set out in Article 235;

(24) Whereas a financial reference amount, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995<sup>(1)</sup>, is included in this Regulation for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty,

pean Community shall provide technical and financial aid for operations aimed at:

HAS ADOPTED THIS REGULATION:

## CHAPTER 1

### Objectives

#### *Article 1*

The purpose of this Regulation is to lay down the procedures for the implementation of Community operations, other than those of development cooperation which, within the framework of Community cooperation policy in third countries, contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms.

The operations referred to in this Regulation shall be implemented in the territory of third countries or shall be directly related to situations arising in third countries.

#### *Article 2*

The procedures laid down in this Regulation apply to operations in the fields covered by Articles 3 and 4 implemented within the framework of existing programmes relating to the cooperation with third countries, including TACIS<sup>(2)</sup>, PHARE<sup>(3)</sup>, MEDA<sup>(4)</sup> and the Regulations relating to Bosnia and Herzegovina<sup>(5)</sup>, as well as to any future operations of Community cooperation relating to third countries in these fields, other than those of development cooperation, implemented on the basis of Article 235 of the Treaty establishing the European Community.

#### *Article 3*

Within the limits of Articles 1 and 2, and consistent with the European Union's foreign policy as a whole, the Euro-

1. promoting and defending the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and the other international instruments concerning the development and consolidation of democracy and the rule of law, in particular:

- (a) the promotion and protection of civil and political rights;
- (b) the promotion and protection of economic, social and cultural rights;
- (c) the promotion and protection of the human rights of those discriminated against, or suffering from poverty or disadvantage, which will contribute to reduction of poverty and social exclusion;
- (d) support for minorities, ethnic groups and indigenous peoples;
- (e) supporting local, national, regional or international institutions, including NGOs, involved in the protection, promotion or defence of human rights;
- (f) support for rehabilitation centres for torture victims and for organisations offering concrete help to victims of human rights abuses or help to improve conditions in places where people are deprived of their liberty in order to prevent torture or ill-treatment;
- (g) support for education, training and consciousness-raising in the area of human rights;
- (h) supporting action to monitor human rights, including the training of observers;
- (i) the promotion of equality of opportunity and non-discriminatory practices, including measures to combat racism and xenophobia;
- (j) promoting and protecting the fundamental freedoms mentioned in the International Covenant on Civil and Political Rights, in particular the freedom of opinion, expression and conscience, and the right to use one's own language;

2. supporting the processes of democratisation, in particular:

- (a) promoting and strengthening the rule of law, in particular upholding the independence of the judiciary and strengthening it, and support for a humane prison system; support for constitutional and legislative reform; support for initiatives to abolish the death penalty;

<sup>(1)</sup> OJ C 102, 4.4.1996, p. 4.

<sup>(2)</sup> Council Regulation (EEC) No 2157/91 (OJ L 201, 24.7.1991, p. 2). Regulation as last amended by Regulation (EC) No 1279/96 (OJ L 165, 4.7.1996, p. 1).

<sup>(3)</sup> Council Regulation (EEC) No 3906/89 (OJ L 375, 23.12.1989, p. 11). Regulation as last amended by Regulation (EC) No 753/96 (OJ L 103, 26.4.1996, p. 5).

<sup>(4)</sup> Council Regulation (EEC) No 1763/92 (OJ L 181, 1.7.1992, p. 5). Regulation as last amended by Regulation (EC) No 1488/96 (OJ L 189, 30.7.1996, p. 1).

<sup>(5)</sup> Council Regulation (EC) No 753/96 (OJ L 103, 26.4.1996, p. 5).

- (b) promoting the separation of powers, particularly the independence of the judiciary and the legislature from the executive, and support for institutional reforms;
- (c) promotion of pluralism both at political level and at the level of civil society by strengthening the institutions needed to maintain the pluralist nature of that society, including non-governmental organisations (NGOs), and by promoting independent and responsible media and supporting a free press and respect for the rights of freedom of association and assembly;
- (d) promoting good governance, particularly by supporting administrative accountability and the prevention and combating of corruption;
- (e) promoting the participation of the people in the decision-making process at national, regional and local level, in particular by promoting the equal participation of men and women in civil society, in economic life and in politics;
- (f) support for electoral processes, in particular by supporting independent electoral commissions, granting material, technical and legal assistance in preparing for elections, including electoral censuses, taking measures to promote the participation of specific groups, particularly women, in the electoral process and by training observers;
- (g) supporting national efforts to separate civilian and military functions, training civilian and military personnel and raising their awareness of human rights;
3. support for measures to promote the respect for human rights and democratisation by preventing conflict and dealing with its consequences in close collaboration with the relevant competent bodies, in particular:
- (a) supporting capacity-building, including the establishment of local early warning systems;
- (b) supporting measures aimed at balancing opportunities and at bridging existing dividing lines among different identity groups;
- (c) supporting measures facilitating the peaceful conciliation of group interests, including support for confidence-building measures relating to human rights and democratisation, in order to prevent conflict and to restore civil peace;
- (d) promoting international humanitarian law and its observance by all parties to a conflict;
- (e) supporting international, regional or local organisations, including the NGOs, involved in preventing, resolving and dealing with the consequences of conflict, including support for establishing *ad hoc* international criminal tribunals and setting up a permanent international criminal court, and support and assistance for the victims of human rights violations.

#### Article 4

Community support for these aims may include the financing of:

1. campaigns to increase awareness, inform and train the agencies involved and the general public;
2. the measures needed for the identification and preparation of projects, namely:
  - (a) identification and feasibility studies;
  - (b) the exchange of technical know-how and experience between European organisations and bodies in third countries;
  - (c) the costs arising from tendering procedures, in particular the evaluation of tenders and the preparation of project documents;
  - (d) the financing of general studies concerning the Community's action within the scope of this Regulation;
3. the implementation of projects:
  - (a) technical assistance and expatriate and local staff to help implement the projects;
  - (b) purchasing and/or delivering any product or equipment strictly necessary for the implementation of operations, including, in exceptional circumstances, and when duly justified, the purchasing or leasing of premises;
  - (c) where appropriate, actions for the purpose of highlighting the Community character of the operations;
4. measures to monitor, audit and evaluate Community operations.
5. activities to explain the objectives and results of these measures to the general public in the countries concerned and administrative and technical assistance for the mutual benefit of the Commission and the beneficiary.

## CHAPTER II

*Article 8***Procedures for the implementation of aid***Article 5*

1. The partners eligible for financing under this Regulation are regional and international organisations, non-governmental organisations, national, regional and local authorities and official agencies, Community-based organisations and public or private-sector institutes and operators.

2. Operations financed by the Community under this Regulation shall be implemented by the Commission either at the request of a partner referred to in paragraph 1 or on its own initiative.

*Article 6*

To be eligible for Community aid, the partners referred to in Article 5(1) must have their main headquarters in a third country eligible for Community aid under this Regulation or in a Member State of the Community. Such headquarters must be the effective decision-making centre for all operations financed under this Regulation. Exceptionally, the headquarters may be in another third country.

*Article 7*

Without prejudice to the institutional and political environment in which the partners referred to in Article 5(1) operate, the following factors shall in particular be considered when determining a body's suitability for Community funding:

- (a) its commitment to defending, respecting and promoting human rights and democratic principles in a non-discriminatory manner;
- (b) its experience in the field of promoting human rights and democratic principles;
- (c) its administrative and financial management capacities;
- (d) its technical and logistical capacity in relation to the planned operation;
- (e) the results, where relevant, of any previous operations carried out, in particular those financed by the Community;
- (f) its capacity to build up a working relationship with other elements of civil society in the third country concerned and to direct assistance to local organisations accountable to civil society.

1. Aid shall not be allocated to the partners referred to in Article 5(1) unless they undertake to comply with the allocation and implementation conditions laid down by the Commission, to which they shall be contractually bound.

2. Activities aided by the Community shall be implemented in accordance with the objectives laid down in the Commission financing decision.

3. Community financing under this Regulation shall take the form of grants.

4. Where operations financed under this Regulation are the subject of financing agreements between the Community and the recipient countries, such agreements shall stipulate that taxes, charges and customs duties are not to be borne by the Community.

*Article 9*

1. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural or legal persons from the recipient country and the Member States. It may be extended to other countries in exceptional and duly justified cases.

2. Supplies shall originate in the Member States or the recipient country. They may originate in other countries in exceptional and duly justified cases.

*Article 10*

1. In the interests of consistency and complementarity and in order to maximise the overall effectiveness of operations, the Commission, in close cooperation with the Member States, may take any coordination measures necessary.

2. In any case, for the purposes of paragraph 1, the Commission shall encourage:

- (a) the introduction of a system for the exchange and systematic analysis of information on operations financed or considered for financing by the Community and the Member States;
- (b) the coordination of the implementation of operations on the spot by means of regular meetings for the exchange of information between the representatives of the Commission and the Member States in the recipient country;
- (c) the promotion of a coherent approach in relation to humanitarian assistance and, whenever possible, the integration of the protection of human rights within humanitarian assistance.

## CHAPTER III

**Procedures for the implementation of operations***Article 11*

The financial reference amount for the implementation of this Regulation during the period 1999 to 2004 shall be EUR 150 million.

The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

*Article 12*

The Commission shall appraise, decide upon and administer, monitor and evaluate operations under this Regulation in accordance with the budgetary and other procedures in force. It shall lay down the conditions for allocating, mobilising and implementing aid under this Regulation.

*Article 13*

1. The following shall be adopted by the Commission according to the procedure laid down in Article 14(2):

- decisions on operations for which financing under this Regulation exceeds EUR 1 million and any modification to such operations leading to an increase of more than 20 % in the sum initially agreed,
- programmes intended to provide a coherent framework for action in a given country or region or in a specific field where the scale and complexity of the needs identified are such that they seem likely to continue.

2. The Commission shall notify the committee referred to in Article 14 of financing decisions that it intends to take concerning projects and programmes costing less than EUR 1 million. Notice shall be given at least a week before the decision is taken.

*Article 14*

1. The Commission shall be assisted by the 'Human Rights and Democracy Committee', hereinafter referred to as 'the Committee', set up by Article 13 of the Regulation (EC) No 975/1999.

2. Where reference is made to this Article the representative of the commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of

decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

*Article 15*

1. The Commission may finance emergency measures up to a maximum of EUR 2 million. Emergency measures shall be deemed necessary in cases of urgent and unforeseeable need arising from the sudden suspension of the democratic process or the emergence of a state of crisis or exceptional and imminent danger affecting all or part of the population of a country and posing a grave threat to the fundamental rights and freedoms of the individual.

2. Where operations fulfil these conditions, the Commission shall act after consulting the Member States by the most efficient means. Five working days shall be allowed to the Member States in which to put forward any objections. If there are any objections, the committee, referred to in Article 14, shall examine the question at its next meeting.

3. The Commission shall inform the committee referred to in Article 14, at its next meeting, of all emergency measures financed under these provisions.

*Article 16*

The committee may examine any general or specific issues concerning Community aid in the field and should also play a useful role as a means for improving the coherence of the human rights and democratisation actions of the European Union towards third countries. Once a year it will examine the planning for the following financial year or discuss general guidelines presented by the representative of the Commission for operations under this Regulation to be undertaken in the year ahead.

*Article 17*

1. The Commission shall regularly evaluate operations financed by the Community under this Regulation in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations. The Commission shall submit to the committee a summary of the evaluation exercises carried out that it might, if necessary, examine. The evaluation reports shall be available to the Member States on request.

2. At the request of the Member States, the Commission may, with them, also evaluate the results of the Community's operations and programmes under this Regulation.

*Article 18*

All contracts or financing agreements concluded under this Regulation shall provide in particular that the Commission and the Court of Auditors may conduct checks on the spot and at the headquarters of the partners referred to in Article 5(1) according to the usual procedures established by the Commission under the rules in force, and in particular those of the Financial Regulation applicable to the general budget of the European Communities.

*Article 19*

1. Within a month of its decision, the Commission shall notify the Member States of operations and projects

approved, indicating the sums, the nature of the operation, the recipient country and the partners involved.

2. At the close of each financial year, the Commission shall submit an annual report to the European Parliament and to the Council with a summary of the operations financed in the course of that year.

The summary shall contain information concerning the agencies with which the operations referred to in Article 1 have been implemented.

The report shall also include a review of any external evaluation exercises which may have been conducted and may, if appropriate, propose specific operations.

*Article 20*

Three years after this Regulation enters into force, the Commission shall submit to the European Parliament and to the Council an overall assessment of the operations financed by the Community under this Regulation, which may be accompanied by appropriate proposals concerning the future of this Regulation.

*Article 21*

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

It shall apply until 31 December 2004.

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

Done at Luxembourg, 29 April 1999.

*For the Council*  
*The President*  
W. MÜLLER

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**COMMISSION REGULATION (EC) No 977/1999**  
**of 7 May 1999**  
**establishing the standard import values for determining the entry price of certain**  
**fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4 (1) thereof,

Whereas Regulation (EC) No 3223/94 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 the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

to the Commission Regulation of 7 May 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	67,5
	204	87,9
	999	77,7
0707 00 05	052	77,4
	628	133,3
	999	105,4
0709 10 00	220	206,1
	999	206,1
0709 90 70	052	48,5
	999	48,5
0805 10 10, 0805 10 30, 0805 10 50	204	42,0
	212	64,7
	600	71,3
	624	47,1
	999	56,3
0805 30 10	052	50,3
	999	50,3
0808 10 20, 0808 10 50, 0808 10 90	388	86,7
	400	82,6
	508	77,9
	512	81,0
	528	70,7
	720	82,3
	804	105,4
	999	83,8

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 978/1999**  
of 7 May 1999

**fixing the maximum aid for concentrated butter for the 203rd special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 7a(3) thereof,

Whereas, in accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community <sup>(3)</sup>, as last amended by Regulation (EC) No 124/1999 <sup>(4)</sup>, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; whereas Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; whereas the end-use security must be fixed accordingly;

Whereas, in the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 203rd special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- |                     |                 |
|---------------------|-----------------|
| — maximum aid:      | 117 EUR/100 kg  |
| — end-use security: | 129 EUR/100 kg. |

*Article 2*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28.6.1968, p. 13.

<sup>(2)</sup> OJ L 206, 16.8.1996, p. 21.

<sup>(3)</sup> OJ L 45, 21.2.1990, p. 8.

<sup>(4)</sup> OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 979/1999**  
**of 7 May 1999**

**fixing the minimum selling prices for butter and the maximum aid for cream,  
butter and concentrated butter for the 31st individual invitation to tender under  
the standing invitation to tender provided for in Regulation (EC) No 2571/97**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European  
Community,

Having regard to Council Regulation (EEC) No 804/68 of  
27 June 1968 on the common organisation of the market  
in milk and milk products <sup>(1)</sup>, as last amended by Regula-  
tion (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 6(3) and  
(6) and Article 12(3) thereof,

Whereas the intervention agencies are, pursuant to  
Commission Regulation (EC) No 2571/97 of 15  
December 1997 on the sale of butter at reduced prices  
and the granting of aid for cream, butter and concentrated  
butter for use in the manufacture of pastry products,  
ice-cream and other foodstuffs <sup>(3)</sup>, as last amended by  
Regulation (EC) No 494/1999 <sup>(4)</sup>, to sell by invitation to  
tender certain quantities of butter that they hold and to  
grant aid for cream, butter and concentrated butter;  
whereas Article 18 of that Regulation stipulates that in  
the light of the tenders received in response to each  
individual invitation to tender a minimum selling price  
shall be fixed for butter and maximum aid shall be fixed  
for cream, butter and concentrated butter; whereas it is  
further stipulated that the price or aid may vary according

to the intended use of the butter, its fat content and the  
incorporation procedure, and that a decision may also be  
taken to make no award in response to the tenders  
submitted; whereas the amount(s) of the processing secur-  
ities must be fixed accordingly;

Whereas the measures provided for in this Regulation are  
in accordance with the opinion of the Management  
Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum aid and processing securities applying for  
the 31st individual invitation to tender, under the  
standing invitation to tender provided for in Regulation  
(EC) No 2571/97, shall be fixed as indicated in the Annex  
hereto.

*Article 2*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28.6.1968, p. 13.

<sup>(2)</sup> OJ L 206, 16.8.1996, p. 21.

<sup>(3)</sup> OJ L 350, 20.12.1997, p. 3.

<sup>(4)</sup> OJ L 59, 6.3.1999, p. 17.

## ANNEX

to the Commission Regulation of 7 May 1999 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 31st individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter $\geq$ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter $\geq$ 82 %		95	91	—	91
	Butter < 82 %		92	88	—	88
	Concentrated butter		117	113	117	113
	Cream		—	—	40	38
Processing security		Butter	105	—	—	—
		Concentrated butter	129	—	129	—
		Cream	—	—	44	—

**COMMISSION REGULATION (EC) No 980/1999**

of 7 May 1999

**fixing the maximum purchasing price for butter for the 239th invitation to tender carried out under the standing invitation to tender governed by Regulation (EEC) No 1589/87**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular the first subparagraph of Article 7a(1) first indent and Article 7a(3) thereof,Whereas Article 5 of Commission Regulation (EEC) No 1589/87 of 5 June 1987 on the sale by tender of butter to intervention agencies <sup>(3)</sup>, as last amended by Regulation (EC) No 124/1999 <sup>(4)</sup>, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the interven-

tion price applicable and that it may also be decided not to proceed with the invitation to tender;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 239th invitation to tender issued under Regulation (EEC) No 1589/87, for which tenders had to be submitted not later than 4 May 1999, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

*Article 2*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 148, 28.6.1968, p. 13.<sup>(2)</sup> OJ L 206, 16.8.1996, p. 21.<sup>(3)</sup> OJ L 146, 6.6.1987, p. 27.<sup>(4)</sup> OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 981/1999**  
**of 7 May 1999**  
**suspending the buying-in of butter in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular the first subparagraph of Article 7a(1) and Article 7a(3) thereof,

Whereas Council Regulation (EEC) No 777/87 <sup>(3)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 <sup>(4)</sup>, as last amended by Regulation (EC) No 1802/95 <sup>(5)</sup>, lays down the criteria for opening and suspending the buying-in of butter by invitation to tender in the Member States or, in the case of the United Kingdom and Germany, in a region thereof;

Whereas Commission Regulation (EC) No 913/1999 <sup>(6)</sup> suspends buying-in of butter in certain Member States; whereas information on market prices shows that the

condition laid down in Article 1(3) of Regulation (EEC) No 1547/87 is no longer met in Germany, Finland, France, Italy, Ireland, Northern Ireland, Spain, the Netherlands and Portugal; whereas the list of Member States in which that suspension applies must be adjusted accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

Buying-in of butter by invitation to tender as provided for in Article 1(3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Greece, Luxembourg, Austria, Sweden and Great Britain.

*Article 2*

Regulation (EC) No 913/1999 is hereby repealed.

*Article 3*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28.6.1968, p. 13.

<sup>(2)</sup> OJ L 206, 16.8.1996, p. 21.

<sup>(3)</sup> OJ L 78, 20.3.1987, p. 10.

<sup>(4)</sup> OJ L 144, 4.6.1987, p. 12.

<sup>(5)</sup> OJ L 174, 26.7.1995, p. 27.

<sup>(6)</sup> OJ L 114, 1.5.1999, p. 37.

**COMMISSION REGULATION (EC) No 982/1999**  
**of 7 May 1999**  
**repealing certain Commission regulations concerning fresh and processed fruit**  
**and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 857/1999 <sup>(2)</sup>, and in particular Article 30(7) thereof,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in products processed from fruit and vegetables <sup>(3)</sup>, as last amended by Regulation (EC) No 2199/97 <sup>(4)</sup>, and in particular Articles 4(9), 11(2) and 27(1) thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro <sup>(5)</sup>, and in particular Article 3(2) thereof,

- (1) Whereas several legislative acts concerning fresh and processed fruit and vegetables are no longer relevant because of changes in the basic legislation, the adoption of new international agreements

between the Community and its trading partners and important changes on the market; whereas these legislative acts should therefore be formally repealed, for the sake of clarity, legal certainty and simplification;

- (2) Whereas the measures provided for in this Regulation are in accordance with the opinion of the joint meeting of the Management Committee for Fresh Fruit and Vegetables and the Management Committee for Processed Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

*Article 1*

The regulations listed in the Annex hereto are hereby repealed.

*Article 2*

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

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 297, 21.11.1996, p. 1.  
<sup>(2)</sup> OJ L 108, 27.4.1999, p. 7.  
<sup>(3)</sup> OJ L 297, 21.11.1996, p. 29.  
<sup>(4)</sup> OJ L 303, 6.11.1997, p. 1.  
<sup>(5)</sup> OJ L 349, 24.12.1998, p. 1.

*ANNEX*

Commission Regulation (EEC) No 1560/70 of 31 July 1970 laying down conditions for awarding contracts for obtaining juice by processing fruit and vegetables withdrawn from the market (OJ L 169, 1.8.1970, p. 59)

Commission Regulation (EEC) No 55/72 of 10 January 1972 laying down conditions for inviting tenders for the disposal of fruit and vegetables withdrawn from the market (OJ L 9, 12.1.1972, p. 1)

Commission Regulation (EEC) No 1596/79 of 26 July 1979 on preventive withdrawals of apples and pears (OJ L 189, 27.7.1979, p. 47)

Commission Regulation (EEC) No 2102/90 of 23 July 1990 laying down detailed rules for the citrus fruit harvest declaration (OJ L 191, 24.7.1990, p. 16)

Commission Regulation (EEC) No 1133/86 of 18 April 1986 on the agricultural conversion rate to be applied to export refunds and import levies in respect of certain products processed from fruit and vegetables (OJ L 103, 19.4.1986, p. 27)

Commission Regulation (EEC) No 722/88 of 18 March 1988 laying down the detailed rules for the application of Article 3(1a) of Council Regulation (EEC) No 426/86 as regards the granting of aid for processed tomato products (OJ L 74, 19.3.1988, p. 49)

Commission Regulation (EEC) No 4061/88 of 21 December 1988 laying down further detailed rules of application as regards import licences for certain processed products obtained from sour cherries originating in Yugoslavia (OJ L 356, 24.12.1988, p. 45)

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**COMMISSION REGULATION (EC) No 983/1999**

of 7 May 1999

**fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2566/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as amended by Regulation (EC) No 2072/98 <sup>(2)</sup>, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2566/98 <sup>(3)</sup>;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2566/98 is hereby fixed on the basis of the tenders submitted from 3 to 6 May 1999 at EUR/t 331,00.

*Article 2*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(3)</sup> OJ L 320, 28.11.1998, p. 49.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 984/1999**

of 7 May 1999

**concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2563/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion <sup>(3)</sup>, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 2563/98 <sup>(4)</sup> opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders submitted from 3 to 6 May 1999 in response to the invitation to tender referred to in Regulation (EC) No 2563/98 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

*Article 2*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(3)</sup> OJ L 29, 7.9.1989, p. 8.

<sup>(4)</sup> OJ L 320, 28.11.1998, p. 40.

**COMMISSION REGULATION (EC) No 985/1999**

of 7 May 1999

**fixing the maximum export refund on wholly milled medium round grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2565/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2565/98 <sup>(3)</sup>;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled medium round grain and long grain A rice to be exported to certain third countries of Europe pursuant to the invitation to tender issued in Regulation (EC) No 2565/98 is hereby fixed on the basis of the tenders submitted from 3 to 6 May at EUR/t 178,00.

*Article 2*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(3)</sup> OJ L 320, 28.11.1998, p. 46.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 986/1999**

of 7 May 1999

**fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2564/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2564/98 <sup>(3)</sup>;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2564/98 is hereby fixed on the basis of the tenders submitted from 3 to 6 May 1999 at EUR/t 147,00.

*Article 2*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(3)</sup> OJ L 320, 28.11.1998, p. 43.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 987/1999**

of 7 May 1999

**fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 770/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 2072/98 <sup>(2)</sup>, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 770/1999 <sup>(3)</sup>;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 770/1999 is hereby fixed on the basis of the tenders submitted from 3 to 6 May 1999 at 201,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 8 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 265, 30.9.1998, p. 4.

<sup>(3)</sup> OJ L 100, 15.4.1999, p. 14.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 988/1999**  
**of 7 May 1999**  
**on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat<sup>(1)</sup>, as last amended by Regulation (EC) No 134/1999<sup>(2)</sup>,

Whereas Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f);

Whereas Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 1998 to 30 June 1999 at 11 500 t;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. All applications for import licences from 1 to 5 May 1999 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of June 1999 for 4 230,623 t.

*Article 2*

This Regulation shall enter into force on 11 May 1999.

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

Done at Brussels, 7 May 1999.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 137, 28.5.1997, p. 10.

<sup>(2)</sup> OJ L 17, 22.1.1999, p. 22.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 29 April 1999

adopting the third phase of the trans-European cooperation scheme for higher education (Tempus III) (2000-2006)

(1999/311/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(4)</sup>,

(1) Whereas the European Council meeting in Strasbourg on 8 and 9 December 1989 called on the Council to adopt, on the basis of a proposal from the Commission, measures aimed at enabling the central and eastern European countries to take part in programmes in the areas of education and/or training similar to the existing Community programmes;

(2) Whereas on 18 December 1989 the Council adopted Regulation (EEC) No 3906/89 on economic aid to the Republic of Hungary and the Polish People's Republic <sup>(5)</sup> (PHARE programme), which provides for aid to support the process of economic and social reform in central and eastern European countries in areas including training;

whereas on 25 June 1996 the Council adopted Regulation (Euratom, EC) No 1279/96 concerning the provision of assistance to economic reform and recovery in the new independent States and Mongolia <sup>(6)</sup> (TACIS programme);

(3) Whereas on 29 April 1993 by Decision 93/246/EEC the Council adopted the second phase of the trans-European cooperation scheme for higher education (Tempus II) for a period of four years from 1 July 1994 <sup>(7)</sup>; whereas that Decision was amended on 21 November 1996 by Decision 96/663/EC <sup>(8)</sup> to extend to six years the duration of this programme (1994-2000);

(4) Whereas the countries of central and eastern Europe, the new independent States of the former Soviet Union and Mongolia, which are beneficiaries of the PHARE and TACIS programmes, consider higher education and training to be key areas for the process of economic and social reform;

(5) Whereas cooperation on higher education strengthens and deepens the whole fabric of relations existing between the peoples of Europe, brings out common cultural values, allows fruitful exchanges of views to take place and facilitates multinational activities in the scientific, cultural, artistic, economic and social spheres;

<sup>(1)</sup> OJ C 270, 29.8.1998, p. 9, and OJ C 87, 29.3.1999, p. 102.

<sup>(2)</sup> OJ C 98, 9.4.1999.

<sup>(3)</sup> OJ C 40, 15.2.1999, p. 23.

<sup>(4)</sup> OJ C 51, 22.2.1999, p. 86.

<sup>(5)</sup> OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 753/96 (OJ L 103, 26.4.1996, p. 5).

<sup>(6)</sup> OJ L 165, 4.7.1996, p. 1.

<sup>(7)</sup> OJ L 112, 6.5.1993, p. 34.

<sup>(8)</sup> OJ L 306, 28.11.1996, p. 36.

- (6) Whereas the recent establishment of Tempus in the non-associated countries of central and eastern Europe, in the new independent States of the former Soviet Union and in Mongolia, whose needs are greater and whose areas are more extensive, fully warrants the continuation of the measures undertaken;
- (7) Whereas Tempus can make an effective contribution to the structural development of higher education including the improvement of human resources and occupational skills adapted to economic reform and whereas there is no other instrument for achieving this objective;
- (8) Whereas Tempus can also make an effective contribution, via universities and university staff, to the development of public administration and education structures in the eligible countries;
- (9) Whereas Tempus can contribute to the restoration of cooperation, interrupted by recent events, between neighbouring regions of the Community and whereas this cooperation is a factor of peace and stability in Europe;
- (10) Whereas the associated countries in the pre-accession phase which have taken part in Tempus I and Tempus II could now, thanks to the experience they have acquired, make a useful contribution alongside the Member States in assisting the partner countries who came into the programme at a much later stage to restructure their higher education systems;
- (11) Whereas Article 11 of Decision 93/246/EEC stipulates that the Commission must carry out an evaluation of the implementation of the Tempus programme and submit no later than 30 April 1998 a proposal for the extension or the adjustment of the programme for the period commencing on 1 July 2000;
- (12) Whereas the competent authorities in the countries of central and eastern Europe, the new independent States of the former Soviet Union and Mongolia, the users of the programme, the structures responsible for organising it in the eligible countries and in the European Community, and the experts and qualified representatives reflecting the views of the university world in Europe, share the findings of the evaluation report attesting to the capacity of Tempus to make an effective contribution in the eligible countries to the diversification of educa-

tional opportunities and to cooperation between universities, thereby paving the way for the development of scientific, cultural and economic and social cooperation;

- (13) Whereas the possibility should be provided of creating effective coordination between the Tempus III programme and other Community programmes or activities with an educational and/or training-related dimension, thus stimulating synergies and increasing the added value of each of the Community activities;
- (14) Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235; whereas the conditions for invoking that Article have been satisfied,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

##### **Duration of Tempus III**

The third phase of the trans-European cooperation scheme for higher education (hereinafter referred to as 'Tempus III') is hereby adopted for a period of six years as from 1 July 2000.

#### *Article 2*

##### **Eligible countries**

Tempus III shall concern the non-associated countries of central and eastern Europe eligible for economic aid by virtue of Regulation (EEC) No 3906/89 (PHARE programme)<sup>(1)</sup>, and the new independent States of the former Soviet Union and Mongolia mentioned in Regulation (Euratom, EC) No 1279/96 (TACIS programme), subject to these assistance programmes being prolonged for the period referred to. These countries are hereinafter referred to as 'eligible countries'.

On the basis of an evaluation of the specific situation of each country the Commission, in accordance with the procedures set out in the said Regulations, shall agree with the eligible countries concerned whether they should participate in Tempus III, and the nature and conditions of their participation in the national planning of Community assistance for social and economic reform.

#### *Article 3*

##### **Involvement of associated countries**

Actions under Tempus III are also open to the associated countries of central and eastern Europe so that what has been achieved through Tempus can be shared with the neighbouring countries and in order to develop regional and cross-border cooperation. Taking into account the respective financial rules and regulations, cooperation between Tempus and Erasmus projects should be encouraged.

<sup>(1)</sup> At present Albania, Bosnia-Herzegovina and the former Yugoslav Republic of Macedonia.

*Article 4***Definitions**

For the purposes of Tempus III:

- (a) the term 'university' shall be used to cover all types of post-secondary educational and vocational training establishments which offer, within the framework of advanced education and training, qualifications or diplomas of that level, whatever such establishments may be called;
- (b) the terms 'industry' and 'company' shall be used to cover all types of economic activity, irrespective of legal status, autonomous business organisations, chambers of commerce and industry and/or their equivalents, professional associations, and the training bodies of the institutions and organisations mentioned above;
- (c) the term 'institution' shall be used to cover local and public authorities, and the social partners' and their training bodies.

Each Member State or eligible country may determine what types of establishment referred to in point (a) can participate in Tempus III.

*Article 5***Aims**

The aim of Tempus III is to promote, in line with the guidelines and general objectives of the PHARE and TACIS programmes for economic and social reform, the development of the higher education systems in the eligible countries through the most balanced cooperation possible with the partners from all the Member States of the Community.

More specifically, Tempus III is intended to facilitate the adaptation of higher education to the new socio-economic and cultural needs of the eligible countries by addressing:

- (a) issues relating to the development and reshaping of curricula in the priority areas;
- (b) reform of higher education structures and establishments and their management;
- (c) the development of training leading to qualifications, with a view to making good the shortage of high-level skills needed in the context of economic reform, particularly by improving and increasing links with industry;
- (d) the contribution of higher education and training to citizenship and the strengthening of democracy.

The Commission will, when pursuing the objectives of Tempus III, endeavour to adhere to the Community's general policy on equal opportunities for men and

women. The Commission will also endeavour to ensure that no group of citizens is excluded or disadvantaged.

*Article 6***Dialogue with the eligible countries**

In agreement with the competent authorities in each country, the Commission will define the detailed priorities and objectives for the role of Tempus III in the national strategy for economic and social reform, on the basis of the programme's objectives and the provisions set out in the Annex, and in conformity in particular with:

- (a) (i) the general objectives of the PHARE programme;
- (ii) the general objectives of the TACIS programme, with particular reference to its sectoral aspects;
- (b) the policy of each eligible country on economic, social and educational reforms;
- (c) the need to strike an appropriate balance between the priority areas selected and the resources allocated to Tempus III.

*Article 7***Committee**

1. The Commission shall implement the Tempus III programme in accordance with the provisions of the Annex, on the basis of detailed guidelines to be adopted annually and following the detailed objectives and priorities agreed with the competent authorities in each eligible country, as provided for in Article 6.

2. In the performance of that task, the Commission shall be assisted by a committee composed of two representatives appointed by each Member State and chaired by the Commission representative. The members of the committee may be assisted by experts and advisers.

The committee shall, in particular, assist the Commission in the implementation of the scheme having regard to the objectives set out in Article 5 and shall coordinate its work with that of other programme committees established in the field of education (Socrates) and training (Leonardo).

3. The Commission representative shall submit to the Committee drafts for measures concerning:

- (a) the general guidelines governing Tempus III;
- (b) the selection procedures and general guidelines for the Community's financial assistance (amounts, duration and beneficiaries);
- (c) questions relating to the overall balance of Tempus III, including the breakdown between the various actions;

- (d) the detailed priorities and objectives to be agreed with the competent authorities in each eligible country;
- (e) the arrangements for monitoring and evaluating Tempus III.

4. The committee shall deliver its opinion on these draft measures within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith.

In that event the Commission may defer application of the measures which it has decided upon for a period of one month.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

5. In addition, the Commission may consult the committee on any other matter concerning the implementation of Tempus III, including the annual report.

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

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

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

#### *Article 8*

##### **Cooperation with the competent bodies**

1. The Commission shall cooperate with the agencies of each of the eligible countries designated and set up to coordinate the relations and structures needed to imple-

ment Tempus III, including the allocation of funds earmarked by the eligible countries themselves.

2. In addition, for the implementation of Tempus III, the Commission shall cooperate closely with the competent national structures designated by the Member States. It shall take due account whenever possible of bilateral measures taken in this context by the Member States.

#### *Article 9*

##### **Links with other Community actions**

In line with the procedure set out in Article 7(3) of this Decision and, if applicable, the procedure defined in Article 9 of Regulation (EEC) No 3906/89 and in Article 8 of Regulation (Euratom, EC) No 1279/96, within the limits established by the annual budgetary decisions, the Commission shall ensure consistency and, where necessary, complementarity between Tempus III and other Community actions undertaken both in the Community and as part of assistance provided to eligible countries, particularly with regard to the activities of the European Training Foundation.

#### *Article 10*

##### **Coordination with action taken in non-Community countries**

1. The Commission shall organise appropriate co-ordination with actions undertaken by countries not members of the Community<sup>(1)</sup> or by universities and the business sector in these countries in the same field as Tempus III, including, where applicable, participation in Tempus III projects.

2. This participation may take a variety of forms, including one or more of the following:

- participation in Tempus III projects on a co-financing basis,
- using the opportunities available under Tempus III to channel exchange actions receiving bilateral funding,
- coordination between Tempus III and national initiatives which have the same aims but which are funded and managed separately,
- mutual exchange of information on all relevant initiatives in this field.

#### *Article 11*

##### **Annual report**

An annual report on the operation of Tempus III shall be forwarded by the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. This report shall also be forwarded to the eligible countries for information.

<sup>(1)</sup> These countries are the members of the Group of 24, other than the Member States of the Community, the Republic of Cyprus and Malta, and the associated countries of central and eastern Europe, and participation relates to projects with the non-associated countries of central and eastern Europe eligible under the PHARE programme.

*Article 12***Monitoring and evaluation — reports**

In accordance with the procedure set out in Article 7(3), the Commission shall supervise the arrangements for regular monitoring and external evaluation of experience gained with Tempus III, taking due account of the specific objectives in Article 5 and the national objectives defined in accordance with Article 6.

It shall submit by 30 April 2004 an interim report on the findings of the evaluation, together with any proposals for extending or adjusting Tempus for the period commencing on 1 July 2006.

The Commission shall submit a final report no later than 30 June 2009.

Done at Luxembourg, 29 April 1999.

*For the Council*

*The President*

W. MÜLLER

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## ANNEX

**Joint European projects**

1. The European Community will provide support for joint European projects (JEPs) of a maximum of three years' duration.

The JEPs will associate at least one university in an eligible country, one university from a Member State and a partner establishment (university, company or institution as defined in Article 4) in another Member State.

2. Support for JEPs can be provided for activities according to the specific needs of the establishments concerned and in line with the priorities established, including:

- (i) joint education and training actions, particularly with a view to curriculum development and updating, boosting university capacity to provide continuing education and retraining, development of short intensive courses, and development of open and distance learning systems including information and communication technology;

- (ii) measures for the reform and development of higher education and its capacity, particularly by restructuring the management of higher education establishments and systems, by modernising existing infrastructures, by acquiring the equipment needed to implement a JEP and, where applicable, by providing technical and financial assistance to the authorities responsible;

- (iii) the promotion of cooperation between universities, industry and institutions as defined in Article 4 through JEPs;

- (iv) the development of mobility for teachers, administrative staff of universities and students under JEPs:

- (a) grants will be provided for teaching/administrative staff of universities or to trainers in companies in the Member States to carry out teaching/training assignments for periods lasting up to one year in eligible countries and vice versa;

- (b) grants will be awarded to teaching/administrative staff of universities in the eligible countries to undertake periods of retraining and updating in the European Community;

- (c) grants will be available for students up to and including postgraduate at doctoral level, targeting both students in the eligible countries undertaking a period of study in the European Community and European Community students undertaking a period of study in the eligible countries. These grants will normally be granted for a period of three months to one year;

- (d) grants will be available for students taking part in JEPs with the specific aim of promoting mobility, priority will go to students taking part in projects for which their university of origin will give full academic recognition to the period of study spent abroad;

- (e) support will be provided for practical or in-company training periods of one month to one year for teachers, trainers, students and graduates of the eligible countries between the end of their studies and their first job, so that they can undertake a period of practical training in companies in the Community and vice versa;

- (v) activities to ensure the success of a JEP involving two or more eligible countries.

**Structural and/or complementary measures**

Financial support will be provided for certain structural and/or complementary measures (particularly technical assistance, seminars, studies, publications, information activities) to support the objectives of the programme, particularly the development and restructuring of higher education systems in the eligible countries. Under the structural measures, financial aid will be granted to assist the eligible countries *inter alia* to:

— develop and strengthen the capacity for strategic planning and institutional development of higher education establishments at university or faculty level,

- establish a development plan for universities to help them build up international relations,
- support the spread of durable cooperation actions targeting the Tempus objectives,
- prepare a national strategy in a given eligible country to develop a specific aspect of higher education.

#### **Individual grants**

In addition to the JEPs and the structural and/or complementary measures, the European Community will also support the provision of individual grants to teachers, trainers, university administrators, senior ministerial officials, education planners and other experts in training from eligible countries or from the Community, for visits to promote the quality, development and restructuring of higher education and training in the eligible countries.

These visits could *inter alia* cover the following areas:

- the development of courses and teaching material,
- the development of staff, particularly through periods of refresher training and in-company placements,
- teaching and training assignments,
- activities to support the development of higher education,
- participation in the activities of European associations, in particular university associations.

#### **Support actions**

1. The Commission will receive the technical assistance needed to underpin the action taken pursuant to this Decision and to monitor programme implementation.
  2. Support will be provided for appropriate external evaluation of Tempus III. Support will also be provided for dissemination in relation to JEPs, structural and/or complementary measures and individual mobility and for dissemination of successful outcomes from specific projects in earlier stages of the Tempus programme.
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## COUNCIL DECISION

of 29 April 1999

## amending Decision 93/383/EEC on reference laboratories for the monitoring of marine biotoxins

(1999/312/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

*Article 1*

Having regard to the proposal from the Commission <sup>(1)</sup>,

Decision 93/383/EEC is hereby amended as follows:

Having regard to the opinions of the European Parliament <sup>(2)</sup>,

1. Article 3 shall be replaced by the following:

*'Article 3*

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

The "Laboratorio de biotoxinas marinas del Area de Sanidad" in Vigo is hereby designated as the Community reference laboratory for the monitoring of marine biotoxins.'

(1) Whereas Article 3 of Decision 93/383/EEC <sup>(4)</sup> establishes the national reference laboratory for the monitoring of marine biotoxins; whereas the said laboratory has changed its name; whereas it is therefore necessary to amend Article 3 accordingly;

2. The following indent shall be added to Article 4:

— helping the national reference laboratories to implement an appropriate system of quality assurance based on the principles of good laboratory practice (GLP) and the EN 45 000 criteria;'

(2) Whereas Decision 93/383/EEC does not include a procedure for speedy revision of its Annex; whereas provision should therefore be made for the possibility of the Commission to revise this Annex following a notification made by a Member State;

3. The following Article shall be inserted after Article 5:

*'Article 5a*

The Commission shall amend the Annex to this Decision where necessary following any notification submitted to it by a Member State concerning its national reference laboratory for the monitoring of marine biotoxins.

(3) Whereas the Annex to Decision 93/383/EEC establishes the list of national reference laboratories designated by each Member State for the monitoring of marine biotoxins;

The Commission shall publish the list of the national reference laboratories and any updates to it in the *Official Journal of the European Communities*.

(4) Whereas the laboratories originally designated by Belgium, Finland, Germany, Greece, Spain, Italy, the United Kingdom and Sweden as national reference laboratories for the monitoring of marine biotoxins no longer fulfil the functions for which they were designated or have in the meantime changed their name; whereas the Annex to Decision 93/383/EEC should be amended accordingly to take account of notifications submitted by the Member States concerning national reference laboratories,

*Article 2*

The Annex to Decision 93/383/EEC shall be replaced by the text in the Annex to this Decision.

*Article 3*

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

<sup>(1)</sup> OJ C 331, 6.11.1996, p. 12 and OJ C 189, 20.6.1997, p. 9.

<sup>(2)</sup> OJ C 200, 30.6.1997, p. 257 and opinion of 13 April 1999 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 66, 3.3.1997, p. 47.

<sup>(4)</sup> OJ L 166, 8.7.1993, p. 31.

*Article 4*

This Decision is addressed to the Member States.

Done at Luxembourg, 29 April 1999.

*For the Council*  
*The President*  
W. MÜLLER

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## ANNEX

## ANNEX

*Belgium and Luxembourg:*

- Ministère des Affaires Sociales, de la Santé Publique et de l'Environnement  
Institut Scientifique de la Santé Publique — Louis Pasteur  
Section "Denrées alimentaires"  
Département "Pharmaco-Bromatologie"  
Rue Juliette Wytman 14  
B-1050 Bruxelles

*Denmark:*

- The Danish Veterinary and Food Administration  
Institute of Food Research and Nutrition  
Mørkhøj Bygade 19  
DK-2860 Søborg

*Germany:*

- Bundesinstitut für gesundheitlichen  
Verbraucherschutz und Veterinärmedizin  
Postfach 330013  
D-14191 Berlin

*Greece:*

- Ινστιτούτο Υγιεινής Τροφίμων Θεσσαλονίκης  
28ης Οκτωβρίου 80  
GR-54627 Θεσσαλονίκη

*Spain:*

- Laboratorio de Biotoxinas Marinas  
Area de Sanidad  
Estación Marítima s/n  
E-36271 Vigo

*France:*

- Laboratoire central d'hygiène alimentaire  
43, rue de Dantzig  
F-75015 Paris

*Ireland:*

- Fisheries Research Center  
Abbotstown  
IRL-Dublin 15

*Italy:*

- Centro Ricerche Marine  
Viale Vespucci 2  
I-47042 Cesenatico (FO)

*Netherlands:*

- Postbus 1  
Rijksinstituut voor Volksgezondheid en Milieuhygiëne (RIVM)  
NL-3720 BA Bilthoven

*Portugal:*

- Laboratório do Instituto Nacional de Investigaçao das Pescas  
(INIP)  
Av. Brasília s/n  
P-1400 Lisbon

*Finland:*

- Tullilaboratorio/Tulllaboratoriet  
PL/PB 53  
FIN-02151 Espoo/Esbo

*Sweden:*

- Institutionen för klinisk bakteriologi  
Göteborgs universitet  
S-41124 Göteborg

*United Kingdom:*

- Marine Laboratory  
P.O. Box 101,  
Victoria Road  
UK Aberdeen AB11 9DB

## COUNCIL DECISION

of 29 April 1999

## on reference laboratories for monitoring bacteriological and viral contamination of bivalve molluscs

(1999/313/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinions of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

(1) Whereas the Annex to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs <sup>(4)</sup> lays down in particular requirements on bacteriological and viral contamination of live bivalve molluscs;

(2) Whereas Chapter V(8) of the Annex to that Directive states that, in the absence of routine virus testing procedures and the establishment of virological standards, health checks must be based on faecal bacteria counts;

(3) Whereas scientific progress has shown faecal bacteria to be an unreliable indicator of the presence of viruses in live bivalve molluscs; whereas to protect public health it is therefore necessary to base the health check on other indicators;

(4) Whereas the development of new analytical techniques for viruses and reliable indicators of bivalve mollusc contamination requires coordination of the activities of the network of national laboratories;

(5) Whereas, to ensure an effective monitoring system with regard to virus testing and the establishment of standards for virological and bacteriological contamination, and to introduce routine procedures and reliable methods for detecting viruses and bacteria, each Member State should designate a

national reference laboratory responsible for coordinating the requisite tests in that State;

(6) Whereas, to ensure a standardised system throughout the Community, the Community reference laboratory responsible for coordinating the checks on viral and bacteriological contamination of bivalve molluscs carried out by each national laboratory should be designated; whereas the operating terms and functions of the Community reference laboratory should be laid down; whereas those responsible for the laboratory must undertake to carry out the tasks laid down in this Decision under the terms provided for herein;

(7) Whereas this Community reference laboratory can be granted Community financial assistance under the terms of Article 28 of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(5)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

Each Member State shall designate a national reference laboratory for monitoring viral and bacteriological contaminations of bivalve molluscs. It shall inform the Commission, which shall publish the list of the national reference laboratories and any updates to it in the *Official Journal of the European Communities*.

*Article 2*

1. Each national reference laboratory shall be responsible for:

(a) coordinating the activities of the national laboratories responsible for viral and bacteriological analyses of bivalve molluscs in the relevant Member State;

<sup>(1)</sup> OJ C 267, 3.9.1997, p. 15.

<sup>(2)</sup> OJ C 304, 6.10.1997, p. 79 and opinion of 13 April 1999 (not yet published in the Official Journal).

<sup>(3)</sup> OJ C 355, 21.11.1997, p. 63.

<sup>(4)</sup> OJ L 268, 24.9.1991, p. 1. Directive as last amended by Directive 97/79/EC (OJ L 24, 30.1.1998, p. 31).

<sup>(5)</sup> OJ L 224, 18.8.1990, p. 19. Decision as last amended by Decision 94/370/EC (OJ L 168, 2.7.1994, p. 31).

- (b) assisting the competent authority in the Member State to organise a system for monitoring viral and bacteriological contamination of bivalve molluscs;
  - (c) organising on a regular basis comparative tests between the various national laboratories responsible for the said analyses;
  - (d) disseminating the information provided by the Community reference laboratory referred to in Article 3 to the competent authorities and national laboratories responsible for the said analyses.
2. The national laboratories shall collaborate with the Community reference laboratory referred to in Article 3.

#### *Article 3*

The laboratory of the Centre for Environment, Fisheries and Aquaculture Science at Weymouth in the United Kingdom is hereby designated as the Community reference laboratory for monitoring the viral and bacteriological contamination of bivalve molluscs.

#### *Article 4*

The Community reference laboratory shall be responsible for the following tasks:

- (a) supplying information on analytical methods and comparative testing to the national reference laboratories;
- (b) coordinating the application by the national reference laboratories of the methods referred to in point (a), by organising comparative testing in particular;
- (c) coordinating research into new analytical methods and informing the national reference laboratories of progress made in this area;
- (d) organising training and advanced courses for the staff of the national reference laboratories;
- (e) collaborating with the laboratories responsible for the bacteriological and viral analysis of bivalve molluscs in third countries;
- (f) providing scientific and technical assistance to the Commission, especially in cases where test results are contested between Member States;

- (g) helping the reference laboratories to implement an appropriate system of quality assurance based on the principles of good laboratory practice (GLP) and the EN 45 000 criteria.

#### *Article 5*

The Community reference laboratory shall satisfy the following operating conditions:

- (a) staff must be qualified and have sufficient knowledge of the techniques applied in the bacteriological and viral analysis of bivalve molluscs;
- (b) the equipment and substances necessary for carrying out the tasks laid down in Article 4 must be available;
- (c) an appropriate administrative structure must be in place;
- (d) the confidential nature of certain subjects, results and reports must be observed by the staff;
- (e) the principles of good laboratory practice accepted internationally must be followed;
- (f) an up-to-date list of the reference substances held by the Community Bureau of References must be available, along with an up-to-date list of the manufacturers and suppliers of these substances.

#### *Article 6*

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

#### *Article 7*

This Decision is addressed to the Member States.

Done at Luxembourg, 29 April 1999.

*For the Council*

*The President*

W. MÜLLER

**Information relating to the entry into force of the Agreement between the European Community and the Republic of Chile on precursors and chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances <sup>(1)</sup>**

The Agreement between the European Community and the Republic of Chile on precursors and chemical substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances, which the Council decided to conclude on 3 November 1998, will enter into force on 1 June 1999, the Contracting Parties having notified on 6 April 1999 the completion of the procedures necessary for that purpose.

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<sup>(1)</sup> OJ L 336, 11.12.1998.

# COMMISSION

## COMMISSION DECISION

of 9 April 1999

concerning the questionnaire relating to Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances

(notified under document number C(1999) 856)

(Text with EEA relevance)

(1999/314/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances<sup>(1)</sup>, and in particular Article 19(4) thereof,

Having regard to Council Directive 91/692/EEC of 23 December 1991 on standardising and rationalising reports on the implementation of certain Directives relating to the environment<sup>(2)</sup>,

Whereas Article 19(4) of Directive 96/82/EC requires the Member States to report on the implementation of this Directive on a three-yearly basis; whereas this report has to be established on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure set out in Article 6 of Directive 91/692/EEC;

Whereas the three-years period should cover 2000 to 2002 inclusive;

Whereas the measures envisaged in this Decision are in accordance with the opinion delivered by the committee set up by Article 6 of Directive 91/692/EEC,

HAS ADOPTED THIS DECISION:

### *Article 1*

The questionnaire as attached in the Annex is hereby adopted.

### *Article 2*

The Member States shall draw up a report covering the period 2000 to 2002 inclusive in accordance with the questionnaire in the Annex.

### *Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 9 April 1999.

*For the Commission*

Ritt BJERREGAARD

*Member of the Commission*

<sup>(1)</sup> OJ L 10, 14.1.1997, p. 13.

<sup>(2)</sup> OJ L 377, 31.12.1991, p. 48.

## ANNEX

**Questionnaire on Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (Seveso II)***Introductory remarks*

This questionnaire has been prepared in order to assist Member States and the Commission on exchange of information as required by Article 19 of the Seveso II Directive. In particular, according to Article 19(4) of the Directive Member States shall provide the Commission with a three-yearly report for establishments covered by Articles 6 and 9 (so-called upper tier establishments).

Member States shall submit one report covering each three-year-period, at the latest nine months after the end of the reporting period. The report should include separate information for each year of the reporting period. The report covering the period 1997 to 1999 must be submitted before the end of September 2000.

*(1) General information*

Total number of **establishments covered by Articles 6 and 9** of the Directive (so-called upper tier establishments)

*(2) Safety reports*

- (a) Total number of establishments who have submitted **safety reports**, as required under Article 9 of the Directive.
- (b) Total number of establishments for which the **safety reports** have been examined by competent authorities and **conclusions communicated to the operator** to fulfil the obligations referred to in Article 9(4).

*(3) Emergency plans*

- (a) How many establishments have **internal emergency plans**, as required under Article 11(1)(a) of the Directive?
- (b) How many operators have supplied the competent authorities with **the necessary information to enable them to draw up an external emergency plan**, as referred to in Article 11(1)(b) of the Directive?
- (c) For how many establishments have **external emergency plans** been drawn up by the designated authorities, as referred to in Article 11(1)(c) of the Directive?
- (d) In how many cases have the competent authorities decided, in view of the information contained in the safety report, that the **requirement to produce an external emergency plan shall not apply**, as covered by Article 11(6)?

*(4) Domino effects*

- (a) How many **establishments and groups of establishments** have been identified, where the likelihood and the possibility or consequences of a major accident may be increased because of the location and the proximity of such establishments, as referred to in Article 8(1) of the Directive on the **domino effect**?
- (b) In how many cases as given in (a) above has **suitable information been exchanged**, as referred to in Article 8(2)(a) of the Directive?
- (c) In how many cases as given in (a) above has **provision been made for cooperation in informing the public and supplying information to the competent authority**, as referred to in Article 8(2)(b)?

(5) *Land-use planning*

How many upper tier establishments have been taken into account **in the development of land-use planning policies**, as referred to in Article 12(1)?

(6) *Information on safety measures*

(a) For how many establishments has **information to the public** been issued, as referred to in Article 13(1)?

(b) In how many cases have the competent authorities **made available to other Member States sufficient information to enable them to prepare emergency plans**, as required in Article 13(2)?

(c) In how many cases have the competent authorities **provided information to another Member State concerning establishments incapable of creating a major accident hazard beyond its boundary**, as referred to in Article 13(3)?

(d) How many **safety reports have been made available to the public**, as referred to in Article 13(4) of the Directive?

(7) *Prohibition of use*

In how many cases have the competent authorities **prohibited the use or bringing into use**, as described in Article 17(1), of any establishment, installation or storage facility covered by Article 9?

(8) *Inspection*

(a) How many upper tier establishments **have been subject to inspection** as referred to in Article 18(1)?

(b) How many upper tier establishments are subjected to

— an inspection programme based on **systematic appraisal**?

— an inspection programme based on at least one on-site inspection **every 12 months**?

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**CORRIGENDA****Corrigendum to Commission Regulation (EC) No 31/1999 of 8 January 1999 concerning the issue of import licences for certain preserved mushrooms**

*(Official Journal of the European Communities L 5 of 9 January 1999)*

On page 42, Article 2:

*for:* 'The issue of import licences applied for pursuant to Regulation (EC) No 2125/95 shall be suspended for applications submitted from 6 January until 14 October 1999.'

*read:* 'The issue of import licences applied for under Article 4(1)(b) of Regulation (EC) No 2125/95 shall be suspended for applications submitted from 6 January until 14 October 1999.'

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**Corrigendum to Council Regulation (EC) No 925/1999 of 29 April 1999 on the registration and operation within the Community of certain types of civil subsonic jet aeroplanes which have been modified and recertificated as meeting the standards of volume I, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation, third edition (July 1993)**

*(Official Journal of the European Communities L 115 of 4 May 1999)*

The text of the Regulation should be replaced by the following:

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 925/1999  
of 29 April 1999**

**on the registration and operation within the Community of certain types of civil subsonic jet aeroplanes which have been modified and recertificated as meeting the standards of volume I, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation, third edition (July 1993)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 84(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with the procedure referred to in Article 189c of the Treaty <sup>(3)</sup>,

- (1) Whereas one of the key objectives of the common transport policy is sustainable mobility; whereas such a policy can be defined as a global approach which aims at ensuring both the effective functioning of the Community's transport systems and the protection of the environment; whereas it is appropriate to take technical measures which contribute to the achievement of sustainable mobility;
- (2) Whereas the Commission communication on the future development of the common transport policy: a global framework to the construction of a Community framework for sustainable mobility explicitly refers to the introduction of a non-addition rule for the noisiest aeroplanes;
- (3) Whereas the fifth action programme of 1992 on the environment, the general approach of which was endorsed by the Council and the representatives of the Governments of the Member States, meeting within the Council, in their resolution of 1 February

1993 <sup>(4)</sup> envisages further legislative measures aimed at reducing noise emissions from aeroplanes; whereas the said programme lays down the objective that no person should be exposed to noise levels which endanger health and quality of life;

- (4) Whereas the growth in air transport activities at Community airports is increasingly subject to environmental constraints; whereas the operation of less noisy aeroplanes at these airports can contribute to a better use of available airport capacity;
- (5) Whereas older types of aeroplanes modified to improve their noise certification level have a noise performance which is significantly worse, mass for mass, than that of modern types of aeroplanes originally certificated to meet the standards of Volume I, Part II, Chapter 3 of Annex 16 to the Convention on International Civil Aviation, third edition (July 1993); whereas such modifications prolong the life of an aeroplane that would normally have been retired; whereas such modifications tend to worsen the gaseous emissions performance and fuel burn of earlier technology aero engines; whereas aeroplanes may be re-engined to achieve a noise performance comparable to that of those originally certificated to meet Chapter 3 requirements;
- (6) Whereas a rule which prohibits the addition of those older modified types of aeroplanes to Member States' registers as from the date of application of this Regulation can be considered as a protective measure aimed at preventing a deterioration of the noise situation around Community airports as well as improving the situation regarding fuel burn and gaseous emissions;

<sup>(1)</sup> OJ C 118, 17.4.1998, p. 20 and OJ C 329, 27.10.1998, p. 10.

<sup>(2)</sup> OJ C 284, 14.9.1998, p. 1.

<sup>(3)</sup> Opinion of the European Parliament of 16 September 1998 (OJ C 313, 12.10.1998, p. 94), Council common position of 16 November 1998 (OJ C 404, 23.12.1998, p. 1) and Decision of the European Parliament of 10 February 1999 (not yet published in the Official Journal).

<sup>(4)</sup> OJ C 138, 17.5.1993, p. 1.

- (7) Whereas in a Community without internal frontiers it is appropriate to exclude from this non-addition rule aeroplanes entered in any Member State's register prior to the date of application of this Regulation;
- (8) Whereas, in view of existing Community legislation on aeroplane noise, the present initiative needs to be taken at Community level by binding Community rules;
- (9) Whereas a non-addition rule, and a non-operation rule with an appropriate transition period, combines technical feasibility with environmental benefits without imposing an undue economic burden;
- (10) Whereas it is necessary to minimise possible distortions of competition by establishing equivalent requirements applicable to aeroplanes registered in third countries; whereas, since the Community has no competence over third-country registers, that objective can be achieved only by restricting the operation of non-complying aeroplanes registered as from the date of application of this Regulation in third countries; whereas the date for introducing such restrictions should take account of the final cut-off date for the operation of Chapter 2 aeroplanes as provided for in Council Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Volume I, Part II, Chapter 2 of Annex 16 to the Convention on International Civil Aviation, second edition 1998<sup>(1)</sup>, as well as the extent of the non-addition provisions for Chapter 2 aeroplanes as laid down in Council Directive 89/629/EEC of 4 December 1989 on the limitation of noise emission from civil subsonic jet aeroplanes<sup>(2)</sup>;
- (11) Whereas, in order to ensure equal treatment of aeroplanes regardless of their country of registration, non-complying aeroplanes in the registers of Member States should also be stopped from operating in accordance with the terms imposed on non-complying aeroplanes in the registers of third countries;
- (12) Whereas, given that the main objective of the measure is to limit noise at Community airports, aeroplanes may be exempted from the non-addition and non-operation rules when they are not operated in the Community territory; whereas, in order for these rules to produce their full environmental benefits, temporary exemptions may be possible only for operations of an exceptional nature;
- (13) Whereas the provisions of this Regulation shall not be implemented in the overseas departments referred to in Article 227(2) of the Treaty, in view of their geographical location;
- (14) Whereas it is necessary to gather information concerning the exemptions granted by the Member States;
- (15) Whereas arrangements for greater cooperation over the use of Gibraltar airport were agreed in London on 2 December 1987 by the Kingdom of Spain and the United Kingdom in a joint declaration by the Ministers of Foreign Affairs of the two countries; whereas such arrangements have yet to come into operation,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

##### **Objective**

The objective of this Regulation is to lay down rules to prevent deteriorations in the overall noise impact in the Community of recertificated civil subsonic jet aeroplanes while at the same time limiting other environmental damage.

#### *Article 2*

##### **Definitions**

For the purposes of this Regulation:

- (1) '*civil subsonic jet aeroplane*' shall mean a civil subsonic jet aeroplane with a maximum certificated take off mass of 34 000 kg or more, or with a certified maximum internal accommodation for the aeroplane type in question consisting of more than 19 passenger seats, excluding any seats for crew only, and powered by engines with a by-pass ratio of less than three;
- (2) '*recertificated civil subsonic jet aeroplane*' shall mean a civil subsonic jet aeroplane initially certificated to Chapter 2 or equivalent standards, or initially not noise-certificated which has been modified to meet Chapter 3 standards either directly through technical measures or indirectly through operational restrictions; civil subsonic jet aeroplanes which initially could only be dual-certificated to the standards of Chapter 3 by means of weight restrictions, have to be considered as recertificated aeroplanes; civil subsonic jet aeroplanes which have been modified to meet Chapter 3 standards by being completely re-engined with engines having a by-pass ratio of three or more are not to be considered as recertificated aeroplanes;

<sup>(1)</sup> OJ L 76, 23.3.1992, p. 21. Directive as amended by Directive 98/20/EC (OJ L 107, 7.4.1998, p. 4).

<sup>(2)</sup> OJ L 363, 13.12.1989, p. 27.

- (3) 'Chapter 2' and 'Chapter 3' shall mean the noise standards as defined in Volume I, Part II, Chapter 2 and Chapter 3 respectively of Annex 16 to the Convention on International Civil Aviation, third edition (July 1993);
- (4) 'operational restrictions' shall mean weight restrictions imposed on the aeroplane and/or operational limitations within the control of the pilot or the operator, such as reduced flap setting;
- (5) 'registration of an aeroplane' shall mean the formal act whereby the nationality of an aeroplane is established through its entry on the national register of a Member State or a third country;
- (6) 'the territory of the Community' shall mean the territory of the Community subject to the provisions of the Treaty.

#### Article 3

##### Non-complying aeroplanes

1. Recertificated civil subsonic jet aeroplanes shall not be registered in the national register of a Member state as from the date of application of this Regulation.
2. Paragraph 1 shall not affect civil subsonic jet aeroplanes which were already on the register of any Member State on the date of application of this Regulation and have been registered in the Community ever since.
3. Notwithstanding the provisions of Directive 92/14/EEC and in particular Article 2(2) thereof, as from 1 April 2002 recertificated civil subsonic jet aeroplanes registered in a third country shall not be allowed to operate at airports in the territory of the Community unless the operator of such aeroplanes can prove that they were on the register of that third country on the date of application of this Regulation and prior to that date have been operated, between 1 April 1995 and the date of application of this Regulation, into the territory of the Community.
4. Recertificated civil subsonic jet aeroplanes which are on the registers of Member States may not be operated at airports in the territory of the Community as from 1 April 2002 unless they have been operated in that territory before the date of application of this Regulation.

#### Article 4

##### Exemptions

1. Member States may grant temporary exemptions from Article 3 for civil subsonic jet aeroplanes whose operations are of such an exceptional nature that it would be unreasonable to withhold a temporary exemption, such as for emergencies. On a transparent and non-discriminatory basis, Member States may limit such exemptions to

certain airports and/or certain specified periods of the day.

2. Member States may grant exemptions from Article 3 for civil subsonic jet aeroplanes which are exclusively operated outside the territory of the Community.

3. Member States may grant exemptions from Article 3 for civil subsonic jet aeroplanes leased to an operator which for that reason have been temporarily removed from the register of the Member State in which they were registered during the 6 months before the date of application of this Regulation, provided that legal and economic ownership of the aircraft remains in the Member State.

4. Once a year Member States shall inform the Commission of exemptions granted under this Article.

#### Article 5

##### Overseas departments

This Regulation shall not apply to the overseas departments referred to in Article 227(2) of the Treaty, neither with regard to the provisions concerning the registration of recertificated civil subsonic jet aeroplanes in the national registers of Member States, or concerning the operation of such aeroplanes at airports located in the said departments.

#### Article 6

##### The airport of Gibraltar

1. The application of this Regulation to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.

2. Application of the provisions of this Regulation to Gibraltar airport shall be suspended until the arrangements in the joint declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 have come into operation. The Governments of Spain and the United Kingdom shall inform the Council of that date.

#### Article 7

##### Entry into force

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

It shall apply twelve months after the date of its entry into force.

L 120/50

EN

Official Journal of the European Communities

8. 5. 1999

L 115/4

EN

Official Journal of the European Communities

4. 5. 1999

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

Done at Luxembourg, 29 April 1999.

*For the Council*

*The President*

W. MÜLLER

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