

English edition

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1269/1999
of 14 June 1999
opening a Community tariff quota for barley for malting falling within CN code
1003 00

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

- (1) Whereas the Community has undertaken, in the conclusion of the GATT Article XXIV:6 negotiations, to examine problems identified if the functioning of the 'representative price' system for cereals appears to be impeding trade; whereas certain consignments of barley for malting have been subject to impediment;
- (2) Whereas in order to remedy such impediment an annual Community tariff quota for barley for malting falling within CN code 1003 00 should be opened for 1999 and 2000;
- (3) Whereas detailed rules for the application of this Regulation should be adopted pursuant to Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾,

the production of malt to be used for the manufacture of certain beer aged in tanks containing beechwood.

2. The common customs tariff duty applicable to the quota shall be 50 % of the full rate of duty in force, without the abatement applied on imports of barley for malting, on the day of import.

Article 2

The Commission shall adopt detailed rules for the application of this Regulation in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, and in particular:

- (i) provisions to guarantee the quality of the barley and, if necessary, provisions concerning recognition of documents enabling this guarantee to be verified,
- (ii) provisions to verify that the barley is used for the production of malt for the manufacture of beer in tanks containing beechwood.

HAS ADOPTED THIS REGULATION:

Article 1

1. An annual Community tariff quota of 50 000 tonnes is hereby opened for 1999 and 2000 for high graded barley falling within CN code 1003 00 and intended for

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Commission Regulation (EC) No 923/96 (OJ L 126, 24.5.1996, p. 37).

It shall apply from 1 January 1999.

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

Done at Luxembourg, 14 June 1999.

For the Council
The President
K.-H. FUNKE

COMMISSION REGULATION (EC) No 1270/1999
of 17 June 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 ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, 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 18 June 1999.

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

Done at Brussels, 17 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 17 June 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	87,8
	064	47,0
	999	67,4
0707 00 05	052	75,7
	628	133,7
	999	104,7
0709 90 70	052	58,5
	999	58,5
0805 30 10	382	55,3
	388	60,5
	528	57,6
	999	57,8
0808 10 20, 0808 10 50, 0808 10 90	388	72,6
	400	60,0
	508	74,7
	512	72,8
	524	68,4
	528	59,3
	720	88,4
	804	96,5
	999	74,1
	0809 10 00	052
999		149,8
0809 20 95	052	227,7
	064	158,0
	068	139,9
	400	187,9
	616	153,1
	999	173,3
0809 40 05	624	249,2
	999	249,2

⁽¹⁾ 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 1271/1999
of 17 June 1999
adopting the balance and fixing the aid for the supply of breeding rabbits to the
Canary Islands under the arrangements provided for in Article 4 of Council
Regulation (EEC) No 1601/92

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 4(4) thereof,

Whereas in application of Article 4 of Regulation (EEC) No 1601/92 it is necessary to determine, for the 1999/2000 marketing year, the quantities of breeding rabbits originating in the Community which may receive aid with a view to developing the production potential of the Canary Islands;

Whereas the amount of aid referred to above for the supply to the Canaries of breeding rabbits originating in the rest of the Community must also be fixed; whereas this aid must reflect, in particular, the costs of supply from the world market, conditions due to the geographical situation of the Canaries and current prices for exports of the animals in question to third countries;

Whereas the common detailed rules for implementation of the arrangements for the supply of certain agricultural products to the Canary Islands are laid down by Commis-

sion Regulation (EC) No 2790/94⁽³⁾, as last amended by Regulation (EC) No 825/98⁽⁴⁾;

Whereas pursuant to Regulation (EEC) No 1601/92, the supply arrangements are applicable from 1 July; whereas the provisions of this Regulation should enter into force immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

The aid provided for in Article 4(1) of Regulation (EEC) No 1601/92 for the supply to the Canary Islands of breeding rabbits originating in the Community and the number of rabbits for which it may be given are determined in the Annex.

Article 2

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

It shall apply from 1 July 1999.

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

Done at Brussels, 17 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 320, 11.12.1996, p. 1.

⁽³⁾ OJ L 296, 17.11.1994, p. 23.

⁽⁴⁾ OJ L 117, 24.4.1998, p. 5.

ANNEX

**Supply to the Canary Islands of breeding rabbits originating in the Community for the period
1 July 1999 to 30 June 2000**

CN code	Description	Number of animals to be supplied	Aid (EUR/head)
ex 0106 00 10	Breeding rabbits:		
	— pure-bred and grand-parents	2 750	30
	— parents	6 000	24

COMMISSION REGULATION (EC) No 1272/1999
of 17 June 1999

laying down, for the period 1 July 1999 to 30 June 2000, detailed rules of application for the tariff quotas for beef originating in Estonia, Latvia and Lithuania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the agreements on free trade and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations ⁽¹⁾, and in particular Article 5 thereof,

- (1) Whereas Regulation (EC) No 1926/96 provides for the opening of certain annual tariff quotas for products made from beef and veal; whereas imports under those quotas, benefit from an 80 % reduction in the customs duties set out in the Common Customs Tariff (CCT); whereas detailed rules of application for these quotas should be laid down for the period 1 July 1999 to 30 June 2000;
- (2) Whereas to ensure orderly importation of the quantities laid down for the period 1 July 1999 to 30 June 2000, they should be staggered over the year of import;
- (3) Whereas, in view of the risk of speculation inherent in these arrangements for beef and veal, clear conditions should be laid down as regards access by traders; whereas verification of the abovementioned conditions requires that applications be submitted in the Member State in which the importer is entered in the value-added tax register;
- (4) Whereas provision should be made for import rights to be allocated after a period for consideration and, where necessary, the application of a single percentage reduction;
- (5) Whereas, while the provisions of the abovementioned agreements intended to guarantee the origin of the product should be complied with, the

administration of the arrangements should be based on import licences; whereas, to that end, detailed rules should be laid down on, in particular, the submission of applications and the information which must appear in applications and licences, if necessary by way of derogation from, or by supplementing, certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾, as last amended by Regulation (EC) No 1127/1999 ⁽³⁾, and Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁴⁾, as last amended by Regulation (EC) No 2648/98 ⁽⁵⁾;

- (6) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the period 1 July 1999 to 30 June 2000, the following may be imported in accordance with this Regulation:

- 1 800 tonnes of fresh, refrigerated or frozen beef and veal falling within CN codes 0201 and 0202, originating in Lithuania, Latvia and Estonia. The serial number of the quota shall be 09.4561,
- 240 tonnes of products falling within CN code 1602 50 10, originating in Latvia. The serial number of the quota shall be 09.4562.

2. The rates of customs duty fixed in the Common Customs Tariff (CCT) shall be reduced by 80 % for the quantities indicated in paragraph 1.

3. The quantities indicated in paragraph 1 may be imported as follows:

- 50 % in the period 1 July to 31 December 1999,
- 50 % in the period 1 January to 30 June 2000.

⁽²⁾ OJ L 331, 2.12.1988, p. 1.

⁽³⁾ OJ L 135, 29.5.1999, p. 48.

⁽⁴⁾ OJ L 143, 27.6.1995, p. 35.

⁽⁵⁾ OJ L 335, 10.12.1998, p. 39.

⁽¹⁾ OJ L 254, 8.10.1996, p. 1.

If, during the period 1 July 1999 to 30 June 2000, the quantities for which applications for import rights are submitted for the period specified in the first indent are less than those available, the balances shall be added to the quantities available for the following period.

Article 2

1. In order to qualify for the import quotas referred to in Article 1, applicants must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities of the Member State concerned that they have been active in trade in beef and veal with third countries at least once during the last 12 months and are entered in a national VAT register.

2. Applications for import rights must be submitted only in the Member State in which the applicant is entered in a national VAT register.

3. For each of the groups of products referred to in the first and second indents of Article 1(1):

- applications for import rights must cover a minimum of 15 tonnes of product without exceeding the quantity available for the period concerned,
- applicants may submit only one application,
- where an applicant submits more than one application for a group, all his applications for that group shall be rejected.

Article 3

1. Applications for import rights may be submitted only:

- between 6 and 16 July 1999,
- between 1 and 11 February 2000.

2. After checking the documents submitted, Member States shall send the Commission, within five working days of the end of the period for the submission of applications, the list of applicants and the quantities applied for with respect to each serial number.

All notifications, including notifications of nil applications, shall be made by fax, drawn up, where applications have been received, in accordance with the model set out in Annexes I and II.

3. The Commission shall decide as soon as possible the extent to which applications may be accepted for each group of products referred to in the indents of Article 1(1). Where the quantities for which applications have been submitted exceed the quantities available, the Commission shall fix a single percentage reduction in them for each group of products referred to in the indents of Article 1(1).

Article 4

1. Imports of the quantities allocated shall be subject to the presentation of one or more import licences.

2. Import licence applications may be submitted only in the Member State in which the applicant has applied for import rights.

3. After the Commission has notified the quantities allocated pursuant to Article 3(3), import licences shall be issued on application by and in the names of the traders who have obtained import rights.

4. Licence applications and licences shall show:

- (a) in box 8:
- in the case of the first indent of Article 1(1), the country of origin,
 - in the case of the second indent of Article 1(1), 'Latvia'.

Licences shall carry an obligation to import from one or more of the countries indicated;

(b) in box 16, one of the following groups of Combined Nomenclature subheadings within the same indent:

- 0201, 0202,
- 1602 50 10;

(c) in box 20, at least one of the following:

- Reglamento (CE) n° 1272/1999
- Forordning (EF) nr. 1272/1999
- Verordnung (EG) Nr. 1272/1999
- Κανονισμός (ΕΚ) αριθ. 1272/1999
- Regulation (EC) No 1272/1999
- Règlement (CE) n° 1272/1999
- Regolamento (CE) n. 1272/1999
- Verordening (EG) nr. 1272/1999
- Regulamento (CE) n.º 1272/1999
- Asetus (EY) N:o 1272/1999
- Förordning (EG) nr 1272/1999.

5. Licences issued shall be valid throughout the Community.

Article 5

Without prejudice to the provisions of this Regulation, Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply.

Article 6

Products shall qualify for the duties referred to in Article 1 on presentation of an EUR.1 movement certificate issued by the exporting country in accordance with Protocol 3 annexed to the Europe Agreements with the Baltic countries or a declaration drawn up by the exporter in accordance with that Protocol.

Article 7

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, 17 June 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

EC Fax: (32 2) 296 60 27

Application of Regulation (EC) No 1272/1999

Serial No 09.4561

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT RIGHTS WITH REDUCED CCT DUTY

Date: Period:

Member State:

Number of applicant ⁽¹⁾	Applicant (name and address)	Quantity (tonnes)
Total		

Member State: Fax No:

Tel. No:

⁽¹⁾ Continuous numbering

ANNEX II

EC Fax: (32 2) 296 60 27

Application of Regulation (EC) No 1272/1999

Serial No 09.4562

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/2 — BEEF AND VEAL SECTOR

APPLICATION FOR IMPORT RIGHTS WITH REDUCED CCT DUTY

Date: Period:

Member State:

Number of applicant ⁽¹⁾	Applicant (name and address)	Quantity (tonnes)
Total		

Member State: Fax No:

Tel. No:

⁽¹⁾ Continuous numbering

COMMISSION REGULATION (EC) No 1273/1999

of 17 June 1999

amending Regulation (EC) No 2366/98 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99, 1999/2000 and 2000/01 marketing years

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1638/98⁽²⁾, and in particular Article 5(11) thereof,

Having regard, in particular, to Article 4 of Regulation (EC) No 1638/98,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations⁽³⁾, as last amended by Regulation (EC) No 1639/98⁽⁴⁾, and in particular Article 19 thereof,

(1) Whereas Article 3(2) of Commission Regulation (EC) No 2366/98⁽⁵⁾ lays down that declarations under Commission Regulation (EEC) No 3061/84⁽⁶⁾, as last amended by Regulation (EC) No 2455/97⁽⁷⁾, are to be replaced by a full crop declaration in the course of the 1999/2000 and 2000/01 marketing years; whereas that replacement should be allowed to be brought forward;

(2) Whereas Article 5(2) of Regulation (EC) No 2366/98 refers to a programme approved under Article 4; whereas it must be made clear that this reference is to Article 4 of Regulation (EC) No 1638/98 which lays down the conditions for eligibility for aid after 31 October 2001 for additional olive trees planted after 1 May 1998;

(3) Whereas for the purposes of fixing the olive yields and oil yields referred to in Article 18 of Regulation (EEC) No 2261/84, that Regulation lays down the deadline of 31 May for forwarding the informa-

tion concerned broken down by homogeneous production zones; whereas Article 6 of Regulation (EC) No 2366/98 should therefore be adjusted;

(4) Whereas Article 8 of Regulation (EC) No 2366/98 lays down that monthly statements of the stock records of mills are to be sent before the 10th day of the month following the month concerned to the competent agency and, where applicable, to the agency responsible for checks; whereas for practical administrative reasons in some Member States that deadline should be extended by one day;

(5) Whereas Article 9(1) of Regulation (EC) No 2366/98 lays down that the quantities of olive residue obtained, determined on a flat-rate basis, are to be entered in the stock records for each day; whereas provision should also be made for the said entry in the records to be by weight;

(6) Whereas in Article 9(2)(a) of Regulation (EC) No 2366/98 the inappropriate terminology should be amended;

(7) Whereas the Council has modified the common market organisation for olive oil for a transitional period up to and including the 2000/01 marketing year; whereas the Commission must have a maximum amount of reliable production statistics and submit to the Council before 2001 a proposal for a common market organisation for the oils and fats sector applicable from 1 November 2001; whereas to that end it is necessary to have data on olive and olive oil yields in producing Member States; whereas in order to obtain the most accurate possible information which is directly comparable for all Member States concerned, a method of assessment of those yields allowing such comparison should be introduced from the 1999/2000 marketing year; whereas details of that method and the regional areas to which it applies must be laid down in order to obtain the most representative results possible;

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 210, 28.7.1998, p. 32.

⁽³⁾ OJ L 208, 3.8.1984, p. 3.

⁽⁴⁾ OJ L 210, 28.7.1998, p. 38.

⁽⁵⁾ OJ L 293, 31.10.1998, p. 50.

⁽⁶⁾ OJ L 288, 1.11.1984, p. 52.

⁽⁷⁾ OJ L 340, 11.12.1997, p. 26.

- (8) Whereas from the 1999/2000 marketing year the work involved in the method of assessing yields must be integrated in the work schedule of the control agencies provided for in Article 31 of Regulation (EC) No 2366/98;
- (9) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2366/98 is amended as follows:

1. in Article 3(2) 'not later than' is inserted before 'in the course of the 1999/2000 and 2000/2001 marketing years';
2. the second indent of the second subparagraph of Article 5(2) is replaced by the following:
 - the planned planting involves additional olive trees covered by a programme approved under Article 4 of Regulation (EC) No 1638/98 and therefore qualifies for aid after 31 October 2001;'
3. in Article 6(3), 'before 1 August 1999 at the latest,' is deleted;
4. in the second indent of Article 8(b), 'before the 10th day' is replaced by 'not later than the 10th day';
5. in Article 9(1), point (e) is replaced by the following:
 - '(e) the quantities of olive residues obtained, determined by weighing or on a flat-rate basis;'
6. in Article 9(2)(a), 'pressed' is replaced by 'obtained'.

Article 2

Regulation (EC) No 2366/98 is amended as follows:

1. Article 6 is replaced by the following:

'Article 6

1. For the purposes of fixing the olive yields and oil yields referred to in Article 18 of Regulation (EEC) No 2261/84, not later than 31 May of the marketing year in question, producer Member States shall provide the Commission with:

- (a) for each of the homogeneous zones referred to in paragraph 3, in accordance with the method indicated in that paragraph for the data in question:

- the average olive yield in kilograms per olive tree harvested for olives for oil,
- elements that allow an assessment of the breakdown of the sample monitored for the purposes of estimating olive yields by regional area;

- (b) for each of the regional areas referred to in paragraph 2, in accordance with the method indicated in that paragraph for the data in question:

- the average olive yield in kilograms per olive tree harvested for olives for oil, and the accuracy of the estimate,
- the average percentage of trees harvested for olives for oil as against the total trees declared, and the accuracy of the estimate,
- the average yield of all virgin olive oils per kilogram of olives and the average percentages of lampante virgin olive oil, ordinary virgin olive oil, virgin olive oil and extra virgin olive oil established in accordance with paragraph 4;

- (c) for each of the Member States concerned, an evaluation based on the results referred to in points (a) and (b) of:

- the olive and olive oil yields per tree harvested,
- the percentage and number of trees harvested,
- the percentage and production of lampante virgin olive oil, ordinary virgin olive oil, virgin olive oil and extra virgin olive oil.

2. The regional areas are set out in the Annex.

Without prejudice to Article 28, a sample of 100 holdings shall be monitored in each regional area in order to check the crop declarations and to record:

- the total number of olive trees harvested for olives for oil,
- the quantities of olives delivered to mills.

The data shall be recorded on the spot at an appropriate time. Where a holding carries out several deliveries, at least one of those deliveries shall be subject to an on-the-spot check. A system for the quality control of data shall be introduced. Unreliable data shall be excluded from calculations.

The sample of holdings to be monitored shall be selected at random from all agricultural holdings that have lodged an aid application in one of the two marketing years preceding that for which the yields are to be estimated. The holdings shall be stratified by:

- homogenous zone as referred to in paragraph 3,
- size,
- possibly other criteria judged necessary by the Member State.

Preparation and drawing of the samples at national level shall take place in the presence of experts from several national bodies and, where appropriate, from the Commission.

For the purposes of granting aid, olive growers shall be obliged to collaborate in assessing yields where required.

3. The homogenous zones shall be determined by the Member States taking account in particular of:

- the geographical location and the agronomic characteristics of the terrain,
- the predominant varieties and the age of olive trees and the most common type of shape pruning,
- the need for a limited number of zones that remain constant over time and do not go beyond the boundaries of a regional area.

The Member States shall notify the Commission before 1 January of the marketing year concerned of the list and description of the homogenous zones laid down or of any amendments, duly justified, to the list previously laid down.

Within each homogeneous zone, the Member States shall establish a sampling plan and a method allowing experts to estimate the average olive yield per olive tree harvested for olives for oil.

Where the aggregated average yields estimated by experts for the homogenous zones do not coincide at the regional-area level with the confidence interval for the average yield based on the monitoring of the

holdings provided for in paragraph 2, the experts' estimates shall be adjusted accordingly.

4. The average yield of all virgin olive oils per kilogram of olives and the percentages of the various categories of virgin olive oil shall be established on the basis of the results provided for the marketing year concerned by the approved mills subject to in-depth checks under the first subparagraph of Article 30(1).

The results for each regional area shall be calculated on the basis of the aggregate data for the mills checked, taking account of the quantities of olives processed by those mills in the area in question.

5. The Member States shall notify the Commission before 1 January of the marketing year concerned, on the basis of experts' estimates and information relating to previous marketing years, of an initial estimate of the olive and olive oil yields within each regional area.;

2. the Annex to this Regulation is annexed to Regulation (EC) No 2366/98.

Article 3

In Article 31 of Regulation (EC) No 2366/98, the first paragraph is replaced by the following:

'Where an agency is entrusted with the task of carrying out checks as provided for in this Regulation, it shall also carry out the assessment of olive and olive oil yields by regional area referred to in Article 6. This work shall be shown in the agency's work schedule drawn up in accordance with Articles 3 and 4 of Regulation (EEC) No 27/85.'

Article 4

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

However, Article 2 shall apply from 1 July 1999 and Article 3 from 1 November 1999.

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

Done at Brussels, 17 June 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

Regional areas referred to in Article 6(2)

SPAIN

1. NUTS III 'Jaen' region
2. All NUTS III 'Granada', 'Malaga' and 'Seville' regions
3. NUTS III 'Cordoba' region
4. NUTS II 'Castile-La Mancha' region
5. All NUTS II 'Catalonia' and 'Valencia' regions
6. NUTS II 'Extremadura' region

ITALY

1. All NUTS III 'Foggia' and 'Bari' regions
2. All NUTS III 'Taranto', 'Brindisi' and 'Lecce' regions
3. All NUTS III 'Cosenza', 'Crotone' and 'Catanzaro' regions
4. All NUTS III 'Vibo Valentia' and 'Reggio di Calabria' regions
5. NUTS II 'Sicily' region
6. NUTS II 'Campania' region
7. NUTS II 'Lazio' region
8. NUTS II 'Abruzzo' region
9. NUTS II 'Tuscany' region

GREECE

1. NUTS III 'Irakleio' region
2. All NUTS III 'Lassithi', 'Rethymni' and 'Chania' regions
3. NUTS II 'Peloponnese' region
4. NUTS II 'Western Greece' region
5. NUTS II 'Ionian Islands' region
6. NUTS II 'Continental Greece' region
7. NUTS III 'Lesbos' region

PORTUGAL

1. NUTS II 'Alentejo' region
2. NUTS II 'North' region
3. NUTS II 'Centre' region

FRANCE

- NUTS II 'Provence-Alpes-Côte d'Azur' region
-

COMMISSION REGULATION (EC) No 1274/1999
of 17 June 1999
amending Regulation (EC) No 1133/1999 on the supply of beef to Russia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2802/98 of 17 December 1998 on a programme to supply agricultural products to the Russian Federation ⁽¹⁾, and in particular Article 4(2) thereof,

- (1) Whereas Commission Regulation (EC) No 111/1999 ⁽²⁾, as amended by Regulation (EC) No 1125/1999 ⁽³⁾, lays down the general rules for the application of Regulation (EC) No 2802/98;
- (2) Whereas, by Regulation (EC) No 1133/1999 ⁽⁴⁾, as corrected by Regulation (EC) No 1162/1999 ⁽⁵⁾, the Commission opened an invitation to tender to establish the costs of supplying beef to Russia; whereas, to facilitate the transport by boat of certain lots, the final dates for the arrival of such maritime transport in the port of destination should be amended;
- (3) Whereas the measures provided for in this Regulation are in accordance with the opinion of the management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

The sections 'Transport' and 'Final dates for arrival at Krasnoye frontier points or at the port of St Petersburg' in Annex I to Regulation (EC) No 1133/1999 are replaced by the following:

'Transport:

Each lot must be transported in its entirety either in a single boat in accordance with Article 2(b) or by land.

In the case of land transport, where certain final destination regions are served by rail and others by road, tenders must be accompanied by two break-downs prepared in accordance with Annex II to Regulation (EC) No 111/1999 and the amount must be equivalent to the weighted average of the cost per tonne. Tenders must indicate the quantities used to determine that weighted average.

Final dates for arrival at Krasnoye frontier points or at the port of St Petersburg:

- Lot No 1: 25 August 1999
- Lot No 2: 5 September 1999
- Lot No 3: 3 September 1999
- Lot No 4: 6 August 1999
- Lot No 5: 5 August 1999
- Lot No 6: 10 August 1999
- Lot No 7: 31 July 1999
- Lot No 8: (a) 16 August 1999
(b) 1 September 1999.

⁽¹⁾ OJ L 349, 24.12.1998, p. 12.

⁽²⁾ OJ L 14, 19.1.1999, p. 3.

⁽³⁾ OJ L 135, 29.5.1999, p. 41.

⁽⁴⁾ OJ L 135, 29.5.1999, p. 64.

⁽⁵⁾ OJ L 140, 3.6.1999, p. 17.

For lot Nos 1, 2 and 4, in the case of transport by boat, the final dates for arrival at the port of St Petersburg are:

- | | | |
|------------|-----------------|----------------|
| — Lot No 1 | (2 500 tonnes): | 29 July 1999 |
| | (2 500 tonnes): | 25 August 1999 |
| — Lot No 2 | (2 500 tonnes): | 13 August 1999 |
| | (2 500 tonnes): | 20 August 1999 |
| — Lot No 4 | (2 500 tonnes): | 22 July 1999 |
| | (2 500 tonnes): | 6 August 1999. |

Article 2

This Regulation shall enter into force on the day of 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, 17 June 1999.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1275/1999
of 17 June 1999

fixing for the 1999/2000 marketing year the minimum price to be paid to producers for peaches and the amount of production aid for peaches in syrup and/or natural fruit juice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

- (1) Whereas the minimum price and the production aid for the 1999/2000 marketing year should be fixed on the basis of Articles 3 and 4 of Regulation (EC) No 2201/96 taking account of the guarantee threshold introduced by Article 5 of that Regulation above which the aid is reduced;
- (2) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1999/2000 marketing year:

- (a) the minimum price referred to in Article 3 of Regulation (EC) No 2201/96 shall be EUR 28,368 per 100 kg net from the producer for peaches intended for the production of peaches in syrup and/or natural fruit juice;
- (b) the production aid referred to in Article 4 of that Regulation shall be EUR 6,103 per 100 kg net for peaches in syrup and/or natural fruit juice.

Article 2

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

It shall apply with effect from 15 June 1999.

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

Done at Brussels, 17 June 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 29.

⁽²⁾ OJ L 303, 6.11.1997, p. 1.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 May 1999

concerning the conclusion of the Agreement between the European Community and Hong Kong, China on cooperation and mutual administrative assistance in customs matters

(1999/400/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113, in conjunction with the first sentence of Article 228(2) thereof,

Having regard to the proposal from the Commission,

- (1) Whereas on 5 April 1993 the Council authorised the Commission to negotiate, on behalf of the Community, customs cooperation agreements with some of the Community's main trading partners;
- (2) Whereas the Agreement between the European Community and Hong Kong, China on cooperation and mutual administrative assistance in customs matters should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and Hong Kong, China on cooperation and mutual administrative assistance in customs matters is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The Commission, assisted by representatives of the Member States, shall represent the Community on the

Joint Customs Cooperation Committee established under Article 21 of the Agreement.

Article 3

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 4

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 22 of the Agreement⁽¹⁾.

Article 5

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 11 May 1999.

For the Council

The President

L. SCHOMERUS

⁽¹⁾ The date of the entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

AGREEMENT

between the European Community and Hong Kong, China on cooperation and mutual administrative assistance in customs matters

The EUROPEAN COMMUNITY and HONG KONG, CHINA ⁽¹⁾ (hereinafter referred to as the 'Contracting Parties'),

CONSIDERING the importance of the commercial links between the European Community and Hong Kong, China and desirous of contributing, to the benefit of both Contracting Parties, to the harmonious development of those links;

BELIEVING THAT, in order to attain this objective, there should be an undertaking to develop customs cooperation;

TAKING into account the development of customs cooperation between the Contracting Parties, concerning customs procedures;

CONSIDERING that operations in breach of customs legislation are prejudicial to the economic, fiscal and commercial interests of both Contracting Parties, and recognising the importance of ensuring the accurate assessment of customs duties and other taxes;

CONVINCED that action against such operations can be made more effective by cooperation between their competent administrative authorities;

HAVING regard to obligations imposed under international conventions already accepted by, or applied to the Contracting Parties; and having regard also to the recommendation of the Customs Cooperation Council on mutual administrative assistance of 5 December 1953,

HAVE AGREED AS FOLLOWS:

TITLE I

Contracting Party for this purpose and which makes a request for assistance on the basis of this Agreement;

GENERAL PROVISIONS

(d) 'requested authority' shall mean a competent administrative authority which has been designated by a Contracting Party for this purpose and which receives a request for assistance, on the basis of this Agreement;

Article 1

Definitions

(e) 'personal data' shall mean all information relating to an identified or identifiable human being;

For the purposes of this Agreement:

(a) 'customs legislation' shall mean any laws, regulations or other legally binding instruments of the European Community or Hong Kong, China governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control falling under the competence of the customs authorities and other administrative authorities;

(f) 'operation in breach of customs legislation' shall mean any violation or attempted violation of the customs legislation;

(b) 'customs authority' shall mean, in the European Community, the competent services of the Commission of the European Communities and the customs authorities of the Member States of the European Community, and in Hong Kong, China, the Customs and Excise Department;

(g) 'person' shall mean either a human being or a legal entity.

(c) 'applicant authority' shall mean a competent administrative authority which has been designated by a

Article 2

Territorial application

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to Hong Kong, China.

⁽¹⁾ In accordance with Article 151 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.

*Article 3***Future developments**

The Contracting Parties may by mutual consent expand this Agreement with a view to increasing and supplementing customs cooperation, in accordance with their respective customs legislation, by means of agreements on specific sectors or matters.

*Article 4***Scope of the cooperation**

1. The customs authorities undertake to develop customs cooperation. In particular, the Contracting Parties shall seek to cooperate in:

- (a) establishing and maintaining channels of communication between their customs authorities to facilitate the secure and rapid exchange of information;
- (b) facilitating effective coordination between their customs authorities;
- (c) any other administrative matters related to this Agreement that may from time to time require their joint action.

2. Under this Agreement, customs cooperation shall cover all matters relating to the application of customs legislation.

*Article 5***Scope of assistance**

1. The Contracting Parties shall assist each other, in the areas within their competence and within the limits of available resources, and in the manner and under the conditions laid down in this Agreement, to ensure the correct application of customs legislation, in particular by preventing, investigating and combating operations in breach of that legislation.

2. Assistance in customs matters under this Agreement shall be provided between the customs and other administrative authorities of the Contracting Parties which are competent for the application of this Agreement. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of a judicial authority.

3. Assistance to recover duties, taxes or fines is not covered by this Agreement.

*Article 6***Obligations imposed under other agreements**

1. Taking into account the respective competences of the European Community and the Member States, the provisions of this Agreement shall:

- (a) not affect the obligations of the Contracting Parties under any other international agreement or convention,
- (b) be deemed complementary with agreements on customs cooperation and mutual administrative assistance which have been or may be concluded between individual Member States and Hong Kong, China, and
- (c) not affect the Community provisions governing the communication between the competent services of the Commission and the customs authorities of the Member States of any information obtained under this Agreement which could be of interest to the Community.

2. Notwithstanding the provisions of paragraph 1, the provisions of this Agreement shall take precedence over the provisions of any bilateral agreement on customs cooperation and mutual administrative assistance which has been or may be concluded between individual Member States and Hong Kong, China insofar as the provisions of the latter are incompatible with those of this Agreement.

3. In respect of questions relating to the applicability of this Agreement, the Contracting Parties shall consult each other to resolve the matter in the framework of the Joint Customs Cooperation Committee set up under Article 21 of this Agreement.

TITLE II

CUSTOMS COOPERATION

*Article 7***Cooperation in customs procedures**

The Contracting Parties affirm their commitment to the facilitation of the legitimate movement of goods and shall exchange information and expertise on measures to improve customs techniques and procedures and on computerised systems with a view towards implementing that commitment in accordance with the provisions of this Agreement.

*Article 8***Technical assistance**

1. The customs authorities may provide technical assistance to each other and exchange personnel when mutually beneficial, and according to the availability of resources, for the purpose of advancing their understanding of each other's customs techniques, procedures and computerised systems.

2. They may also, when appropriate, exchange information about technical assistance to any other customs administrations.

Article 9

Discussions in international organisations

The customs authorities shall seek to develop and strengthen their cooperation on topics of common interest with a view to facilitating discussions on customs matters in the framework of international organisations, such as the Customs Cooperation Council.

TITLE III

MUTUAL ADMINISTRATIVE ASSISTANCE

Article 10

Assistance on request

1. At the request of the applicant authority, the requested authority shall provide it with all relevant information which may enable it to ensure that customs legislation is correctly applied, including information regarding activities detected or planned which are or could be operations in breach of customs legislation.

2. At the request of the applicant authority, the requested authority shall inform it:

- (a) whether goods exported from one of the Contracting Parties have been properly imported into the other, specifying, where appropriate, the customs procedure applied to the goods;
- (b) whether goods imported into one of the Contracting Parties have been properly exported from the other, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall, within the framework of its laws, regulations or other legally binding instruments, take the necessary steps to ensure special surveillance of:

- (a) persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
- (b) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for believing that these goods are intended to be used in operations in breach of customs legislation;
- (c) goods that are or may be transported in such a way that there are reasonable grounds for believing that

they are intended to be used in operations in breach of customs legislation;

- (d) means of transport that are or may be used in such a way that there are reasonable grounds for believing that they are intended to be used in operations in breach of customs legislation.

Article 11

Spontaneous assistance

The Contracting Parties shall assist each other, at their own initiative and in accordance with their laws, regulations or other legally binding instruments, if they consider that to be necessary for the correct application of customs legislation, particularly by providing information obtained pertaining to:

- (a) activities which are or appear to be operations in breach of customs legislation and which may be of interest to the other Contracting Party;
- (b) new means or methods employed in carrying out operations in breach of customs legislation;
- (c) goods known to be subject to operations in breach of customs legislation;
- (d) persons in respect of whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;
- (e) means of transport in respect of which there are reasonable grounds for believing that they have been, are, or may be used in operations in breach of customs legislation.

Article 12

Delivery, notification

1. At the request of the applicant authority, the requested authority shall, in accordance with laws, regulations or other legally binding instruments applicable to the latter, take all necessary measures in order:

- (a) to deliver any documents of an administrative nature, or
- (b) to notify any decisions,

emanating from the applicant authority and falling within the scope of this Agreement, to an addressee residing or established in the jurisdiction of the requested authority.

2. Requests for delivery of documents or notification of decisions shall be made in writing in an official language of the requested authority or in a language acceptable to that authority. This requirement shall not apply to any documents that are to be delivered under paragraph 1.

Article 13

Form and substance of requests for assistance

1. Requests pursuant to this Agreement shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 shall include the following information:
 - (a) the applicant authority;
 - (b) the action requested;
 - (c) the object of and the reason for the request;
 - (d) the laws, regulations or other legally binding instruments involved;
 - (e) indications as exact and comprehensive as possible on the persons who are the target of the investigations;
 - (f) a summary of the relevant facts and of the enquiries already carried out.
3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority. This requirement shall not apply to any documents that accompany the request under paragraph 1.
4. If a request does not meet the formal requirements set out above, its correction or completion may be requested; precautionary measures may be taken in the meantime.

Article 14

Execution of requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Contracting Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to any other authority to which the request has been addressed in accordance with this Agreement by the requested authority when the latter cannot act on its own.
2. Requests for assistance shall be executed in accordance with the laws, regulations or other legally binding instruments of the requested Contracting Party.
3. Duly authorised officials of a Contracting Party may, with the agreement of the other Contracting Party and subject to the conditions laid down by the latter, be present to obtain in the offices of the requested authority or any other concerned authority in accordance with paragraph 1, information relating to activities that are or may be operations in breach of customs legislation which the

applicant authority needs for the purposes of this Agreement.

4. Duly authorised officials of a Contracting Party may, with the agreement of the other Contracting Party and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's jurisdiction into specific cases.

5. In the event that the request cannot be complied with, the applicant authority shall be notified promptly of that fact, with a statement of the reasons and of any other information that the requested authority considers may be of assistance to the applicant authority.

Article 15

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in writing together with relevant documents, certified copies or other items.
2. This information may be in computerised form.
3. Original files and documents shall be transmitted only upon request in cases where certified copies would be insufficient. These originals shall be returned at the earliest opportunity. The rights of the requested authority or of third parties relating to the originals shall remain unaffected.

Article 16

Exceptions to the obligation to provide assistance

1. Assistance may be refused or may be subject to the satisfaction of certain conditions or requirements, in cases where a Party is of the opinion that assistance under this Agreement would:
 - (a) be likely to prejudice the vital interests of Hong Kong, China or those of a Member State which has been requested to provide assistance under this Agreement; or
 - (b) be likely to prejudice public order, security or other essential principles, in particular those referred to under Article 17(2); or
 - (c) violate an industrial, commercial or professional secret.
2. Assistance may be postponed by the requested authority on the ground that it will interfere with an ongoing investigation, prosecution or proceeding. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.
3. Where the applicant authority seeks assistance which it would itself be unable to provide if so requested, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.

4. For the cases referred to in paragraphs 1 and 2, the decision of the requested authority and the reasons therefor must be communicated to the applicant authority without undue delay.

Article 17

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this Agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party that received it and the corresponding provisions applying to the Community authorities.

2. Personal data may be exchanged only where the Contracting Party which may receive it undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the Contracting Party that may supply it. The Contracting Party that may supply the information shall not stipulate any requirements that are more onerous than those applicable to it in its own jurisdiction.

Contracting Parties shall communicate to each other information on their applicable rules, including, where appropriate, legal provisions in force in the Member States of the Community.

3. Nothing in this Agreement shall preclude the use of information or documents obtained in accordance with this Agreement as evidence in proceedings or charges subsequently instituted before the courts or tribunals in respect of operations in breach of customs legislation. Therefore, the Contracting Parties may, in their records of evidence, reports and testimonies and in proceedings and charges which may subsequently be brought before the courts or tribunals, use as evidence information obtained and documents consulted in accordance with the provisions of this Agreement. The competent authority which supplied that information or gave access to those documents shall be notified of such use.

4. Information obtained shall be used solely for the purposes of this Agreement. Where one of the Contracting Parties wishes to use such information for other purposes, it shall obtain the prior written consent of the authority which provided the information. Such use shall then be subject to any restrictions laid down by that authority.

5. Practical arrangements for the implementation of this Article shall be determined by the Joint Customs Cooperation Committee established under Article 21.

Article 18

Experts and witnesses

An official of a requested authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or witness before an authority in the other Contracting Party regarding the matters covered by this Agreement, and produce such objects, documents or certified copies thereof as may be needed for this purpose. The request for appearance must indicate specifically before which authority the official will have to appear, on what matters and by virtue of what title or qualification the official will be questioned.

Article 19

Assistance expenses

The Contracting Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Agreement, except, as appropriate, for expenses payable to experts and witnesses, and those to interpreters and translators who are not public service employees.

TITLE IV

FINAL PROVISIONS

Article 20

Implementation

1. The implementation of this Agreement shall be entrusted on the one hand to the competent services of the Commission of the European Communities and, where appropriate, the customs authorities of the Member States of the European Community and on the other hand to the Customs and Excise Department of Hong Kong, China. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in particular in the field of data protection. They may recommend to the competent bodies amendments which they consider should be made to this Agreement.

2. The Contracting Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Agreement.

*Article 21***Joint Customs Cooperation Committee**

1. A Joint Customs Cooperation Committee is hereby established, consisting of representatives of the European Community and of Hong Kong, China. It shall meet at a place, on a date and with an agenda, fixed by mutual agreement.
2. The Joint Customs Cooperation Committee shall see to the proper functioning of the Agreement and shall examine all issues arising from its application. In fulfilling this role, its main functions will be to:
 - (a) review the progress of the customs cooperation in accordance with this Agreement and identify new areas and specific sectors for further customs cooperation;
 - (b) exchange views on any points of common interest regarding customs cooperation, including future measures and the resources for them; and
 - (c) in general terms, recommend solutions aimed at helping to attain the objectives of this Agreement.
3. The Joint Customs Cooperation Committee shall adopt its internal rules of procedure.

*Article 22***Entry into force and duration**

1. This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties have notified each other of the completion of the procedures necessary for this purpose.
2. Each Contracting Party may terminate this Agreement by giving notice to the other in writing. The termination shall take effect three months from the date of notification to the other Contracting Party. Requests for assistance which have been received prior to the termination of the Agreement shall be completed in accordance with the provisions of this Agreement.

*Article 23***Authentic texts**

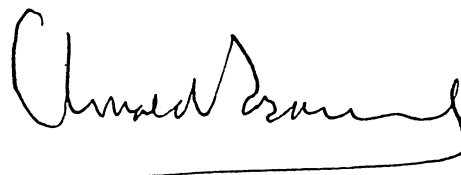
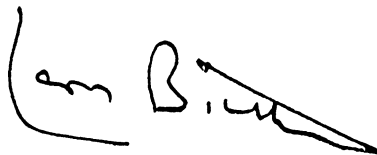
This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Chinese languages, each text being equally authentic.

In witness whereof, the undersigned, being duly authorised to do so, have signed this Agreement.

Done at Hong Kong, China on the thirteenth day of May in the year one thousand nine hundred and ninety-nine.

For the European Community

For Hong Kong, China



COMMISSION

COMMISSION DECISION

of 31 May 1999

amending Commission Decision 95/454/EC laying down special conditions governing imports of fishery products originating in the Republic of Korea

(notified under document number C(1999) 1403)

(Text with EEA relevance)

(1999/401/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾, as last amended by the Council Directive 97/79/EC⁽²⁾, and in particular Article 11 thereof,

(1) Whereas the Article 1 of the Commission Decision 95/454/EC of 23 October 1995 laying down special conditions governing imports of fishery and aquaculture products originating in the Republic of Korea⁽³⁾, which states that the Ministry of Agriculture, Forestry and Fisheries — National Fishery Products Inspection Station (NFPIS) shall be the competent authority in the Republic of Korea for verifying and certifying compliance of fishery and aquaculture products with the requirements of the Directive 91/493/EEC;

(2) Whereas, following a restructuring of the Korean government, the competent authority for health certificates for fishery products (NFPIS) has changed from the Ministry of Agriculture and Forestry to the Ministry of Maritime Affairs and Fisheries and this new authority is capable of effectively verifying the application of the laws in force;

whereas it is, therefore, necessary to modify the nomination of the competent authority named by the Commission in Decision 95/454/EC;

- (3) Whereas it is convenient to harmonised the wording of the Commission Decision 95/454/EC with the wording of the more recent adopted Commission decisions laying down special conditions governing imports of fishery and aquaculture products originating in certain third countries;
- (4) Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 95/454/EC shall be modified as follows:

1. Article 1 shall be replaced by the following:

'Article 1

The "Ministry of Maritime Affairs and Fisheries — National Fishery Products Inspection Station (NFPIS)" shall be the competent authority in the Republic of Korea for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

⁽¹⁾ OJ L 268, 24.9.1991, p. 15.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 264, 7.11.1995, p. 37.

2. Article 2 shall be replaced by the following:

Article 2

Fishery and aquaculture products originating in the Republic of Korea must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word "REPUBLIC

OF KOREA" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.'

3. The Annex A shall be replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 May 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in the Republic of Korea and intended for export to the European Community

Reference No:

Country of dispatch: REPUBLIC OF KOREA

Competent authority: Ministry of Maritime Affairs and Fisheries—National Fishery Products Inspection Station (NFPIS)

I. Details identifying the fishery products

- Description of fishery/aquaculture products ⁽¹⁾:
 - species (scientific name):
 - presentation of product and type of treatment ⁽²⁾:
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s), factory vessel(s) or cold store(s) approved or freezer vessel(s) registered by the NFPIS for export to the European Community:
.....
.....
.....

III. Destination of products

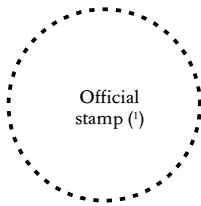
The products are dispatched
from:
(place of dispatch)
to:
(country and place of destination)
by the following means of transport:
Name and address of dispatcher:
.....
.....
Name of consignee and address at place of destination:
.....
.....

(1) Delete where applicable.
(2) Live, refrigerated, frozen, salted, smoked, preserved, etc.

IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
1. were caught, and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
 5. do not come from toxic species or species containing biotoxins;
 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto;
 7. in addition, where the fishery products are frozen or processed bivalve molluscs: the molluscs were obtained from approved production areas laid down by the Annex to Decision 95/453/EC of 23 October 1995 laying down special conditions for the import of live bivalve molluscs, echinoderms tunicates, and marine gastropods originating in the Republic of Korea.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 95/454/EC.

Done at on
(Place) (Date)



.....
Signature of official inspector (!)

.....
(Name in capital letters, capacity and qualifications
of person signing)

(!) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

COMMISSION DECISION

of 31 May 1999

amending Decision 94/448/EC laying down special conditions governing imports of fishery and aquaculture products originating in New Zealand

(notified under document number C(1999) 1404)

(Text with EEA relevance)

(1999/402/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Article 11 thereof,

(1) Whereas Article 1 of Commission Decision 94/448/EC of 20 June 1994 laying down special conditions governing imports of fishery and aquaculture products originating in New Zealand, as last amended by Decision 96/254/EC ⁽³⁾, states that the Ministry of Agriculture and Fisheries (MAF) shall be the competent authority in New Zealand for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EC;

(2) Whereas, following a restructuring of the New Zealand Government, the competent authority for health certificates for fishery products (MAF) has changed from the Ministry of Agriculture and Fisheries into the Ministry of Agriculture and Forestry; and whereas this new authority is capable of effectively verifying the application of the laws in force; whereas it is, therefore, necessary to modify the nomination of the competent authority mentioned in Decision 94/448/EC;

(3) Whereas it is convenient to harmonise the wording of Decision 94/448/EC with the wording of the more recently adopted Commission Decisions, laying down special conditions governing imports of fishery and aquaculture products originating in certain third countries;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 94/448/EC shall be modify as follows:

1. Article 1 shall be replace by the following:

Article 1

The "Ministry of Agriculture and Forestry (MAF)" shall be the competent authority in New Zealand for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

2. Article 2 shall be replace by the following:

Article 2

Fishery and aquaculture products originating in New Zealand must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;
2. the products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word "NEW ZEALAND" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.'

3. Annex A shall be replaced by the Annex hereto.

⁽¹⁾ OJ L 268, 24.9.1991, p. 15.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 86, 4.4.1996, p. 75.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 May 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in New Zealand and intended for export to the European Community

Reference No:

Country of dispatch: NEW ZEALAND

Competent authority: Ministry of Agriculture and Forestry (MAF)

I. Details identifying the fishery products

- Description of fishery/aquaculture products (1):
- species (scientific name):
- presentation of product and type of treatment (2):
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the MAF for export to the European Community:

III. Destination of products

The products are dispatched
from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:

Name of consignee and address at place of destination:

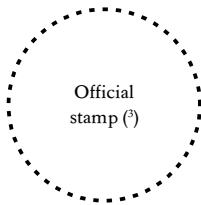
IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
 - (1) were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;

(1) Delete where applicable.
(2) Live, refrigerated, frozen, salted, smoked, preserved, etc.

- (2) were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
- (3) have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
- (4) are packaged, marked, stored and transported in accordance with Chapters, VI, VII and VIII of the Annex to Directive 91/493/EEC;
- (5) do not come from toxic species or species containing biotoxins;
- (6) have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto;
- (7) in addition, where the fishery products are frozen or processed bivalve molluscs; the molluscs were obtained from production areas subject to conditions which are at least equivalent to those laid down by 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.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 94/448/EC.

Done at , on
 (Place) (Date)



.....
 Signature of official inspector (i)

.....
 (name in capital letters, capacity and qualifications of person signing)

(i) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

COMMISSION DECISION

of 31 May 1999

amending Commission Decision 97/426/EC laying down special conditions governing the import of fishery and aquaculture products originating in Australia

(notified under document number C(1999) 1405)

(Text with EEA relevance)

(1999/403/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Article 11 thereof,

(1) Whereas Article 1 of Commission Decision 97/426/EC of 25 June 1997 laying down special conditions governing imports of fishery and aquaculture products originating in Australia ⁽³⁾ states that the Department for Primary Industries and Energy — Austral Quarantine and Inspection Service — (AQIS) shall be the competent authority in Australia for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EC;

(2) Whereas, following a restructuring of the Australian government, the competent authority for health certificates for fishery products (AQIS) has changed from the Department for Primary Industries and Energy to the Department of Agriculture, Fisheries and Forestry; and whereas this new authority is capable of effectively verifying the application of the laws in force; whereas it is, therefore, necessary to modify the nomination of the competent authority mentioned in Decision 97/426/EC;

(3) Whereas it is convenient to harmonise the wording of Decision 97/426/EC with the wording of the more recently adopted Commission Decisions, laying down special conditions governing imports of fishery and aquaculture products originating in certain third countries;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 97/426/EC shall be modify as follows:

1. Article 1 shall be replace by the following:

'Article 1

The "Department of Agriculture, Fisheries and Forestry — Australian Quarantine and Inspection Service — (AQIS)" shall be the competent authority in Australia for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.'

2. Article 2 shall be replace by the following:

'Article 2

Fishery and aquaculture products originating in Australia must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto;

2. the products must come from approved establishments, factory vessels, cold stores or registered freezer vessels listed in Annex B hereto;

3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word "AUSTRALIA" and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters.'

3. The Annex A shall be replaced by the Annex hereto.

⁽¹⁾ OJ L 268, 24.9.1991, p. 15.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 183, 11.7.1997, p. 21.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 May 1999.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Australia and intended for export to the European Community

Reference No:

Country of dispatch: AUSTRALIA

Competent authority: Department of Agriculture, Fisheries and Forestry — Australian Quarantine and Inspection Services (AQIS)

I. Details identifying the fishery products

- Description of fishery/aquaculture products (1):
- species (scientific name):
- presentation of product and type of treatment (2):
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by the AQIS for export to the European Community:

III. Destination of products

The products are dispatched
from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:

Name of consignee and address at place of destination:

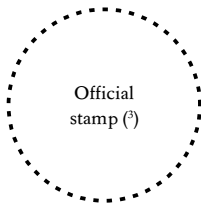
IV. Health attestation

- The official inspector hereby certifies that the fishery or aquaculture products specified above:
 - (1) were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;

(1) Delete where applicable.
(2) Live, refrigerated, frozen, salted, smoked, preserved, etc.

- (2) were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III, and IV of the Annex to Directive 91/493/EEC;
- (3) have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
- (4) are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
- (5) do not come from toxic species or species containing biotoxins;
- (6) have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto;
- (7) in addition, where the fishery products are frozen or processed bivalve molluscs: the molluscs were obtained from approved production areas laid down by the Annex to Commission Decision 97/427/EC of 25 June 1997 laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates, and marine gastropods originating in Australia.
- The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 97/426/EC.

Done at , on
 (Place) (Date)



.....
 Signature of official inspector⁽³⁾

.....
 (name in capital letters, capacity and qualifications of person signing)

⁽³⁾ The colour of the stamp and signature must be different from that of the other particulars in the certificate.

CORRIGENDA**Corrigendum to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations**

(Official Journal of the European Communities L 349 of 31 December 1994)

On page 129, in Annex IV, SUGAR (Replacement of Title II of Regulation (EEC) No 1785/81), Article 17a(2)(b), second indent:

for: 'from the areas referred to in (a) ...',

read: 'from the areas referred to in the first indent ...'.

Corrigendum to Council Directive 96/97/EC of 20 December 1996 amending Directive 86/378/EEC on the implementation of the principle of equal treatment for men and women in occupational social security schemes

(Official Journal of the European Communities L 46 of 17 February 1997)

On page 23, in Article 2(1), last sentence:

for: 'For Member States which acceded to the Community after 8 April 1976, ...',

read: 'For Member States which acceded to the Community after 8 April 1976, and before 17 May 1990,'.

On page 24, in Article 2(3):

for: '... the date of 17 May 1990 in paragraph 1 and 2 of the Directive is replaced ...',

read: '... the date of 17 May 1990 in the first sentence of paragraph 1 of this Article is replaced ...'.

Corrigendum to Commission Directive 92/103/EEC of 1 December 1992 amending Annexes I to IV to Council Directive 77/93/EEC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

(Official Journal of the European Communities L 363 of 11 December 1992)

On page 9, Annex II, part A, section I(b), point 4, right column, second line: the words ‘... fruit and ...’ are deleted.

On page 20, Annex IV, part A, section I, point 1.2, right column: the paragraph should read as follows:

‘(a) Official statement that the product has undergone an appropriate fumigation shipboard or in a container prior to shipment

and

(b) that the product shall be shipped in sealed containers or in such a way as to prevent any reinfestation’
